

**Application for an Occupancy Permit & Temporary Occupancy
– Form 15 (Place of Public Entertainment)**
Building Act 1993 Building Regulations 2018 (Regulation 186)



**TO: MUNICIPAL BUILDING SURVEYOR
HEREBY APPOINTED UNDER SECTION 78 OF BUILDING ACT 1993**

Fee: Low Impact \$1,037 High Impact \$2,067. 2022/2023

In accordance with Section 54 of the Building Act 1993, I hereby apply for an occupancy permit for a place of public entertainment at:							
Event Details							
Event Name:							
Location:							
Proposed event date:							
Name of Primary Organising Body:							
Contact person:							
Telephone:							
Postal Address:							
Signature:							
Property Address:							
Commonly known as:							
Period of Occupation:							
Day:							
Date:							
Commencement Time:							
Conclusion Time:							

Do I require an Occupancy Permit (POPE)?

Complete this section if you are;

a community-based organisation* holding an event outdoors,

if not then proceed to the next page.

***The definition of a community-based organisation from Building Regulations 2018:**

For the purposes of this regulation, **Community-based organisation** means a body, whether or not a corporate body, that –

- (a) is not established primarily for the purposes of profit or gain; and
- (b) does not distribute any part of profit or gain made in the conduct of its activities to any member of the organisation; and
- (c) operates in a community wholly for:
 - (i) a philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity; or
 - (ii) any sporting or recreational purpose, including the benefiting of any sporting or recreational club or association.

Will the event be organised and controlled by a community-based organisation	YES	NO
Will the maximum number of people attending the event at any one time be less than 5000?	YES	NO

If you have answered **YES** to **both** of the above questions, then please complete the declaration below;

if not then proceed to the next page.

Declaration required from the organisation accepting responsibility & control of the event.

I _____ (Name) declare that I have read and understood the above definition of a community-based organisation and confirm that I am authorised by _____ (organisation) to complete this declaration.

I do solemnly declare that the event known as _____ planned for _____ (date) will be organised and controlled by _____ (organisation) as a community-based organisation as defined under section 206 of the Building Regulations 2018 legislation.

Signed: _____

Date: _____

Please note: Should any of the above circumstances change you are obliged to contact Council to discuss

Based on the information provided a POPE may not be required, please submit this application form and site plan for confirmation.

Complete this section if you are:

a community-based organisation* holding an event within a building.

a community-based organisation* holding an event with more than 5000 attendees at any one time.

Or a commercial operator.

Will the event be held in an outdoor space greater than 500 Square Metres (e.g 50m x 10m)	YES	NO
Will the event be held in a building greater than 500 Square Metres (e.g 50m x 10m)	YES	NO
If using an outdoor space will it be greater than 500 Square Metres (e.g 50m x 10m) and is substantially enclosed (more than 50% of the perimeter by fences, buildings and other structures)	YES	NO
Will an entry fee be charged (including gold coin donation)	YES	NO

If you answered **YES** to **ANY** of the above questions, then an Occupancy Permit is required.
Please complete the remainder of this form and submit along with relevant information/documents.

If you answered **NO** to **ALL** of the above questions, then Based on the information provided a POPE may not be required, please submit this application form and site plan for confirmation

Will there be Temporary Structures at the event?

Will you be using any of the following during the event?

Temporary grandstand style seating stands for more than 20 persons	YES	NO
Tents or marquees with a floor area more than 100m ²	YES	NO
Stage exceeding 150m ² in floor area	YES	NO
Prefabricated buildings (exceeding 100m ² in area) not placed directly on the ground	YES	NO
Orchestra Pit Covers	YES	NO

If you answered **YES** to **ANY** of the above questions, please ensure that the hirer supplies you with a copy of the Occupancy Permit for each of these temporary structures

Nominate the location where the permit can be displayed for public viewing, i.e. usually at the main entrance, ticket booth or administrative/public address building/caravan.			
Display of Permit:			
Indicate the maximum number of persons that will be in attendance at the event at any one time, i.e. includes participants and spectators.			
Number of Persons:			
Safety Officer Details (You must nominate a Safety Officer for the event) See Note.			
Name:			
Address:			
Mobile contact number during event:		Email:	
Please supply 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 Victorian Building Authority. 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.

Toilet Facilities							
Nominate the number and location of all existing permanent amenities and portable/temporary toilet facilities.							
Location (copy of site plan must be included with application)	No. of Female		No. of Male			No. of Disable	
	Closet fixture	Wash basins	Closet fixture	Urinals	Wash basins	Closet fixtures	Wash basins
Permanent							
Temporary							
TOTAL							

- 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 disable closet fixture and wash basin for every 20,000 persons or part thereof.

The location of all toilets must be indicated on the site plan for the event.

Drinking Water – appropriate sources of drinking water must be provided.

Will drinking fountains be provided? Yes / No

If so, how many?

- 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 or via drinking fountains
- The location of all proposed drinking water fountains/taps must be nominated on the site plan for the event.

Security Crowd Control

Nominate provisions of crowd control 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

Provide site plan showing any unsafe areas where public access should be restricted, i.e. portable generators, stages etc.

Exits

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

Emergency Evacuation

Provide an emergency evacuation plan/procedure for the event.

First Aid – St Johns Ambulance/Other

Nominate the proposed first aid facilities to be provided for the duration of the event.

Provider details:

Number of First Aid Facilities to be provided.

Contact number during the event :

First Aid rooms to be provided as per the following table

Number of Persons	Number of First Aid Rooms
5,001 – 10,000 (min 1)	
10,001 – 15,000 (min 2)	
15,001 – 30,000 (min 3)	
Each extra 15,000 or part thereof (1)	

First Aid rooms must:

1. be readily accessible from within and outside the area or ground.
2. have a floor area not less than 24m².
3. be provided with a suitable wash basin or sink.
4. be distributed as uniformly as possible throughout the assembly building or open spectator stand.
5. be convenient to a public road.

The location of all first aid rooms must be indicated on the site plan for the event. Number of persons is based on daily attendances of patrons and employees.

Fire Services

Provide fire management plan including what fire fighting equipment, devices and personnel will be deployed. Nominate on the site plan any existing fire fighting equipment such as fire extinguishers, hose reel and hydrants that are located within the venue. 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:

- Amusement rides (all amusement rides are to be registered with Worksafe Victoria).
- Naked flames, i.e. theatrical productions.
- All food stalls will need to be inspected by Council Environmental Health Department.
- All gas cooking/heating equipment must be inspected and approved by the Office of Gas Safety personnel.

Fireworks/explosives/flammable materials No/Yes (copy of licence from Worksafe Victoria shall be supplied)
Electrical generators No/Yes (extinguisher at point – yes/no)

Minimum fees payable:

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 or TOP are able to request in writing for the fees to be covered by a Council donation to the value of the fee:

Fee Category	POPE (per event)	TOP (per prescribed marquee, stage or structure within the event)
Pay for Entry Events	\$1007.00 Low Impact	\$100
	\$2007.00 High Impact	

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.	<p>Prescribed Offences</p> <ul style="list-style-type: none"> • Must have the permit on site and available for inspection • Compliance with maintenance determinations • Maintenance schedules available for inspection • Maintenance of all exists and paths of travel
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 a cost recovery basis.	\$160.00 per hour minimum payable
Additional inspections	\$225.00

OFFICE USE ONLY

Receipt to: Building – use building application number

Fee received: \$ _____

Received by: _____ Date: _____

Receipt No: _____ (Forward to Building Services Support Officer)

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 purpose of the definition of “place of public entertainment” in section 3(1) of the Act –

- (d) The following are prescribed classes of buildings –
 - (i) Class 9b buildings having an area greater than 500m²
 - (ii) prescribed temporary structures area prescribed classed of buildings; and
- (e) Places within an area greater than 500m² are a prescribed class of places unless
 - (i) The place is used for the purpose of conducting an event or activity which is organised and controlled by a community-based organisation; and
 - (ii) The number of persons in the place at any 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.
