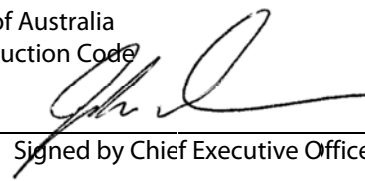


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RELATED LEGISLATION:	Building Act 1993 Building Regulations 2006 Building Code of Australia National Construction Code

EVIDENCE OF APPROVAL:



Signed by Chief Executive Officer

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Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the Policies on the Loddon Shire website to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.

1 PURPOSE

This policy provides the framework under which Loddon Shire shall ensure all building works, demolition works, dangerous structures and places of public entertainment within Loddon Shire are dealt with as not to prejudice people's health, safety, welfare and convenience.

2 SCOPE

This policy applies to Council staff responsible for building services.

3 POLICY

All building control matters and building works within Council's control will be dealt with in accordance with the Building Act 1993 ("Act"), Building Regulations 2006 ("Regs"), Building Code of Australia ("BCA") and the National Construction Code ("NCC")

3.1 Building permit practice (regulatory service)

Council will:

- provide precise and timely advice throughout the entire building process, from conceptual design to final completion. It will be flexible, informative and performance orientated to ensure that all clients receive service of a high standard
- provide excellent customer service within the Shire in the delivery of the building permit services
- provide a prompt, efficient and value-for-money building permit service, focused on ensuring all buildings are constructed to provide and maintain the health, safety and amenity of their occupants
- ensure adequate site inspection records are maintained for each building project commenced. Results of inspections and any contraventions will be communicated promptly and clearly to a responsible person and any significant departures from the plans will be dealt with appropriately
- provide a building inspection service for private Building Surveyors, on the condition that this does not impact negatively on the services provided in conjunction with building permits issued by the Municipal Building Surveyor and other building control activities in the municipality
- not conduct a building permit service outside the municipal boundaries.

3.2 Building enforcement practice (statutory service)

Council will:

- be open about its actions, demonstrate fairness and impartiality, take a consistent approach, be considerate to complaints, treat matters with proportionality and assist service users wherever possible
- where appropriate, set reasonable and realistic time limits for remedies to be carried out. Some flexibility will be exercised where the appellant shows a degree of goodwill
- where possible, provide advice for achieving compliance which will have regard to minimising costs
- give consideration to the following, when deciding what degree of enforcement to exercise :
 - The seriousness of the offence in terms of its impact on people's health, safety, welfare and convenience.
 - The previous history of the offender(s)
 - The consequences of non-compliance
 - Likely effectiveness of various enforcement options
- provide written documentation and ensure it contains clear instruction as to what is required and why it is required. It will set out the legislative requirement considered not to be met, the measures necessary to comply and any alternatives that will be accepted. A clear distinction will be made between what is advice only and what is a statutory requirement.

3.3 Safety of persons at places of public entertainment

Council will:

- provide a prompt, efficient and value-for-money approval process for places of public entertainment
- where possible, provide advice for achieving compliance having regard to minimising costs
- ensure all places of public entertainment provide safety and amenity for patrons and spectators whether they be located in a building or open space
- not conduct an approval process for places of public entertainment outside the municipal boundaries.

4 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
public entertainment	<i>an entertainment or meeting to which admission may ordinarily be gained by members of the public</i>
place of public entertainment	<p>(a) <i>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</i></p> <p>(b) <i>a prescribed place or places in a prescribed class or places – which is enclosed or substantially enclosed; or which admission can be gained by payment of money or the giving of other consideration</i></p>

5 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007). Loddon Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

6 REVIEW

The Director Operations will review this policy for any necessary amendments no later than 3 years after adoption of this current version.

7 ATTACHMENTS

1. Examples of Possible Events Classified as Places of Public Entertainment (POPE).

1. SOME EXAMPLES OF POSSIBLE EVENTS

Presumption that all events listed are taking place in a building or place greater than 500 m² and the general public is invited to attend . Refer to definition of “enclosed or substantially enclosed”

*Places +Buildings	Comments
* Music concerts/Festivals (even if on private land – if open to the public)	Will include free events if the place is substantially enclosed e.g. a fenced off oval where it is clear to a reasonable person that the area is an exclusive, controlled area for festival attendees.
* Rodeo	An event for which the public is generally charged an admission fee.
* Field Days	An event for which the public is generally charged an admission fee.
* Race Days	An event for which the public is generally charged an admission fee.
*+ Circus	An event for which the public is generally charged an admission fee.
*+ School & Community Fetes/Fairs	<p>Where a public entertainment takes place in a building which is at least 500m², the building is considered to be a POPE.</p> <p>However, if it is in a place rather than within a building, it will only be a POPE if an admission fee is charged OR if the place is enclosed or substantially enclosed.</p> <p>If the areas in which the fete is taking place is fenced off or otherwise enclosed it could be a POPE.</p> <p>Is a school area substantially enclosed? Possibly as it would be clear to the general public and a reasonable person that although there may be general attendance, entry is for the purpose of attending the fete and consequently the school grounds are a controlled space and an exclusive area for the purposes of the fete.</p> <p>However, many school areas, especially public school areas, are generally accessible to the public at any time the school is not open e.g. basketball courts, football ovals and despite any fencing it is not clear to the public that it is a controlled area. Given this it is arguable such an area is not a POPE generally but perhaps it becomes so when there is a fete as there would be more of a sense of control. Added to this is the fact that the purpose of the Act and the relevant Part is the health and safety of attendees of functions and events. It is arguable that a school fete would be the type of event that the legislators intended to ensure was safely run.</p>
*+ Sports events	<p>Where a public entertainment takes place in a building which is at least 500m², the building is considered to be a POPE.</p> <p>However, if it is in a place it will only constitute a POPE if an admission fee is charged OR if the place is enclosed or substantially enclosed.</p>
+ School / Church halls/classrooms (if being used for an entertainment - including instruction - or public meetings)	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
Council halls & Rooms (if being used for entertainment - including instruction - or public meetings)	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
* Air Shows	An event for which the public is generally charged an admission fee.
+ Sports Stadium or clubs	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
+ Council Meetings	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
* Motor racing	An event for which the public is generally charged an admission fee.

+ Parliament meetings – if open to the public	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
+ Events in shopping centres	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
Cinemas	An event for which the public is generally charged an admission fee.
+Night club / disco	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
+Fun parlours	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
+ Cyber cafes	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
+ Kids party building	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
* Cultural event	If an admission fee is charged OR if the place is enclosed or substantially enclosed.
* Art displays	If an admission fee is charged OR if the place is enclosed or substantially enclosed.
* Drive Inns	An event for which the public is generally charged an admission fee.
* Zoo	An event for which the public is generally charged an admission fee.
Community meetings of various types that are open to the public to attend e.g. SOS; weight watchers;	Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
*+ Sports activity centres e.g. skating rinks, gyms, swimming pools (all indoors)	An event for which the public is generally charged an admission fee. Where a public entertainment takes place in a building which is at least 500m ² , the building is considered to be a POPE
Opera or plays or pictures in the park	An event for which the public is generally charged an admission fee.
Entertainment in parks – e.g. talks by ranger (where admission is charged)	An event for which the public is generally charged an admission fee.
* Street festivals (open to public)	<p>May be included if admission is charged OR if the festival is held in a closed off street making the area substantially enclosed.</p> <p>Similar considerations to the school fete situation. Possibly such an event will be a POPE as it would be clear to the general public and a reasonable person that although there may be general attendance, entry is for the purpose of attending the festival and for the period of the festival the street(s) constitute a controlled space and an exclusive area for the temporary purpose of a festival.</p> <p>However, it may be arguable that such barriers as exist are usually seen as preventing cars entering, not pedestrians and that there is no real control of the area. Given this it is arguable such an area is not a POPE.</p>
+* Canopy walk	Unless fee or other consideration charged for entry.
* Weddings or private group events in public gardens	Not included because the function is not open to members of the public
Local street parties (for street residents only)	Not included because the function is not open to members of the public