

OCCUPANCY PERMITS FOR PLACES OF PUBLIC ENTERTAINMENT

The Building Act 1993 requires that a person must not conduct or allow public entertainment in a Place of Public Entertainment (POPE) unless an Occupancy Permit (OP) has been issued for the venue.

The definition of a POPE is:

- a building in the prescribed classes of buildings (i.e. Class 9b buildings having an area greater than 500m²) used or intended to be used for the purpose of providing public entertainment.
- a place in the prescribed class of places:
 - which is enclosed or substantially enclosed, or
 - to which admission can be gained by payment of money or the giving of other consideration; and
 - that is used or intended to be used for the purpose of providing public entertainment.

POPE Exemption

An occupancy permit is not required for a POPE if:

- the place is used for the purposes of conducting an event or activity which is organised by a community-based organisation; and
- the POPE is controlled by a community-based organisation; and
- the number of persons in the place at any one time during the event or activity does not exceed 5,000.

Community-based organisation

Community-based organisation is defined in the Building Regulations 2018 and means a body whether incorporated or not that:

- is not established primarily for the purposes of profit or gain; and
- does not distribute any profit or gain made in the conduct of its activities to members; and
- operates in a community wholly for either:
 - a philanthropic or benevolent purpose (e.g. A school council); or
 - any sporting or recreational purpose (e.g. A football or netball club).

For a community-based organisation to gain the benefit of the exemption, the organisation must manage and control the event themselves. If a contractor is engaged to manage and control the event on behalf of the organisation, the exemption provided in the regulations will not apply.

Major events and attractions that require an occupancy permit

In some instances, community-based organisations may conduct an event that will require a POPE occupancy permit.

These are larger scale events that attract more than 5,000 persons in the place at any one time during the event or activity and the event is conducted in an enclosed or semi enclosed place and entry to the event is controlled, or to which admission can be gained by payment of a fee or other consideration.

Examples of such events include football finals and grand finals run by the competition's association, open air concerts, and agricultural shows. A POPE occupancy permit is required for these events irrespective of whether they are conducted by a community-based organisation or a commercial business.

Occupancy permit conditions

Where a POPE occupancy permit is required, the Regulations allow for the inclusion of conditions on the permit that must be complied with. These conditions may include the attendance of safety officers, fire safety equipment, evacuation procedures, safe storage of flammable materials and explosive items, etc. The conditions will be specific to the risks particular to the entertainment or event.

Other issues to consider

Most public entertainments, events and activities in outdoor places will be subject to a range of other (i.e. non-POPE) safety focused legislative and other requirements. The event organisers must ensure their events and activities comply with these requirements if applicable.

An entertainment or event conducted in a building with an Occupancy Permit for a BCA Class 9b use may still require an Occupancy Permit for a Place of Public Entertainment if the OP for the building does not specifically permit the entertainment or event to proceed without a further POPE OP. By way of example, a BCA Class 9b school gymnasium may have a OP for that class of use, however it may not permit the building to be used as a venue for a rock concert or music festival.

Temporary Structures

The exemption to obtain a POPE occupancy permit does not exempt the requirement to obtain an occupancy permit for a prescribed temporary structure or MBS siting approval when the use of a recreational facility for public entertainment will involve the erection of any prescribed temporary structures.

Prescribed temporary structure include:

- tents, marquees or booths with a floor area greater than 100m².
- seating stands for more than 20 persons.
- stages or platforms (including sky borders and stage wings) exceeding 150m² in floor area.
- prefabricated buildings exceeding 100m² other than ones placed directly on the ground.

APPLICATION FOR OCCUPANCY PERMIT

Place of Public Entertainment

Building Act 1993, Part 13
Building Regulations 2018, Regulation 186 (Form 15)



To the Municipal Building Surveyor

APPLICANT

Name			
Postal address			
Contact Person		Phone	
Email			

Where an applicant is not the owner of the subject land, an application must include the landowner's written consent to the application.

OWNER (if different to Applicant)

Name			
Postal address			
Contact Person		Phone	
Email			

PROPERTY ADDRESS

(Address of property where the event is proposed to be held)

In accordance with Section 42 and/or Section S4 of the Building Act 1993. I hereby apply for an Occupancy Permit for the building or place of public entertainment situated at:

Name of venue or location			
Unit no.		Street no.	
Street			
Suburb			
If part of a building – description			
Class of Building			

EVENT DETAILS

Event name			
Brief description of the event			
Event date/s and times			

NUMBER OF PERSONS

Indicate the maximum number of persons to occupy the place at any one time.	
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SAFETY OFFICER DETAILS

Name			
Postal address			
Qualifications (provide documents)			
Phone		Email	

SECURITY CROWD CONTROLLERS

How many crowd controllers / security staff do you proposed to provide?	
Who will be providing crowd controllers / security staff?	
Contact person's name	
Contact person's mobile number during the event	

UNSAFE AREAS

Are there any unsafe areas where public access should be restricted? e.g.: portable generators, stages etc.

Yes No (tick applicable box)

Location of unsafe areas are to be indicated on the site plan.

EMERGENCY MANAGEMENT AND EVACUATION PLAN

Has an emergency management and evacuation plan been developed? Yes No (tick applicable box)

FIRE SERVICES

Nominate, any existing firefighting equipment such as fire extinguishers, hose reels and hydrants that are located within the venue on the site plan. Note: In some cases, a fire tanker may be required.

EMERGENCY SERVICES

Have the relevant authorities (Fire Rescue Victoria (FRV) / Country Fire Authority (CFA), Victoria Police and Ambulance Victoria) been notified of the event using the Hume City Council event notification document (attached)? Yes No (tick applicable box)

TOILET FACILITIES

Nominate the number and location of all existing and portable / temporary toilet facilities. **Note:** Facilities should be distributed as evenly as possible across the event site and locations are to be indicated on the site plan.

Location	No. of female		No. of male			No. of unisex disabled		No. of disabled			
	closet fixtures	wash basins	closet fixtures	urinals	wash basins	closet fixtures	wash basins	female closet fixtures	female wash basins	male closet fixtures	male wash basins
Total											

DRINKING WATER

How many drinking water fountains do you propose to provide?	
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Location of drinking water fountains are to be indicated on the site plan.

FIRST AID

Who will be providing first aid for the event?	<input type="checkbox"/> Yes <input type="checkbox"/> No (tick applicable box)
How many qualified first aid officers will be provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No (tick applicable box)
Will a first aid room be provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No (tick applicable box)
Will an ambulance be provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No (tick applicable box)

Location of first aid officers/rooms are to be indicated on the site plan.

OTHER FEATURES PROPOSED

Is the event proposed to have any of the following: (tick applicable boxes)

<input type="checkbox"/> Fireworks / explosives / flammable materials	<input type="checkbox"/> Activities within Council's parks, gardens or reserves
<input type="checkbox"/> Amusement rides	<input type="checkbox"/> Activities on roadways or footpaths
<input type="checkbox"/> Naked flames (e.g.: theatrical productions)	<input type="checkbox"/> Changed traffic conditions / traffic management plan
<input type="checkbox"/> Alcohol sold or provided for benefit	<input type="checkbox"/> Other (specify) _____

TYPE OF PRESCRIBED TEMPORARY STRUCTURES

<input type="checkbox"/> Tents, marques or booths with floor area >100m ²		<input type="checkbox"/> Seating stands for more than 20 persons		
<input type="checkbox"/> Stages or platforms > 150m ² in floor area (including sky borders and stage wings)		<input type="checkbox"/> Prefabricated building > 100m ² (other than the ones placed directly on the ground surface)		
	Structure 1	Structure 2	Structure 3	Structure 4
Type of temporary structure				
Size (length x width = m ²)				
Occupant number to occupy				
VBA permit number				

APPLICANTS DECLARATION

I, _____ am authorised to apply for this permit on behalf of the Owner

SIGNATURE OF APPLICANT _____

DATE _____

Privacy Collection Statement

The Privacy and Data Protection Act 2014 requires Council to protect individuals' personal and health information. We will not disclose your personal information to a third party without your consent unless we are required or authorised to do so by law or other regulation. In the event of an investigation into suspected unlawful or improper activity, a law enforcement agency or government agency may exercise its legal authority to inspect the Council's records. Individuals can access personal information Council holds about them by making an application under the Freedom of Information Act. If the Freedom of Information Act is not applicable, Hume City Council will examine whether access can be given under IPP6, the access principle under the Privacy and Data Protection Act.

APPLICATION CHECKLIST MANDATORY INFORMATION REQUIRED

	<p>Applications must be lodged with Council at least 28 business days prior to the date of the proposed event.</p> <p>Applications must consider and respond to the Hume City Council Policy for Places of Public Entertainment and Prescribed Temporary Structures.</p>
<input type="checkbox"/>	Completed application form – Form 15 Building Regulations 2018 – Application for Occupancy Permit.
<input type="checkbox"/>	Prescribed fee of \$1200.00 incl. GST. NOTE: Payment is to be made upon application.
<input type="checkbox"/>	Where an applicant is not the owner of the subject land, an application must include the landowner's written consent to the application.
<input type="checkbox"/>	A current copy of the Certificate of Title for the subject allotment and Plan of Subdivision or Title Allotment Plan, or other documents necessary to satisfactorily establish the ownership, extent and delineation of the land on which the event is proposed.
<input type="checkbox"/>	<p>A site plan that is drawn to scale in accordance with regulation 25 of the <i>Building Regulation 2018</i>, the matters to be shown on a site plan are:</p> <ul style="list-style-type: none"> • the proposed location of the structure/s on the site and any other buildings, structures of facilities on the allotment. • the distance from the 'Public Entertainment' and 'Prescribed Temporary Structures' to the nearest other features: e.g.: footpath, roadway, temporary marquees, permanent buildings, etc. • the location of residential, healthcare and educational buildings on adjoining and nearby properties within 150 metres of the land. • the location of any dwellings, accommodation buildings or other buildings which may be affected by the holding of the event. • the boundaries and boundary dimensions of the relevant land. • roads adjoining the relevant land. • the dimensions of 'Prescribed Temporary Structures'. • the location and dimension of entries, exits and paths of travel to exits. • location of emergency assembly areas. • proposed drinking water fountains / tap. • The location, gender use and number of sanitary facilities (both existing and additional) for use by the public, patrons, and event staff, including people with disabilities. • The location and dimensions of car parking areas, including car numbers, access and egress. • amusement rides. (further information will be required).
<input type="checkbox"/>	<p>Additional documentation in support of the application, including but not limited to;</p> <ul style="list-style-type: none"> • Emergency Risk Management plan. • access for emergency services. • the location and operation of fire safety elements, equipment and systems, including a mains pressure water supply for extinguishment of fire, fire hydrants, fire extinguishers. • the establishment and operations of evacuation procedures. • The safety of barriers and exits. • The control and use of naked flame in theatrical productions. • The exclusion of the public from unsafe areas. • The keeping, testing and storage of flammable material or explosive items and equipment in a safe manner, to the extent that this is not required by other legislation.

□	Location of proposed fireworks, amusement rides, naked flames and the like must be marked on the site plan for the event. Further information will be required should the event include any of the proposed features.
□	<p>Copy of Council / Vic Roads approved Traffic Management Plans must be provided for changed traffic conditions.</p> <p>Traffic Management Plan (TMP) and Pedestrian Management Plan (PMP) including all relevant signage details with pictures to be prepared by a registered company or traffic engineer in compliance with the <i>Road Management Act 2004</i>. TMP and PMP must be obtained when diverting pedestrians onto or across a road.</p>
□	Other authority approvals maybe required: VicRoads - Memorandum of Authorisation (MOA), Country Fire Authority (CFA) when obstructing the access to fire services, Australia Post and Public Transport Victoria.

NOTE:

Applications must be lodged with Council at least 28 business days prior to the date of the proposed event.

First Aid Rooms

A First Aid Rooms must:

- 1) be provided to service Place of Public Entertainment in sufficient numbers to serve the risks associated with the planned needs of the event; and
- 2) be conveniently located to facilitate access for ambulances; and
- 3) be readily accessible from within and outside the Place of Public Entertainment; and
- 4) have a floor area not less than 24 m²; and
- 5) be provided with a potable water supply and suitable washbasin or sink.

Notes:

- The location of proposed first aid rooms must be depicted on the site plan for the event.
- Number of persons is based on the maximum number of patrons and employees planned to attend the event in anyone time.

Safety Officer

Safety officers are required to be in attendance at the Place of Public Entertainment to provide for the safety of the public to satisfaction of the Municipal Building Surveyor.

The Safety Training Qualification to be held by any person engaged as a Safety officer to be to the satisfaction of the Chief Officer of the CFA or to the Victorian Building Authority-

The responsibilities of the Safety Officer/Fire Warden to include but are not limited to: -

- 1) The operation of fire safety elements, equipment and systems.
- 2) The establishment and operation of evacuation procedures.
- 3) The safety of barriers and exits.
- 4) The control of the use of naked flame in theatrical productions.

Emergency Services

The relevant emergency services (FRV, CFA, Victoria Police, Ambulance Victoria, SES) are required to be provided with an application together with a copy of the proposed Risk Management Pla, Emergency Management plan and site plan for the event accompanied by a completed Hume City Council event notification document.

It is the responsibility of the applicant/event organiser to ensure compliance with any conditions or requirements of FRV, CFA, Victoria Police, SES or Ambulance Victoria and to without delay provide a copy of the conditions or requirements to the Municipal Building Surveyor for consideration.

Notification of Event: Place of Public Entertainment

Att: FRV: @frv.vic.gov.au
Att: CFA: @cfa.vic.gov.au
Att: Ambulance: @ambulance.vic.gov.au
Att: Police: @police.vic.gov.au

Dear Sir/Madam

I refer to the application for Occupancy Permit for a Place of Public Entertainment that has been lodged with the Municipal Building Surveyor of Hume City Council and respectfully request consideration of the event and any conditions or requirements that you consider appropriate to the event.

Event Name and Description:

Event Date/s:

Event Site Address:

Name, Address, Email address & Contact telephone number/s of the person or people in management control of the the proposed event:

Number of people planned to attend the event:

First Aid Providers Details:

Name and Contact Details of the proposed Safety Officers:

Please find attached a copy of the site plan, and risk management plan and other planning documents that were included as part of the application for Occupancy Permit for a Place of Public Entertainment.

Your response within 7 days of the receipt of this correspondence will assist with consideration of any conditions and requirements as part of the assessment process of the application for Occupancy permit for a Place of Public Entertainment.

Please return responses via email to: contactus@hume.vic.gov.au