

# General Guide: Erection and use of tent or marquee for private function at Licensed Premises and Function Centres

This guide has been prepared to assist the operators of licensed premises and function centres to determine whether their proposal to erect a tent or marquee is exempt development in accordance with the provisions State Environmental Planning Policy (Temporary Structures) 2007.

**Note – This is a guide only. Please refer to State Environmental Planning Policy (Temporary Structures) 2007 or contact Council for further information if required.**

The operator may erect a tent or marquee for a private function without obtaining development consent from a consent authority if the operator complies with the development standards that apply under this policy (which includes the deemed-to-satisfy provisions of the *Building Code of Australia*).

However, the development must not contravene any condition of a development consent already applying to the land. Also, adjoining owners' property rights, the applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

If you answer no in any of the sections below, your development is not exempt development and you may require development consent. It is recommended that you contact Council's Development Services section to discuss your proposal.

	Complies	
	Yes	No
Erection and use of tent or marquee for private function	<input type="checkbox"/>	<input type="checkbox"/>
Must be of minimal environmental impact.	<input type="checkbox"/>	<input type="checkbox"/>
The tent or marquee must meet the relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> (check with manufacturer or supplier).	<input type="checkbox"/>	<input type="checkbox"/>
The tent or marquee 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.	<input type="checkbox"/>	<input type="checkbox"/>
The tent or marquee must not obstruct any drainage on the site of the development or of adjacent land.	<input type="checkbox"/>	<input type="checkbox"/>
The tent or marquee is on a surface that is sufficiently firm and level to sustain the structure while in use.	<input type="checkbox"/>	<input type="checkbox"/>

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The floor area of the tent or marquee is not more than 100 square metres.	<input type="checkbox"/>	<input type="checkbox"/>
The total floor area of all tents or marquees erected on the land at the same time is not more than 300 square metres.		
The tent or marquee is located at least 3 metres from any boundary of the land concerned.		
The height of the walls of the tent or marquee is not more than 5 metres.		
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.	<input type="checkbox"/>	<input type="checkbox"/>
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, or (ii) 2 exits in any other case.	<input type="checkbox"/>	<input type="checkbox"/>
The width of each exit referred to above 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.	<input type="checkbox"/>	<input type="checkbox"/>
The tent or marquee is erected at ground level.	<input type="checkbox"/>	<input type="checkbox"/>
The tent or marquee resists loads determined in accordance with the Australian and New Zealand Standards entitled: <b>(check with manufacturer or supplier)</b>  (i) AS/NZS 1170.0:2002, <i>Structural design actions—General principles</i> , and (ii) AS/NZS 1170.1:2002, <i>Structural design actions—Permanent, imposed and other actions</i> .	<input type="checkbox"/>	<input type="checkbox"/>

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The tent or marquee does not contain tiered seating.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>
The tent or marquee does not remain on the land more than 2 days after the function.	<input type="checkbox"/>	<input type="checkbox"/>
The tent or marquee is erected on the land for no more than 7 days.	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>

If the answer is **YES** to all of the above questions then the proposed development may be exempt.

