

Event permits Guidelines 2017 (Version 1)

A Temporary Occupancy Permit (TOP) is issued by a building surveyor under the [Building Act 2016](#).

The permit allows the use of an existing building or temporary structure for a short term activity such as a public or a private event.

A Temporary Occupancy Permit may be granted for up to three years for a structure that is going to be used in the same way, under the same conditions.

Requirements

A TOP is required where a person intends to:

1. temporarily use an existing building for a use which is not the normal use permitted. An example is holding a market in a warehouse. The normal use of the warehouse is goods storage; the temporary use is a public market.
2. operate an event or function using temporary structures. For example booths, tents, marquees, seating or stages.
3. put up a temporary building or a temporary structure on private property. For example a temporary boat or vehicle shelter, a temporary radio mast or for a wedding or party.

Under the *Building Act 2016* a person must not occupy an existing building or temporary structure without an occupancy permit unless:

1. a temporary occupancy permit is in force; or
2. a temporary occupancy permit is not required.

Further examples of when a Temporary Occupancy Permit may be required include:

- outdoor concerts, rallies, festivals, or similar events where there are temporary stages, tiered seating or temporary shelters erected
- indoor entertainment or events in an existing building e.g. a bush dance held in a shearing shed; a food and wine festival held in a warehouse
- markets, (either indoor or outdoor), fairs, shows, carnivals and rodeos
- sporting events where there are temporary structures erected e.g. car rallies, rowing carnivals, school sports days.

An owner or an agent of an owner may apply through their building surveyor for a Temporary Occupancy Permit. The application form is available from your [building surveyor](#).

Exemptions from a Temporary Occupancy Permit

Some types of smaller temporary structures are exempt from requiring a Temporary Occupancy Permit. Exemptions are detailed in the *Building Regulations 2016*.

Exempt mobile structures

- mobile food vans
- mobile accommodation at a caravan park, a camping ground or similar area
- portable toilets
- on a construction site, scaffolding, cranes, hoardings, or site sheds
- prefabricated buildings less than 50m² for temporary use.

Exempt tents, booths or gazebos

- a tent, booth or gazebo with floor area of less than 75m² if it is the only one on the site and other criteria are met:
 - used for two days or less
 - does not have an ignitable fuel source or electrical wiring
 - does not need off-site disposal of wastewater
- a tent, booth or gazebo with a maximum floor area of 20m² open on one side and 10m away from an ignitable fuel source (such as a cooking facility)
- a tent for temporary use in a caravan park, camping ground or similar area.

Exempt groups of temporary structures at markets, carnivals etc

Specific exemptions from a permit also apply to groups of small tents, stalls and gazebos used by stallholders for shelter and storage. The maximum size of each group of structures is 80m² and more than one group is permitted on a site as long as there is adequate separation between them.

Special safety criteria also apply to any structures where an ignitable fuel is used, such as for cooking.

Refer to regulation 70 of the *Building Regulations 2016* for more details of what are exempt structures and the specific conditions that may apply.

Other requirements

Building owners, event managers, stall holders and people putting up structures comply with all other legal requirements before an event or new use begins.

Public gatherings

A Place of Assembly Licence is required under the *Public Health Act 1997* to use or lease a place where the public congregates for special events. This is to protect the health and safety of patrons. This applies to mass gatherings only (1000 people present for at least 2 hours).

Apply at your [Local Council](#) for a Place of Assembly licence.

Food

If your event is serving food you should contact your [Local Council](#) to make sure you meet the minimum food safety requirements. The Department of Health and Human Services [Guidelines for Mobile Food Businesses 2015](#) are available. The guideline was developed for individuals, businesses, charities and community organisations that operate mobile food businesses (for example food vans and temporary food stalls).

Alcohol

You may need a liquor licence if serving alcohol at an event. More information is available from the [Liquor and Gaming Branch of the Department of Treasury](#).

Workplace health and safety

The place where the temporary structure is put up and used by the public is a workplace.

Markets

Contact your Local Council to see if there are specific By-Laws regulating markets.

Exempt temporary structures

(1) For the purposes of section 228(b) of the Act, the following buildings are not required to have a temporary occupancy permit: *Building Regulations 2016 Statutory Rules 2016, No. Part 6 – Occupancy r. 70*

- (a) mobile food vans;
- (b) mobile accommodation at a caravan park, a camping ground or similar area;
- (c) portable toilets;
- (d) scaffolding, cranes, hoarding, or site shed, on a construction site;
- (e) prefabricated buildings that are –
 - (i) erected for a temporary use and are less than 50 square metres in floor space; and
 - (ii) separated from all other structures on the site so as not to increase the risk of the spread of fire between the building and other structures.

(2) For the purposes of section 228(b) of the Act, the following tents, booths or gazebos are not required to have a temporary occupancy permit:

(a) a tent that is erected for a temporary use at a caravan park, a camping ground or similar area;

(b) A tent, booth or gazebo with a floor area of less than 75 square metres if –

- (i) the tent, booth or gazebo is the only temporary structure on the site where it is erected; and
- (ii) the tent, booth or gazebo does not include an ignitable fuel source; and
- (iii) there is no ignitable fuel source within 10 metres of the tent, booth or gazebo; and
- (iv) the tent, booth or gazebo will not, at any one time, remain erected for more than 48 hours; and
- (v) the tent, booth or gazebo does not require a plumbing permit in order for the tent,

booth or gazebo to be erected; and
(vi) the tent, booth or gazebo does not need an off-site disposal system; and
(vii) the tent, booth or gazebo does not need electrical wiring; and
(viii) the tent, booth or gazebo is erected at least 2 metres from any other temporary structure, mobile food premises or building;

(c) A tent, booth or gazebo with a maximum floor area of 20 square metres if –

(i) the tent, booth or gazebo will not, at any one time, remain erected for more than 10 days; and
(ii) the tent, booth or gazebo is open on at least one side when occupied; and
(iii) the tent, booth or gazebo does not include an ignitable fuel source; and
(iv) there is no ignitable fuel source within 10 metres of the tent, booth or gazebo; and
(v) the tent, booth or gazebo is at least 2 metres away from any other temporary structure, building or mobile food premises;

(d) a tent, booth or gazebo that –

(i) complies with paragraph (c)(i), (ii), (iii) and (iv); and
(ii) form part of a group of similar temporary structures, if the group –

(A) has a maximum combined floor area of 80 square metres, excluding separate distances or spacing between the structures that comprise the group; and

(B) is at least 2 metres away from any other temporary structure, building or mobile food premises;

(e) a tent, booth or gazebo that contains an ignitable fuel source if –

(i) the floor area is not more than 10 square metres; and
(ii) at least one side of the structure is open when occupied; and
(iii) the tent, booth or gazebo is at least 2 metres away from any other temporary structure, building or mobile food premises.