

P.O.P.E. - Occupancy permit application form for a place of public entertainment/ temporary structures

Building Act 1993 - Part 5 and Building Regulations 2018 - Part 11

Applies only to prescribed classes of place and buildings (see attached definitions).

To: Municipal Building Surveyor, Bass Coast Shire, PO Box 118, Wonthaggi 3995

From: Owner of Land On Behalf Of Owner of Land (Agent)

Applicants Details:

(Name): _____

Company/Authority: _____

Contact Address: _____

Telephone: _____ **Fax:** _____

Mobile: _____ **Email:** _____

Ownership Details (If agent of owner listed above):

Owner (Name): _____

Company/Authority: _____

Contact Address: _____

Telephone: _____ **Fax:** _____

Mobile: _____ **Email:** _____

In accordance with section 54 of the Building Act 1993, I hereby apply for an occupancy permit for a place of public entertainment at:

Property / Building details:

No: _____ **Lot No:** _____

PS/LP: _____ **Municipality:** _____

Street/Road: _____

Suburb: _____ **Post Code:** _____

Version 2.1 September 2014

Description / type of Public Entertainment (P.O.P.E.):

Dates and Times of Public Entertainment: (Staff access times)

Date & Time Commencing: _____ **Date & Time Completing:** _____

Dates and Times of Public Entertainment: (Public access times)

Date & Time Commencing: _____ **Date & Time Completing:** _____

Maximum Number of Persons at Place of Public Entertainment:-

Participants : _____ **Spectators :** _____

Proposed location for the Display of the Occupancy Permit

Information required to accompany all applications (Event and Emergency Management Plans):

- A completed application form.
- Two sets of a full site plan detailing:
 - All existing buildings
 - The proposed temporary structures
 - The required toilet facilities
 - Car parking and traffic management for the event
- Structural details for the proposed temporary structures.
- A current copy of the Occupancy Permit for all proposed temporary structures as issued by the Victorian Building Authority.
- A current copy of title including the plan of subdivision and any covenants or 173 Agreements listed.
- Payment of fees (includes up to 2 site inspections).
- responsibilities for safety officers in relation to operation of fire safety elements, equipment and systems.
- evacuation procedures.
- safety of barrier and exit locations and types.
- the control and use of naked flame in theatrical productions.
- the exclusion of the public from unsafe areas.
- the keeping, testing or storage of flammable materials or explosive items.
- public toilet facilities male/female/disabled numbers, type and location.
- restrictions on smoking and alcohol consumption in specific parts of the place of public entertainment for the safety of the public.
- the site layout plan is to note all details with respect to structure locations, emergency services, facilities and evacuation points.

Please note this application will be forwarded to Councils **Planning, Parks, Engineering, Health & Local Laws** departments where required. Allow a minimum of 15 working days for the processing of all applications.

Temporary Structures in association with Place of Public Entertainment

Are there any temporary:

Seating stands	Y/N	> 20 Persons?	Any Temporary Structure over the limits prescribed at the left will require an Occupancy Permit issued by the Building Commission (Ph 1300 360 320).
Marquees	Y/N	>100m ² in area?	
Tents	Y/N	>100m ² in area?	
Stages	Y/N	>150m ² in total area?	

Lighting Rigging	Y/N	Please describe:-
Stage Rigging	Y/N	
Guard Rails	Y/N	
Other Temp. Structures:	Y/N	

Privacy Statement

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Signature

Date:

Signature of applicant

FEE SCHEDULE - ITEM	AMOUNT \$	COST CENTRE NO.
POPE:- 500m ² - 1,000m ²	\$579.30 inc gst	10-1010-1001-4006
POPE:- 1,001m ² - 5,000m ²	\$1,158.50 inc gst	10-1010-1001-4006
POPE:- 5,001m ² - 10,000m ²	\$1,737.70 inc gst	10-1010-1001-4006
POPE:- 10,000m ² or more	\$2,317.00 inc gst	10-1010-1001-4006
POPE amendment / variation	\$150 + GST	10-1010-1001-4006
POPE additional inspection	\$100 + GST	10-1010-1001-4006

Definitions of prescribed class of place and buildings

Places of Public Entertainment - Extracts from Legislation

Section 3 of *Building Act 1993*:

"**place of public entertainment**" means-

- (a) a prescribed building or building in a prescribed class of buildings which is used or intended to be used for the purpose of providing public entertainment; or
- (b) a prescribed place or place in a prescribed class of places-
 - (i) which is enclosed or substantially enclosed; or
 - (ii) to which admission can be gained by payment of money or the giving of other consideration- and which is used or intended to be used for the purpose of providing public entertainment.

"**conduct**", in relation to a public entertainment, means to have a direct pecuniary interest in the proceeds or profits of the entertainment.

"**public entertainment**" means an entertainment or meeting to which admission may ordinarily be gained by members of the public.

Regulation 1102 of *Building Regulations 2018*

Prescribed Classes

For the purposes of the definition of '**place of public entertainment**' in section 3 of the Act-

- (a) Class 9b buildings having an area greater than 500 m² and prescribed temporary structures are prescribed classes of buildings; and
- (b) places having an area greater than 500 m² are a prescribed class of places.

Regulation 1007 of *Building Regulations 2018*

An owner of a building or place of public entertainment must take all reasonable steps to ensure that a copy of any current occupancy permit in respect of that building or place is displayed and kept displayed at an approved location within the building or place.

Penalty: 10 penalty units.

Legislative Responsibilities (Sections of *Building Act 1993*)

49. Public entertainment not to be conducted at place without occupancy permit

A person must not conduct a public entertainment in a place of public entertainment unless an occupancy permit has been issued under this Division which permits its use for the entertainment.

Penalty: 100 penalty units, in the case of a natural person.

500 penalty units, in the case of a body corporate.

50. Place not to be used for public entertainment without occupancy permit

The owner or occupier of a place of public entertainment must not, for fee or reward, permit the place to be used for the purpose of providing public entertainment unless an occupancy permit has been issued under this Division which permits its use for the entertainment.

Penalty: 100 penalty units, in the case of a natural person.

500 penalty units, in the case of a body corporate.

51. Use of place of public entertainment must be in accordance with permit

The owner or occupier of a place of public entertainment (other than a prescribed temporary structure) must not permit the place to be used for the purpose of providing public entertainment in contravention of the occupancy permit permitting its use for the entertainment.

Penalty: 100 penalty units, in the case of a natural person.

500 penalty units, in the case of a body corporate.

52. Use of prescribed temporary structure must be in accordance with permit

The owner, occupier, lessee or a hirer of a prescribed temporary structure must not permit the structure to be used for the purpose of providing public entertainment in contravention of the occupancy permit permitting its use for the entertainment.

Penalty: 100 penalty units, in the case of a natural person.

500 penalty units, in the case of a body corporate.

57. Prescribed temporary structures—special provisions

- (1) An occupancy permit for a prescribed temporary structure may be issued on condition that—
 - (a) the siting of the temporary structure in any municipal district is subject to the approval of the municipal building surveyor of that district; and
 - (b) the erection of the temporary structure is carried out by registered building practitioners.
- (2) More than one occupancy permit can be issued for a prescribed temporary structure but each occupancy permit must not be issued for a period longer than 5 years.

61. Owner to notify others of occupancy permit

- (1) The owner of a building (other than a prescribed temporary structure) must notify an occupier of the building, within 7 days after the occupier first enters into occupation of the building or within 7 days after an occupancy permit is issued in respect of the building (whichever is the later), of any occupancy permit in force under this Division in respect of the building.

Penalty: 10 penalty units.

- (2) The owner of a prescribed temporary structure must notify the occupier, lessee or hirer of the structure within 7 days after the occupier, lessee or hirer enters into occupation of, or leases or hires the temporary structure or within 7 days after an occupancy permit is issued in respect of the structure (whichever is the later), of any occupancy permit in force under this Division in respect of the structure.

Penalty: 10 penalty units.