



Guide to Temporary Structures

Fact Sheet

A temporary structure includes tents, marquees, stalls, hoardings, scaffolding and ground anchoring/shoring systems and any other structure that is not permanent.

The erection and use of temporary structures in NSW is generally regulated through the Environmental Planning and Assessment Act 1979 (*The Act*), the Environmental Planning and Assessment Regulation 2000 (*The Regulation*), and the State Environmental Planning Policy 2008 (Exempt and Complying Development Codes) – (*The Code*).

There are a number of things that need to be considered before erecting a Temporary Structure, such as if approval is required.

There are 3 possible pathways when considering the approval requirements for temporary structures.

a) Exempt Development

Some temporary structures such as small tents, marquees, booths, fete stalls and stages/platforms, subject to meeting certain criteria, may be installed and used without the need to obtain prior, subject to the development meeting prescribed development standards of **The Code**.

These standards can be found ([here](#))

b) Complying Development

Under The Act, there is a streamlined approval process for certain types of routine development that meet certain prescribed development standards, known as Complying Development. Part 4A of **The Code** specifies certain temporary structures that may be undertaken as complying development so long as the applicable development standards are met. ([here](#))

A complying development certificate must be obtained from the local Council or a private accredited certifier before the temporary structure is erected.

In conjunction with the development standards listed in Part 4A of **The Code**, clause 133(2) of **The Regulation** imposes additional development standards relating to the fire protection and structural capacity of the structure based on the proposed use, and the suitability of the ground surface on which the structure will be erected.

c) Development Consent

Development consent for the erection and use of a temporary structure is required where the proposed development is not specified as either exempt or complying development. In considering an application for a temporary structure, Council must have regard to clause 94A of the Regulation, which requires the consent authority to consider whether the fire protection and structural capacity of the structure will be appropriate to the proposed use, as well as the suitability of the ground surface on which the structure will be erected.

A guide to the type of information you will required to provide with your Development application can be found at the end of this document.

Temporary Structures used as 'Entertainment Venues'

An 'entertainment venue' is as a building used as a cinema, theatre or concert hall or an indoor sports stadium.

A temporary structure that is to be used as an 'entertainment venue' must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia (BCA) and clauses 136A(1A) and 98(1A) of the EPA Regulation.

This include requirements for exits, fabrics, guardrails, seating, sanitary accommodation, projection suites, heating, electrical services, lighting (including exit and emergency lighting) and firefighting services.

An occupation certificate will also be required to be issued prior to the occupation or use of the temporary structure, by Council or accredited certifier (PCA). The PCA must be appointed prior to the commencement of work.

What Information required when applying for approval

- Site Plan – location, proximity to public road, other buildings, pedestrian access points, toilets;
- Floor plan – general layout, exit points, location of fire safety measures;
- Elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made;
- A Statement of Environmental Effects;
- Documentation that specifies the live and dead loads the temporary structure is supposed to meet. Alternatively, a Structural Engineers Certificate will be required prior to the use of the structure;
- Toilets – location and number of toilets shown on plans (*applicable to public/community events only*);
- A list of any proposed fire safety measures to be provided in connection with the use of the temporary structure;
- In the case of a temporary structure proposed to be used as an **entertainment venue** - a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if an alternative solution, to meet the performance requirements, is to be used).

A statement will also be required that specifies the maximum number of persons proposed to occupy the structure at any one time; and

- Copies of any compliance certificates to be relied upon.