



STATUTORY BUILDING SERVICES

**Building Act 1993 – Part 5
Building Interim Regulations 2017 – Part 11**

**APPLICATION FOR SITING OF PRESCRIBED TEMPORARY STRUCTURE or OCCUPANCY PERMIT
FOR A PLACE OF PUBLIC ENTERTAINMENT (POPE)**

***APPLIES ONLY TO PRESCRIBED CLASSES OF PLACE AND BUILDING – (See definitions attached)**

TO: Municipal Building Surveyor, Pyrenees Shire, 5 Lawrence Street, Beaufort VIC 3373

FROM: Owner of Land On Behalf of Owner of Land (Agent)

Name:

Postal Address:Postcode:

Contact Person:Telephone:

Ownership Details (If Agent of Owner listed above)

Name:

Postal Address:Postcode:

Contact Person:Telephone:

In accordance with Section 54 of the Building Act 1993, I hereby apply for an Occupancy Permit for a Place of Public Entertainment and/or for siting of Prescribed Temporary Structure(s) under Section 57 at:

Land of Building Details:

Number: Street/Road: Town:

Lot/s: LP/PS: Volume: Folio:

Crown Allotment: Section: Parish: Township:

Municipal District: Pyrenees Shire

Type of Public Entertainment or Prescribed Temporary Structure(s) (Please tick ✓ relevant boxes and specify)

Dates and Times of Public Entertainment or duration of the Temporary Structures situated on the subject land:-

Starting Date: Date: _____ Time: _____

Ending Date: _____ Time: _____

Hours of Public Entertainment: _____

Maximum Number of Persons at Place of Public Entertainment: Participants: _____ Spectators: _____

Proposed Location for the Display of the Occupancy Permit (refer to notes) _____

APPLICANT'S COMMENTS – RELEVANT MATTERS TO CONSIDERATION OF APPLICATION
(Use additional sheets as necessary to provide sufficient information)

- . **Use of safety officers for public safety**

- . **Responsibilities of fire safety elements, equipment and systems**

- . **Evacuation procedures**

- . **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 or storage of flammable materials or explosive items**

- . **Public toilet facilities and the conditions of such**

- . **Restrictions on smoking and alcohol consumption in specific parts of the place of public entertainment**

TEMPORARY STRUCTURES IN ASSOCIATION WITH PLACE OF PUBLIC ENTERTAINMENT* (Information Only)

Are there any temporary....

SEATING STANDS	Y / N	> 20 PERSONS	Y / N
MARQUEES	Y / N	> 100m² IN AREA?	Y / N
TENTS	Y / N	> 100m² IN AREA?	Y / N
STAGES	Y / N	> 150m² IN TOTALAREA?	Y / N

Any temporary structure over the limits prescribed above will require an Occupancy Permit Issued by the Building Commission (Ph: 9285 6400). This form does not apply for permits for such structures.

Are there any temporary....

LIGHTING RIGGING	Y / N	Please describe: (Use additional sheets as necessary to provide sufficient information)
STAGE RIGGING	Y / N	
GUARD RAILS	Y / N	
OTHER TEMPORARY STRUCTURE	Y / N	

Details of Person providing above information:

Name: _____ **Address:** _____

Date: _____ **Signature:** _____

Places of Public Entertainment – Extracts from Legislation Section 3 of Building Act 1993:

“**place of public entertainment**” means –

- (a) a prescribed building or building in a prescribed class of building which is used or intended to be used for the purpose of providing public entertainment; or
- (b) a prescribed place or place in a prescribed class or places-
 - (i) which is enclosed or substantially enclosed; or
 - (ii) to which admission can be gained by payment of money or the 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 1102 of Building Regulations 2006

Prescribed Classes

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 500m² and prescribed temporary structures are prescribed classes of buildings.
- and
- (b) places having an area greater than 500m² are a prescribed class of places

Regulation 1007 of Building Regulations 2006

An owner of a building or place of public entertainment must take all reasonable steps to ensure that a copy of any current occupancy permit in respect of that building or place is displayed and kept displayed at an approved location within the building or place. Penalty: 10 penalty units:

Legislative Responsibilities (Sections of Building Act 1993)

49. Public entertainment not to 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: 100 penalty units in the case of a natural person. 500 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: 100 penalty units in the case of a natural person. 500 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: 100 penalty units in the case of a natural person. 500 penalty units in the case of a body corporate.

52. Use of prescribed temporary structure must be in accordance with the 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: 100 penalty units in the case of a natural person. 500 penalty units in the case of a body corporate.

57. Prescribed temporary structure – special provisions

- (1) An occupancy permit for a prescribed temporary structure may be issued on condition that -
 - (a) the siting of the temporary structure in any municipal district is subject to the approval of the municipal building surveyor of that district; and
 - (b) the erection of the temporary structure is carried out by a registered building practitioner
- (2) More than one occupancy permit can be issued for a prescribed temporary structure but each occupancy permit must not be issued for a period longer than 5 years.

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: 10 penalty units
- (2) The owner of a prescribed temporary structure must notify the occupiers, 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: 10 penalty units.

Documents required to be submitted for an Application for
**AN OCCUPANCY PERMIT FOR A 'PLACE OF PUBLIC ENTERTAINMENT' OR
CONSENT TO ERECT 'PRESCRIBED TEMPORARY STRUCTURES'**

- Application Fees**

Occupancy Permit for a POPE:	\$
Consent for a Prescribed Temporary Structure:	\$

- Completed Application Form** Form 6 (Include all details)

- Written Authority by the property owner**

- 3 Sets of a Site Plan**
A **site plan** showing all **boundaries** and **setbacks, easements, existing building(s)** and **proposed structures** and **north point**. Detail the **dimensions** and **floor/roof areas** of all **tents, marquees, stages, etc.** Highlight all **entry and exit points, toilet facilities**, location of **Fire Hydrants, Fire Fighting Equipment, etc.**

- Details of Emergency Lighting** (within structures or outside)

- 3 sets of Structural Drawings, Computations and Certificate of Compliance from Engineer** (For Prescribed Temporary Structures)

- Copy of Occupancy Permit Issued by the Building Commission** (For Prescribed Temporary Structures)

- Details of Erector of Temporary Structures** (Name, Contact Details, Building Practitioners Number, Insurance, etc)

- Certificate of Compliance** – By the supervisor or the Erector of Temporary Structures

- Details and the number of toilet (including disabled) facilities provided on site** – show on the site plan

- A statement regarding any hazardous materials to be used** – i.e. fireworks, control and use of naked flames, etc

- Details of Fire Fighting Equipment** – Locations and types of Fire Extinguishers, on site Hydrants, etc.

- Public Liability Insurance** (For sum of \$10M minimum)

- Report, Consent/Approval from Relevant Authorities** (i.e. Victoria Police, CFA, VicRoads, CHW, Powercor, Relevant Gas/Fuel Supplier, Telstra, EPA, etc)

- Details of Emergency Management and Evacuation Plans**

- Approval from other Council Departments** (i.e. Local Laws, Planning Department, EHO, etc)

- Other:** _____

- Other:** _____

Note: The above information is a guide only. Additional information may be required to be submitted in order for a complete assessment to be undertaken depending on the nature, size and/or complexity of the event. It may not be possible at the time of the application to determine if an item listed above is relevant to your application i.e. planning permit, other authorities consent, protection of public and adjoining properties etc.