



# APPLICATION FOR OCCUPANCY PERMIT – PLACE OF PUBLIC ENTERTAINMENT AND SITING OF PRESCRIBED TEMPORARY STRUCTURES

Building Act 1993, Building Regulations 2018, Regulation 186(1), Form 15

**To: Municipal Building Surveyor – Loddon Shire Council**

**From Applicant** (This application is made by the ☐ owner / ☐ agent of the property) \*

Name of Applicant		ACN / ARBN	
Postal address of applicant		Postcode	
Email of applicant		Phone/Mobile	
Contact person (if the applicant is not a natural person /company)			

In accordance with Section 54 of the Building Act 1993, I hereby apply for an Occupancy Permit for a place of public entertainment situated at:

**Property details** (including title details as and if applicable)

Street Number		Street/Road				
Township/Locality					Postcode	
Lot/s/CA		LP/PS		Volume		Folio
Crown allotment		Section		Parish		
County			Municipal District	Loddon Shire Council		

**Nature of application.** (Tick if applicable or give other description)

Place of Public Entertainment	<input type="checkbox"/>	
Other	<input type="checkbox"/>	

**Building Practitioners' and /or Architects**

Name		Category/Class		Reg'n #	
Name		Category/Class		Reg'n #	

**Certificates of compliance:**

Copies of compliance certificates for plumbing and electrical works are attached in accordance with Regulation 186 (2) (b).

Signature of owner or agent of owner		Date	
Print Name			



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Loddon Shire Council

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## Privacy statement

Personal information collected by Council is held securely and used in accordance with the Privacy and Data Protection Act 2014. Council may disclose this information to other organisations if required or permitted by legislation. Should you wish to access or modify this information, please contact Council on (03) 5494 1200 or email [loddon@loddon.vic.gov.au](mailto:loddon@loddon.vic.gov.au)

## PAYMENT DETAILS

Bankcard ☐

Mastercard ☐

Visa ☐

Card No. \_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_ Expiry Date: \_\_\_\_/\_\_\_\_

Cardholders Name: \_\_\_\_\_ Amount of: \$ \_\_\_\_\_

Signature: \_\_\_\_\_

## OFFICE USE ONLY

### Receipt to: Building – use building application number

Fee received: \$ \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Receipt No: \_\_\_\_\_ (Forward to Building Services Support Officer)

**Do I require an Occupancy Permit (PoPE)?** If you answer yes to any of the following you need to make applications to Councils Building Department for an Occupancy Permit for a Place of Public Entertainment.

Public Assembly Building > 500m <sup>2</sup>	Yes		No		Place > 500m <sup>2</sup> used for entertainment that is enclosed	Yes		No	
Place > 500m <sup>2</sup> substantially enclosed	Yes		No		Place > 500m <sup>2</sup> to which admission is charged	Yes		No	

## Siting of Temporary Structures – Section 57 of the Building Act 1993

The siting of any prescribed temporary structure requires the approval of the Municipal Building Surveyor. All prescribed temporary structures also require an occupancy permit issued by the Victorian Building Authority (VBA). A copy of the occupancy permit(s) for any temporary structures will need to be submitted to Council with the PoPE application.

The table below details what is prescribed temporary structure? If you answer yes to any of the below Council approval for the siting of the structure and a VBA approval of the temporary structure is required.

### Do I require approval of Siting of Temporary Structure?

Seating stands for more than 20 persons?	Yes		No		Tents or marquees with a floor area more than 100m <sup>2</sup> ?	Yes		No	
Stage exceeding 150m <sup>2</sup> in floor area?	Yes		No		Prefabricated buildings not placed directly on the ground exceeding 100m <sup>2</sup> .	Yes		No	
Orchestra Pit Covers	Yes		No						

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**Supporting information to Application for Place of Public Entertainment and / or Application for Siting of Prescribed Temporary Structures.**

## Period of Occupation:

Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Date							
Commencement Time							
Conclusion Time							

## Display of Permit

Nominate the location where the permit can be displayed for public viewing, ie usually at the main entrance, ticket booth or administrative / public address building / caravan

Number of Persons

Indicate the maximum number of persons that will be in attendance at the event at any one time, ie. includes participants and spectators.

## Safety Officer Details (You must nominate a Safety Officer for the event) See Note.

Name:			
Address:			
Contact number during event		Fax No:	
Background Experience/Qualifications:			

**Note:** A safety officer is usually required to be in attendance at the Place of Public Entertainment to provide for the safety of the public. The Safety Training Qualification is to be held by any person engaged as a Safety Officer to the satisfaction of the Chief Officer of the CFA or the Building Commission. The responsibilities of the Safety Officer 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 exclusion of the public from unsafe areas;
5. the location and designation of passageways and exits;
6. the availability of public toilet facilities and the condition of those facilities;
7. the ignition of fireworks and the discharge of pistols or other shooting devices in a safe and responsible manner, to the extent that this is not required by any other Act or Regulation;
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 any other Act or Regulation;
9. ensuring compliance with all conditions of this permit.

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## Description of any Temporary Structures

	Structure 1	Structure 2	Structure 3	Structure 4
Size:				
Type:				
VBA Permit No:				
Hire Company Details:				
Name of Event:				

**Toilet Facilities** – Nominate the number and location of all existing permanent amenities and portable / temporary toilet facilities. The location of all toilet facilities must be shown on this site plan.

Location (please include a map)	No. of Female		No. of Male			No of Accessible	
	Closet fixture	Wash basins	Closet fixture	Urinals	Wash basins	Closet fixtures	Wash basins
<b>TOTAL</b>							

- One closet fixture for every 200 female persons or part thereof.
- One closet fixture or urinal for every 200 male persons or part thereof, at least 30% of which must be in the form of closet fixtures. Each 600mm continuous length of urinal is considered to be a urinal.
- One wash basin for every 200 persons.
- One unisex accessible closet fixture and wash basin for every 20,000 persons or part thereof.

## Drinking Water

Nominate the number and location of all proposed drinking water fountains and include on site map.

Number:	Location:

- One drinking water fountain/tap should be provided for every 200 persons.
- This ratio may be negotiated by consulting with the Municipal Building Surveyor.
- Alternatively, drinking water may be provided at all food and bar outlets free of charge.

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## Security Crowd Control –Nominate provisions of crowd and security. Details must include:

Name of the security organisation:	
Contact phone number during the event	
Number of persons to be engaged for the duration of the event	

## Unsafe Areas

Nominate any unsafe areas where public access should be restricted, ie. Portable generators, stages etc. on the site plan for the event.

## Exits

Nominate the location and width of all exit gates/doors on site plan for the event.

## Emergency Evacuation

Please provide an emergency evacuation plan/procedure for the event with the application for Place of Public Entertainment.

## First Aid – St Johns Ambulance

Nominate the proposed first aid facilities and officers to be provided for the duration of the event and their location.

Number of First Aid Officers	Number of First Aid Facilities to be provided.

First Aid rooms to be provided as per the following table

Number of Persons (Based on daily attendance of patrons and employees)	Location of First Aid Rooms
5,000 – 10,000	
10,001 – 15,000	
15,001 – 30,000	
Each extra 15,000 or part thereof	

First Aid rooms must:

1. be readily accessible
2. have a floor area not less than 24m<sup>2</sup>
3. be provided with a suitable wash basin or sink.

## Fire Services

Nominate on the site plan any existing fire fighting equipment such as fire extinguishers, hose reel and hydrants that are located within the venue and any additional temporary fire services that will be provided during the event.  
Note: In some cases a fire tanker may be required.

## Other Features

Further information will also be required should the event include features such as:

- Fireworks/explosives/flammable materials (a copy of any licence from Worksafe Victoria shall be supplied.
- Amusement rides (all amusement rides are to be registered with Worksafe Victoria).
- Naked flames, ie. Theatrical productions.

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## Fees

Fees including GST must be paid. Until the application fee is paid there is not considered to be an application.

Paying the correct fee. Council's fees have been set to achieve cost recovery. However community events that do not charge a fee for entry and require a PoPE and/or approval for siting of a prescribed temporary structure are able to request in writing for the fees to be covered by a Council donation to the value of the fee. Council fees are reviewed annually and published on the Loddon Shire Council website in the annual fee and charges.

Note: The VBA issues the Occupancy Permit for temporary structures and may be subject to a condition that the siting of the temporary structure is approved by the Municipal Building Surveyor.

Fee Category	PoPE (per event)	Siting of prescribed temporary structures (per prescribed marquee, stage or structure within the event)
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## All fees are GST Inclusive

**NOTE** The following additional charges may be applicable:

Infringement fines for non compliance with permit conditions, Building Regulations 2018 and the Building Act 1993 may incur the prescribed penalty of 50 penalty units. ( Penalty units are amended as at 1 July each year).	<b>Prescribed Offences</b> <ul style="list-style-type: none"> <li>• Must have the permit on site and available for inspection</li> <li>• Compliance with maintenance determinations</li> <li>• Maintenance schedules available for inspection</li> <li>• Maintenance of all exists and paths of travel</li> </ul>
Checking of specialist system designs (structural, mechanical, electrical, hydraulic and fire engineering) where necessary and/or where an appropriate design compliance certification is not provided is charged on a cost recovery basis.	\$176.00 per hour minimum payable
Additional inspections	\$176.00

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## Places of Public Entertainment – Extracts from Legislation

### Section 3 of Building Act 1993 – Definitions:

**“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 of 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 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 206 of the Building Regulations 2018

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 500m<sup>2</sup> and prescribed temporary structures are prescribed classes of buildings; and
- (b) places having an area greater than 500m<sup>2</sup> are a prescribed class of places unless –
  - (i) the place is used for the purposes of conducting an event or activity which is organised and controlled by a community – based organisation and
  - (i) the number of persons in the place at any one time during the event or activity does not exceed 5000.

### Legislative Responsibilities (Building Act 1993)

#### 49. Public entertainment not 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: 240 penalty units, in the case of a natural person

1500 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: 240 penalty units, in the case of a natural person

1500 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: 240 penalty units, in the case of a natural person

1500 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: 240 penalty units, in the case of a natural person

1500 penalty units, in the case of a body corporate

#### 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: 120 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: 120 penalty units.