

State Environmental Planning Policy (Temporary Structures) 2007

[2007-498]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007
- **Does not include amendments by**
Cl 18 (6) of this Policy (cl 18 (6) repeals Part 5 on 1.11.2011)

Authorisation

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State Environmental Planning Policy (Temporary Structures) 2007



New South Wales

Contents

Part 1 Preliminary	4
1 Name of Policy	4
2 Commencement	4
3 Aims of Policy	4
4 Land to which Policy applies	4
5 Interpretation	4
6 Notes	5
7 Consent authority	5
8 Relationship with other environmental planning instruments	5
9, 10 (Repealed)	5
Part 2 Erection of temporary structures	6
11 Permissibility of erection of temporary structures	6
12 Matters for consideration	6
Part 3 (Repealed)	7
Part 4 Exempt and complying development	7
15 Exempt development	7
16 Complying development	9
17 Conditions of complying development certificates	10
Part 5 Development for purposes of Davis Cup Play-off competition	10

18 Temporary structures and other development for Davis Cup Play-off competition.....10

19 Conditions of complying development certificate11

Schedule 1 (Repealed)11

Schedule 2 Exempt development11

Schedule 3 Complying development.....18

Schedule 4 Conditions of complying development certificates20

State Environmental Planning Policy (Temporary Structures) 2007



New South Wales

Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy (Temporary Structures) 2007*.

2 Commencement

This Policy commences on 26 October 2007.

3 Aims of Policy

The aims of this Policy are as follows:

- (a) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures,
- (b) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by (among other things) managing noise, parking and traffic impacts and ensuring heritage protection,
- (c) to specify the circumstances in which the erection and use of temporary structures are complying development or exempt development,
- (d)–(f) (Repealed)

4 Land to which Policy applies

This Policy applies to the State.

5 Interpretation

- (1) A word or expression used in this Policy has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Policy.
- (2) In this Policy:

building has the same meaning as in the Act.

community event means a function or event open to the public or a section of the public that is a fete, fair or market or the like.

Crime Prevention Guidelines means the guidelines, issued by the Department of Urban Affairs and Planning in April 2001, entitled *Crime prevention and the assessment of development applications: Guidelines under section 79C of the Environmental Planning and Assessment Act 1979* (ISBN 0 7347 0184 5).

private function means any function or event that is not a community event.

temporary structure has the same meaning as in the Act.

the Act means the [Environmental Planning and Assessment Act 1979](#).

- (3) A reference in this Policy to land within a zone designated “business”, “industrial”, “heavy industrial”, “mixed use”, “open space”, “residential” or “special purpose” is a reference to:
- (a) land that is designated, under an environmental planning instrument, as being in that zone, or
 - (b) having regard to the purposes of the zone or locality concerned, land having the substantial character of a zone so designated.

6 Notes

Notes in this Policy are provided for guidance and do not form part of this Policy.

7 Consent authority

The consent authority for development that may be carried out with consent under this Policy is:

- (a) except as provided by paragraph (b), the council of the area in which the development is proposed to be carried out, or
- (b) any public authority that under another environmental planning instrument has the function of determining development applications for that kind of development on the land on which it is proposed to be carried out.

8 Relationship with other environmental planning instruments

Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

9, 10 (Repealed)

Part 2 Erection of temporary structures

11 Permissibility of erection of temporary structures

- (1) Development comprising the erection of a temporary structure may be carried out only with development consent, except as otherwise provided by this Policy.
- (2) Subclause (1) does not apply to development comprising the erection of a temporary structure that is exempt development or complying development, or is prohibited, under another environmental planning instrument.
- (3) For the purposes of subclause (2), the existing provisions of an environmental planning instrument are taken to prohibit development comprising the erection of a temporary structure only if, in doing so, temporary structures or a relevant class of temporary structures are expressly referred to.

- (4) In this clause:

existing provisions of an environmental planning instrument means provisions of the environmental planning instrument:

- (a) as in force immediately before 26 October 2007, or
- (b) as amended on or after 26 October 2007, but before 26 October 2008, by some other environmental planning instrument that, immediately before 26 October 2007, was the subject of:
 - (i) a decision under section 54 of the Act, or
 - (ii) a direction under section 55 of the Act to make such a decision, or
- (c) as inserted in the environmental planning instrument on or after 26 October 2007, but before 26 October 2008, by some other environmental planning instrument that, immediately before 26 October 2007, was the subject of:
 - (i) a decision under section 54 of the Act, or
 - (ii) a direction under section 55 of the Act to make such a decision.

12 Matters for consideration

Before granting consent to the erection of a temporary structure, the consent authority must consider the following matters:

- (a) whether the number of persons who may use the structure at any one time should be limited,
- (b) any adverse impact on persons in the vicinity of any noise likely to be caused by the proposed erection or use of the structure and any proposed measures for limiting the impact,

- (c) whether the hours during which the structure is used should be limited,
- (d) any parking or traffic impacts likely to be caused by the erection of the structure or its proposed use,
- (e) the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines,
- (f) whether the proposed location of the structure is satisfactory in terms of the following:
 - (i) the proposed distance of the structure from public roads and property boundaries,
 - (ii) the location of underground or overhead utilities,
 - (iii) vehicular and pedestrian access,
- (g) whether it is necessary to provide toilets and washbasins in association with the use of the structure,
- (h) whether the structure is proposed to be erected on land that comprises, or on which there is:
 - (i) an item of environmental heritage that is listed on the State Heritage Register, or that is subject to an interim heritage order, under the [Heritage Act 1977](#), or
 - (ii) a place, building, work, tree, relic or Aboriginal object that is described as an item of environmental heritage or as a heritage item in another environmental planning instrument, or
 - (iii) land identified as a heritage conservation area, an archaeological site or a place of Aboriginal heritage significance in another environmental planning instrument,
- (i) the duration for which the structure should be permitted to remain on the land concerned,
- (j) whether any conditions should be imposed on the granting of consent in relation to the dismantling or removal of the structure in view of any safety issues.

Part 3

13, 14 (Repealed)

Part 4 Exempt and complying development

15 Exempt development

Note—

Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the [Threatened Species Conservation Act 1995](#) or the [Fisheries Management Act 1994](#)), and
 - (c) cannot be carried out in a wilderness area (identified under the [Wilderness Act 1987](#)).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in a heading to a clause in Schedule 2 that meets the requirements for the development set out in that clause and that complies with the requirements of this Part is exempt development.

Note—

Specifying a type of development as exempt development does not authorise the contravention of any condition of development consent applying to the land on which the exempt development is carried out, nor does it remove the need for any approval that may be required under other legislation.

- (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, a heritage item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or that is subject to an interim heritage order under the [Heritage Act 1977](#), and
 - (e) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3 of the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#)), and
 - (f) must not restrict any car parking required pursuant to the conditions of any development consent or any vehicular or pedestrian access to or from the site of the development, and
 - (g) must not obstruct any drainage on the site of the development or of adjacent land.
- (4) (Repealed)
- (5) Development that involves erecting a temporary structure is exempt development

only if the structure is on a surface that is sufficiently firm and level to sustain the structure while in use.

(6), (7) (Repealed)

16 Complying development

Note—

Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or
- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is identified as such an item in an environmental planning instrument, subject to an interim heritage order under the *Heritage Act 1977* or listed on the State Heritage Register), or
- (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
- (f) if the development is on land identified as an environmentally sensitive area.

(1) The objective of this clause is to identify development as complying development.

(2) Development specified in a heading to a clause in Schedule 3 that is carried out in compliance with:

- (a) the applicable development standards listed in that Schedule, and
- (b) the requirements of this Part,

is complying development.

Notes—

1 Section 76A (6) of the Act provides that certain development, such as designated development, or development requiring the concurrence of another body, or development on land comprising, or on which there is, a heritage item, cannot be complying development.

2 Specifying a type of development as complying development does not authorise the contravention of any condition of development consent applying to the land on which the complying development is carried out, nor does it remove the need for any approval that may be required under other legislation.

(3) To be complying development, the development:

- (a) must be permissible, with consent, in the zone in which it is carried out, and

- (b) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
- (c) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
- (d) must not be carried out in an environmentally sensitive area for exempt or complying development (as defined in clause 3.3 of the standard instrument prescribed by the [*Standard Instrument \(Local Environmental Plans\) Order 2006*](#)), and
- (e) must not restrict any car parking required pursuant to the conditions of any development consent or any vehicular or pedestrian access to or from the site of the development, and
- (f) must not obstruct any drainage on the site of the development or on adjacent land.

(4), (5) (Repealed)

17 Conditions of complying development certificates

A complying development certificate for development identified as complying development by this Policy is subject to any applicable conditions set out in Schedule 4.

Part 5 Development for purposes of Davis Cup Play-off competition

18 Temporary structures and other development for Davis Cup Play-off competition

- (1) This clause applies to the Royal Sydney Golf Club, Rose Bay, being Lot 1 in DP 630927.
- (2) Development for the following purposes may be carried out with development consent, between 1 September and 1 October 2011, on the land to which this clause applies:
 - (a) the holding of a tennis competition, open to the public, for the purposes of the Davis Cup Play-off tennis competition (the ***Davis Cup Play-off competition***),
 - (b) the erection of a temporary grandstand and other temporary structures for the purposes of the Davis Cup Play-off competition or other purposes permitted under this clause,
 - (c) signage, stalls, security fencing, take away food and drink premises and media facilities for the purposes of the Davis Cup Play-off competition.
- (3) Development specified in subclause (2) that complies with clause 16 (3) (a)–(d) is complying development.

- (4) Clause 12, Part 4 (other than clause 16 (3) (a)–(d)) and Schedules 3 and 4 do not apply to the development.
- (5) Clause 1.17A of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* does not apply to the development.
- (6) This Part is repealed on 1 November 2011.

19 Conditions of complying development certificate

A complying development certificate for development specified in clause 18 (2) is subject to the following conditions:

- (a) the holding of the Davis Cup Play-off competition on the land concerned is covered by public liability insurance of an amount of at least \$20 million,
- (b) the erection of any temporary grandstand and other structures associated with the development takes place only between 7.00 am to 5.00 pm, Monday to Saturday,
- (c) any such structure is dismantled and removed from the land only between 7.00 am to 5.00 pm, Monday to Saturday, and is so dismantled or removed within 7 days after the conclusion of the Davis Cup Play-off competition,
- (d) a professionally qualified structural engineer certifies in writing that any temporary grandstand or other temporary structure proposed to be used for the Davis Cup Play-off competition is structurally adequate before the structure is first used,
- (e) temporary fencing is erected around work sites on that land before construction of a temporary grandstand or other temporary structures is commenced on those sites,
- (f) arrangements are in place for the collection of any waste or recyclable material likely to be generated by the holding of the event.

Schedule 1 (Repealed)

Schedule 2 Exempt development

(Clause 15)

1 Erection and use of tent or marquee for private function

The erection and use of a tent or marquee for a wedding, private party or other private function, but only if:

- (a) the tent or marquee is erected on land used for residential accommodation, land in a business, mixed use or special purpose zone, Crown land (within the meaning of the *Crown Lands Act 1989*) or land vested in or under the control of the council of the area in which the function is to be held, and

Note—

In the case of Crown land or land vested in or under the control of a council, permission must be sought from the council or other authority responsible for managing the land concerned before any development (including exempt development) is carried out on the land.

Under section 68 of the [Local Government Act 1993](#), certain activities carried out on community land require approval from the local council.

- (b) the floor area of the tent or marquee is not more than 100 square metres, and
- (c) the total floor area of all tents or marquees erected on the land at the same time is not more than:
 - (i) in the case of a tent or marquee erected on land used for residential accommodation—200 square metres, and
 - (ii) in any other case—300 square metres, and
- (d) the tent or marquee complies with the following setbacks:
 - (i) in the case of a tent or marquee erected on land used for residential accommodation—the tent or marquee is located behind any building setback fixed by an environmental planning instrument or provided for in a development control plan and at least 1 metre from any boundary of the land, and
 - (ii) in any other case—the tent or marquee is located at least 3 metres from any boundary of the land concerned, and
- (e) the height of the walls of the tent or marquee is not more than:
 - (i) in the case of a tent or marquee erected on land used for residential accommodation—4 metres, and
 - (ii) in any other case—5 metres, and
- (f) the height of the tent or marquee, as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee, is not more than 6 metres, and
- (g) the tent or marquee has at least the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:
 - (i) 1 exit if the tent or marquee has a floor area of not more than 25 square metres,
 - (ii) 2 exits in any other case, and
- (h) the width of each exit referred to in paragraph (g) is at least:
 - (i) 800 millimetres if the floor area of the tent or marquee is less than 150 square metres, or

- (ii) 1 metre in any other case, and
- (i) the tent or marquee is erected at ground level, and
- (j) the tent or marquee resists loads determined in accordance with the Australian and New Zealand Standards entitled:
 - (i) AS/NZS 1170.0:2002, *Structural design actions—General principles*, and
 - (ii) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*, and
 - (iii) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*, and
- (k) the tent or marquee does not contain tiered seating, and
- (l) no tree growing on the land or on adjoining land is damaged as a result of the erection or use of the tent or marquee, and
- (m) the tent or marquee does not remain on the land more than 2 days after the function, and
- (n) in the case of a tent or marquee erected on land used for residential accommodation or land in a business, mixed use or special purpose zone:
 - (i) the tent or marquee is erected on the land for no more than 7 days, and
 - (ii) the number of days for which the tent or marquee is erected on the land, together with the total number of days for which tents or marquees have previously been erected for private functions on the land in the calendar year in which the private function is proposed to take place, does not exceed 30 days, and
- (o) in the case of a tent or marquee erected on Crown land (within the meaning of the [Crown Lands Act 1989](#)) or land vested in or under the control of the council:
 - (i) the function is covered by public liability insurance of an amount of at least \$10 million, and
 - (ii) arrangements are in place for the collection of any waste or recyclable materials likely to be generated as a result of the function.

2 Erection and use of stage or platform for private function

The erection and use of a stage or platform for a wedding, private party or other private function, but only if:

- (a) the stage or platform is erected on land used for residential accommodation, land in a business, mixed use or special purpose zone, Crown land (within the meaning of the [Crown Lands Act 1989](#)) or land vested in or under the control of the council of the area

in which the function is to be held, and

Note—

In the case of Crown land or land vested in or under the control of a council, permission must be sought from the council or other authority responsible for managing the land concerned before any development (including exempt development) is carried out on the land.

Under section 68 of the [Local Government Act 1993](#), certain activities carried out on community land require approval from the local council.

- (b) the floor area of the stage or platform is not more than 50 square metres, and
- (c) the stage or platform complies with the following setbacks:
 - (i) in the case of a stage or platform erected on land used for residential accommodation—the stage or platform is located behind any building setback fixed by an environmental planning instrument or provided for in a development control plan and at least 1 metre from any boundary of the land, and
 - (ii) in any other case—the stage or platform is located at least 3 metres from any boundary of the land concerned, and
- (d) the stage or platform is erected at ground level, and
- (e) the height of the stage or platform, as measured from ground level to the floor of the stage or platform, is not more than 1 metre, and
- (f) the stage or platform resists loads determined in accordance with the Australian and New Zealand Standards entitled:
 - (i) AS/NZS 1170.0:2002, *Structural design actions—General principles*, and
 - (ii) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*, and
 - (iii) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*, and
- (g) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed is conspicuously displayed on the stage or platform, and
- (h) no tree growing on the land or on adjoining land is damaged as a result of the erection or use of the stage or platform, and
- (i) the stage or platform does not remain on the land more than 2 days after the function, and
- (j) in the case of a stage or platform erected on land used for residential accommodation or land in a business, mixed use or special purpose zone:
 - (i) the stage or platform is erected on the land for no more than 7 days, and

- (ii) the number of days for which the stage or platform is erected on the land, together with the total number of days for which stages or platforms have previously been erected for private functions on the land in the calendar year in which the private function is proposed to take place, does not exceed 30 days, and
- (k) in the case of a stage or platform erected on Crown land (within the meaning of the [Crown Lands Act 1989](#)) or land vested in or under the control of the council:
 - (i) the function is covered by public liability insurance of an amount of at least \$10 million, and
 - (ii) arrangements are in place for the collection of any waste or recyclable materials likely to be generated as a result of the function.

3 Erection and use of tent, marquee or booth for community event

Note—

In the case of Crown land or land vested in or under the control of a council, permission must be sought from the council or other authority responsible for managing the land concerned before any development (including exempt development) is carried out on the land.

Under section 68 of the [Local Government Act 1993](#), certain activities carried out on community land require approval from the local council.

The erection and use of a tent, marquee or booth on land for a community event (being a community event that does not require development consent), but only if:

- (a) the tent, marquee or booth is erected on:
 - (i) land in a business, industrial (other than heavy industrial), mixed use, open space or special purpose zone, or
 - (ii) land that is unzoned, and
- (b) the event is covered by public liability insurance of an amount of at least \$10 million, and
- (c) the event takes place only within the following times:
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to midnight on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday, and
- (d) the floor area of the tent, marquee or booth is not more than 100 square metres, and
- (e) the total floor area of all tents, marquees or booths erected on the land at the same time is not more than 300 square metres, and

- (f) the tent, marquee or booth is located at least 3 metres from any boundary of the land, and
- (g) in the case of a tent or marquee—the height of the walls of the tent or marquee is not more than 5 metres, and
- (h) the height of the tent, marquee or booth, as measured from the surface on which the tent, marquee or booth is erected to the highest point of the tent, marquee or booth, is not more than 6 metres, and
- (i) the tent, marquee or booth has at least the following number of exits arranged so as to afford a ready means of egress from all parts of the tent, marquee or booth to open space or a road:
 - (i) in the case of a tent or marquee having a floor area of more than 25 square metres—2 exits,
 - (ii) in any other case—1 exit, and
- (j) the width of each exit referred to in paragraph (i) is at least:
 - (i) 800 millimetres if the floor area of the tent, marquee or booth is less than 150 square metres, or
 - (ii) 1 metre in any other case, and
- (k) the tent, marquee or booth is erected at ground level, and
- (l) the tent, marquee or booth resists loads determined in accordance with the Australian and New Zealand Standards entitled:
 - (i) AS/NZS 1170.0:2002, *Structural design actions—General principles*, and
 - (ii) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*, and
 - (iii) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*, and
- (m) in the case of a tent or marquee—the tent or marquee does not contain tiered seating, and
- (n) no tree growing on the land or on adjoining land is damaged as a result of the erection or use of the tent, marquee or booth, and
- (o) arrangements are in place for the collection of any waste or recyclable materials likely to be generated as a result of the event, and
- (p) the tent, marquee or booth is erected on the land for no more than 7 days, and
- (q) the tent, marquee or booth does not remain on the land more than 2 days after the

event.

(r) (Repealed)

4 (Repealed)

5 Erection and use of stage or platform for community event

Note—

In the case of Crown land or land vested in or under the control of a council, permission must be sought from the council or other authority responsible for managing the land concerned before any development (including exempt development) is carried out on the land.

Under section 68 of the [Local Government Act 1993](#), certain activities carried out on community land require approval from the local council.

The erection and use of a stage or platform on land for a community event (being a community event that does not require development consent), but only if:

- (a) the stage or platform is erected on:
 - (i) land in a business, industrial (other than heavy industrial), mixed use, open space or special purpose zone, or
 - (ii) land that is unzoned, and
- (b) the event is covered by public liability insurance of an amount of at least \$10 million, and
- (c) the event takes place only within the following times:
 - (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (ii) 7.30 am to midnight on Friday or Saturday,
 - (iii) 8.00 am to 8.00 pm on Sunday, and
- (d) the floor area of the stage or platform is not more than 50 square metres, and
- (e) the stage or platform is located at least 3 metres from any boundary of the land, and
- (f) the stage or platform is erected at ground level, and
- (g) the height of the stage or platform, as measured from ground level to the floor of the stage or platform, is not more than 1 metre, and
- (h) the stage or platform resists loads determined in accordance with the Australian and New Zealand Standards entitled:
 - (i) AS/NZS 1170.0:2002, *Structural design actions—General principles*, and
 - (ii) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other*

actions, and

(iii) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*, and

- (i) a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed is conspicuously displayed on the stage or platform, and
- (j) no tree growing on the land or on adjoining land is damaged as a result of the erection or use of the stage or platform, and
- (k) arrangements are in place for the collection of any waste or recyclable materials likely to be generated as a result of the event, and
- (l) the stage or platform is erected on the land for no more than 7 days, and
- (m) the stage or platform does not remain on the land more than 2 days after the event.
- (n) (Repealed)

Schedule 3 Complying development

(Clause 16)

1 Erection and use of tent, marquee or booth on land for community event on specified land

Note—

In the case of Crown land or land vested in or under the control of a council, permission must be sought from the council or other authority responsible for managing the land concerned before any development is carried out on the land.

Under section 68 of the [Local Government Act 1993](#), certain activities carried out on community land require approval from the local council.

- (1) The erection and use of a tent, marquee or booth for a community event (being a community event that does not require development consent other than a complying development certificate) on specified land, but only if:
 - (a) the floor area of the tent, marquee or booth is not more than 200 square metres, and
 - (b) the total floor area of all tents, marquees or booths erected on the land at the same time is not more than 400 square metres, and
 - (c) the tent, marquee or booth is located at least 3 metres from any boundary of the land, and
 - (d) in the case of a tent or marquee—the height of the walls of the tent or marquee is not more than 5 metres, and

- (e) the height of the tent, marquee or booth, as measured from the surface on which the tent, marquee or booth is erected to the highest point of the tent, marquee or booth, is not more than 6 metres, and
- (f) the tent, marquee or booth has at least the following number of exits arranged so as to afford a ready means of egress from all parts of the tent, marquee or booth to open space or a road:
 - (i) in the case of a tent or marquee having a floor area of more than 25 square metres—2 exits,
 - (ii) in any other case—1 exit, and
- (g) the width of each exit referred to in paragraph (f) is at least:
 - (i) 800 millimetres if the floor area of the tent, marquee or booth is less than 150 square metres, or
 - (ii) 1 metre in any other case, and
- (h) the tent, marquee or booth resists loads determined in accordance with the Australian and New Zealand Standards entitled:
 - (i) AS/NZS 1170.0:2002, *Structural design actions—General principles*, and
 - (ii) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*, and
 - (iii) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*.
- (i) (Repealed)

(2) In this clause:

specified land means:

- (a) land that is in a business, industrial (other than heavy industrial), mixed use, open space or special purpose zone, or
- (b) land that is unzoned.

2 Erection and use of stage or platform for community event on specified land

Note—

In the case of Crown land or land vested in or under the control of a council, permission must be sought from the council or other authority responsible for managing the land concerned before any development is carried out on the land.

Under section 68 of the [Local Government Act 1993](#), certain activities carried out on community land require approval from the local council.

- (1) The erection and use of a stage or a platform for a community event (being a community event that does not require development consent other than a complying development certificate) on specified land, but only if:
 - (a) the floor area of the stage or platform is not more than 100 square metres, and
 - (b) the stage or platform is located at least 3 metres from any boundary of the land, and
 - (c) the height of the stage or platform, as measured from ground level to the floor of the stage or platform, is not more than 1 metre, and
 - (d) the stage or platform resists loads determined in accordance with the Australian and New Zealand Standards entitled:
 - (i) AS/NZS 1170.0:2002, *Structural design actions—General principles*, and
 - (ii) AS/NZS 1170.1:2002, *Structural design actions—Permanent, imposed and other actions*, and
 - (iii) AS/NZS 1170.2:2002, *Structural design actions—Wind actions*.
- (2) In this clause:

specified land means:

 - (a) land that is in a business, industrial (other than heavy industrial), mixed use, open space or special purpose zone, or
 - (b) land that is unzoned.

3, 4 (Repealed)

Schedule 4 Conditions of complying development certificates

(Clause 17)

1 Erection and use of tent, marquee, booth, stage or platform

The conditions applying to a complying development certificate for the erection and use of a temporary structure comprising a tent, marquee, booth, stage or platform are as follows:

- (a) the structure must be erected at ground level,
- (b) trees growing on the land on which the structure is erected or on adjoining land must not be damaged as a result of the erection or use of the structure,
- (c) arrangements must be in place for the collection of any waste or recyclable materials likely to be generated as a result of the use of the structure,

- (d) the structure must be dismantled and removed from the land within 2 days after the conclusion of the event or activity for which it has been erected,
- (e) in the case of a structure used for a community event:
 - (i) the event may take place only within the following times:
 - (A) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,
 - (B) 7.30 am to midnight on Friday or Saturday,
 - (C) 8.00 am to 8.00 pm on Sunday, and
 - (ii) the event is covered by public liability insurance of an amount of at least \$10 million, and
 - (iii) the structure may be erected on the land for no more than 14 days,
- (f) in the case of the erection and use of a stage or platform, a notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform,
- (g) (Repealed)

2-4 (Repealed)