

BUILDING CONTROL POLICY FOR PLACES OF PUBLIC ENTERTAINMENT AND PRESCRIBED TEMPORARY STRUCTURES

Policy Reference No.	POL/151
File No.	HCC11/294
Strategic Objective	2.1 - Foster a community that is active and healthy.
Adopted by Council	November 2011
Re-Adopted	29 November 2021
Date for Review	1 November 2025
Responsible Officer	Manager Planning and Development
Department	Planning and Development

BUILDING CONTROL POLICY FOR PLACES OF PUBLIC ENTERTAINMENT AND PRESCRIBED TEMPORARY STRUCTURES

1 POLICY STATEMENT

- 1.1 A person who intends to hold a Public Entertainment or erect a Prescribed Temporary Structure must apply in writing in the form prescribed in the Building Regulations and/or by the Municipal Building Surveyor.
- 1.2 Where an applicant is not the owner of the subject land, an application must include the land owner's written consent to the application.
- 1.3 The power to issue an Occupancy Permit for a Place of Public Entertainment (*POPE*) or grant siting consent for a Prescribed Temporary Structure (*PTS*) sits with the Municipal Building Surveyor and his/her delegates.

2 PURPOSE

- 2.1 The aims of this policy are to provide guidance to Council's Building Surveying staff when administering, considering and deciding applications for Occupancy Permits and siting consents involving Places of Public Entertainment and Prescribed Temporary Structures, including:
 - 2.1.1 Requirements for Occupancy Permits;
 - 2.1.2 Requirements for siting consent for Prescribed Temporary Structures;
 - 2.1.3 Internal referral processes and consultation;
 - 2.1.4 Legislative and Council requirements;
 - 2.1.5 Public safety, amenity and health;
 - 2.1.6 Risk and emergency management;
 - 2.1.7 Sanitary facilities, access and egress;
 - 2.1.8 Approval requirements and conditions;
- 2.2 Prescribed classes of buildings or places under the Regulations are:
 - 2.2.1 Class 9b buildings with an area greater than 500m², and
 - 2.2.2 Prescribed Temporary Structures, and
 - 2.2.3 Places with an area greater than 500m² unless:
 - a) the place is used for the purposes of conducting an Event or activity which is organised and controlled by a community-based organisation; and
 - b) the number of persons in the place at any one time during the Event or activity does not exceed 5000.

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3 SCOPE

- 3.1 An application must be accompanied by the following information:
- 3.1.1 The reason/s for holding the Event;
 - 3.1.2 The names, addresses and emergency telephone contact details of people assigned to respond in the event of incidents or emergencies;
 - 3.1.3 The date, duration and hours of operation of the Event;
 - 3.1.4 Documentary evidence that affected surrounding residents have been appropriately informed and consulted about the proposed Event including copies of all written correspondence or comments received as a result of such consultation;
 - 3.1.5 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.
- 3.2 Two sets of site plans of the proposal of minimum scale 1:500 depicting:
- 3.2.1 The boundaries and boundary dimensions of the relevant land;
 - 3.2.2 Roads adjoining the relevant land;
 - 3.2.3 The location of any dwellings, accommodation buildings or other buildings which may be affected by the holding of the Event;
 - 3.2.4 The location and siting of the proposed the Public Entertainment and Prescribed Temporary Structures;
 - 3.2.5 The dimensions of Prescribed Temporary Structures;
 - 3.2.6 The location and dimension of entries, exits and paths of travel to exits;
 - 3.2.7 The location and dimensions of car parking areas, including car numbers, access and egress;
 - 3.2.8 The details and location of any Amusement Rides to be included in the Event.
 - 3.2.9 Evidence that;
 - a) Each Amusement Ride or Device has “Plant Design Registration” within Victoria.
 - b) That an inspection report applicable to each Amusement Ride is complete, as per the provisions of Australian Standard AS3533.3-2003 Amusement Rides and Devices – In-Service Inspection (Formal Setup Inspection).
 - c) The Log Book applicable to each Amusement Ride is available for inspection.

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- d) Details of Annual Structural & Mechanical Inspection conducted by a Registered Engineer.
 - e) Details of Annual Electrical Inspection.
- 3.2.10 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;
- 3.2.11 The location of residential, healthcare and educational buildings on adjoining and nearby properties within 150 metres of the land (Affected Resident);
- 3.2.12 Any other buildings, structures of facilities on the Allotment.
- 3.3 Additional documentation in support of the application, including but not limited to:
- 3.3.1 Emergency Risk Management plan;
 - 3.3.2 The location and operation of fire safety elements, equipment and systems, including a mains pressure water supply for extinguishment of fire;
 - 3.3.3 The establishment and operations of evacuation procedures;
 - 3.3.4 The number, appointment and qualifications of first aid and safety officers;
 - 3.3.5 The safety of barriers and exits;
 - 3.3.6 The control and use of naked flame in theatrical productions;
 - 3.3.7 The exclusion of the public from unsafe areas;
 - 3.3.8 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;
 - 3.3.9 Access to a supply of potable water adequate for the Event.
- Note: Applications must be lodged with Council at least 28 business days prior to the date of the proposed event.*
- 3.4 Council's Municipal Building Surveyor will administer and assess all applications in accordance with the *Building Act 1993 (Vic)* (Act), the Regulations, this policy and any other policies relevant to activities associated with Places of Public Entertainment and Prescribed Temporary Structures, including the document 'A Good Neighbour Code of Practice for a Circus or Carnival'.
- 3.5 Fees determined by Council in accordance with Council's Fee Schedule under the *Local Government Act 1989 (Vic)* and/or the *Local Government Act 2020 (Vic)*. The Municipal Building Surveyor may reduce or waive fees in the case of applications by 'not for profit' community based organisations.

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- 3.6 Applications will be referred for comment to Council departments responsible for: City Laws; Traffic Engineering; Statutory Planning; Environmental Health; Leisure Services; and Waste Services.
- 3.7 Where an Occupancy Permit and/or siting consent for a Place of Public Entertainment or Prescribed Temporary Structure has been granted by the Municipal Building Surveyor (in accordance with the provisions of Part 5 of the Act), the following conditions will apply:
- 3.7.1 Erection of a Prescribed Temporary Structures shall be carried out by a registered Building Practitioner(s);
 - 3.7.2 Activities associated with the structure shall be carried out in accordance with the principles and objectives of the 'A Good Neighbour Code of Practice for a Circus or Carnival';
 - 3.7.3 Motor vehicle traffic and parking management must be conducted in a manner complying with Council requirements ensuring that no detriment is caused to the safety or amenity of the public or vehicular traffic;
 - 3.7.4 Supply and consumption of alcohol, where applicable, shall be conducted in a responsible manner and in accordance with all relevant legislative requirements;
 - 3.7.5 Waste management practices shall be conducted in accordance with Council requirements and any relevant legislation;
 - 3.7.6 Activities associated with a Public Entertainment or Prescribed Temporary Structure shall be conducted in accordance with the relevant provisions the *Public Health and Wellbeing Act 2008 (Vic)* and the *Food Act 1984 (Vic)*;
 - 3.7.7 Activities associated with a Public Entertainment or Prescribed Temporary Structure shall comply with all relevant provisions of the *Local Government Act 1989 (Vic)* and/or the *Local Government Act 2020 (Vic)*, *Planning and Environment Act 1987 (Vic)* and Hume City Council Local Laws;
 - 3.7.8 The Event operator is to ensure that a Public Liability insurance policy for not less than \$20,000,000 is in place for the Event.
- 3.8 The Municipal Building Surveyor may modify the above conditions or decline an application, for one or more of the following reasons:
- 3.8.1 Substantive objections to the proposal from affected residents;
 - 3.8.2 Detriment, or potential detriment, to the environment, public infrastructure, public safety, or the amenity of the precinct in which the Event is proposed;
 - 3.8.3 Proposal inconsistent with any other Council policy;
 - 3.8.4 Proposal inconsistent with the Hume Planning Scheme;
 - 3.8.5 Approval would create an undesirable precedent;
 - 3.8.6 Approval would not be in the overall interests of Council or the Hume Community;

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3.8.7 Structure(s) do not comply with the provisions or the Act, the Regulations, the National Construction Code and relevant Australian Standards.

3.9 Where Council declines an application, the applicant will be advised of rights of appeal to the Building Appeals Board, and that the period within an appeal can be lodged is 30 business days from that decision.

4 OBJECTIVE

4.1 That applications for Occupancy Permits and for siting consents relevant to Places of Public Entertainment and Prescribed Temporary Structures will be assessed in a consistent, equitable and efficient manner to the overall benefit of Council and the community.

5 POLICY IMPLEMENTATION

5.1 The policy will be maintained, implemented and reviewed by the Council's Municipal Building Surveyor.

5.2 The policy will be accessible to the community at the following locations:

5.2.1 Council's Internet Site;

5.2.2 Customer Service centres; and

5.2.3 On request from Building Control Services.

5.3 This policy will be communicated to key internal stakeholders, as listed in 3.6.

5.4 The policy will be reviewed every four years, or whenever the Act or the Regulations are amended. This will include an analysis of cost, customer feedback and issues arising from use of the policy.

6 DEFINITIONS AND ABBREVIATIONS

6.1 **Act** – means the *Building Act 1993* (Vic).

6.2 **Affected Resident** – means any person occupying a Dwelling located within 150 metres of the proposed event, or any other person deemed by the Municipal Building Surveyor to be an affected resident.

6.3 **Allotment** – means that parcel of land to which an application for consent and report relates.

6.4 **Amusement Ride** – has the same meaning as the Australian Standard AS 3533.1 2009 which defines an amusement ride as “an arrangement of structural or mechanical elements (or both) that is designed to move patrons in a controlled manner and is not necessarily reliant on patrons moving themselves to obtain the desired effect of amusement or entertainment”.

6.5 **Building Practitioner** – has the same meaning as the Building Act and the Building Regulations.

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- 6.6 **Regulations** – means the Building Regulations made pursuant to section 7 of the Building Act in force at the time of the application.
- 6.7 **Council** – means Hume City Council.
- 6.8 **Event** – means the circus, festival, fair, sporting event, exhibition or entertainment function, occasion or gathering applicable to an application.
- 6.9 **Municipal Building Surveyor** – means the Municipal Building Surveyor of Hume City Council appointed in accordance with and for the purposes of the Building Act 1993.
- 6.10 **Place of Public Entertainment** – has the same meaning as the Building Act and the Building Regulations.
- 6.11 **Prescribed Temporary Structure** – has the same meaning as the Act and the Regulations.
- 6.12 **Public Entertainment** – has the same meaning as the Act and the Regulations.

7 RELATED DOCUMENTS

- 7.1 Building Act 1993.
- 7.2 Building Regulations 2018.
- 7.3 National Construction Code.

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