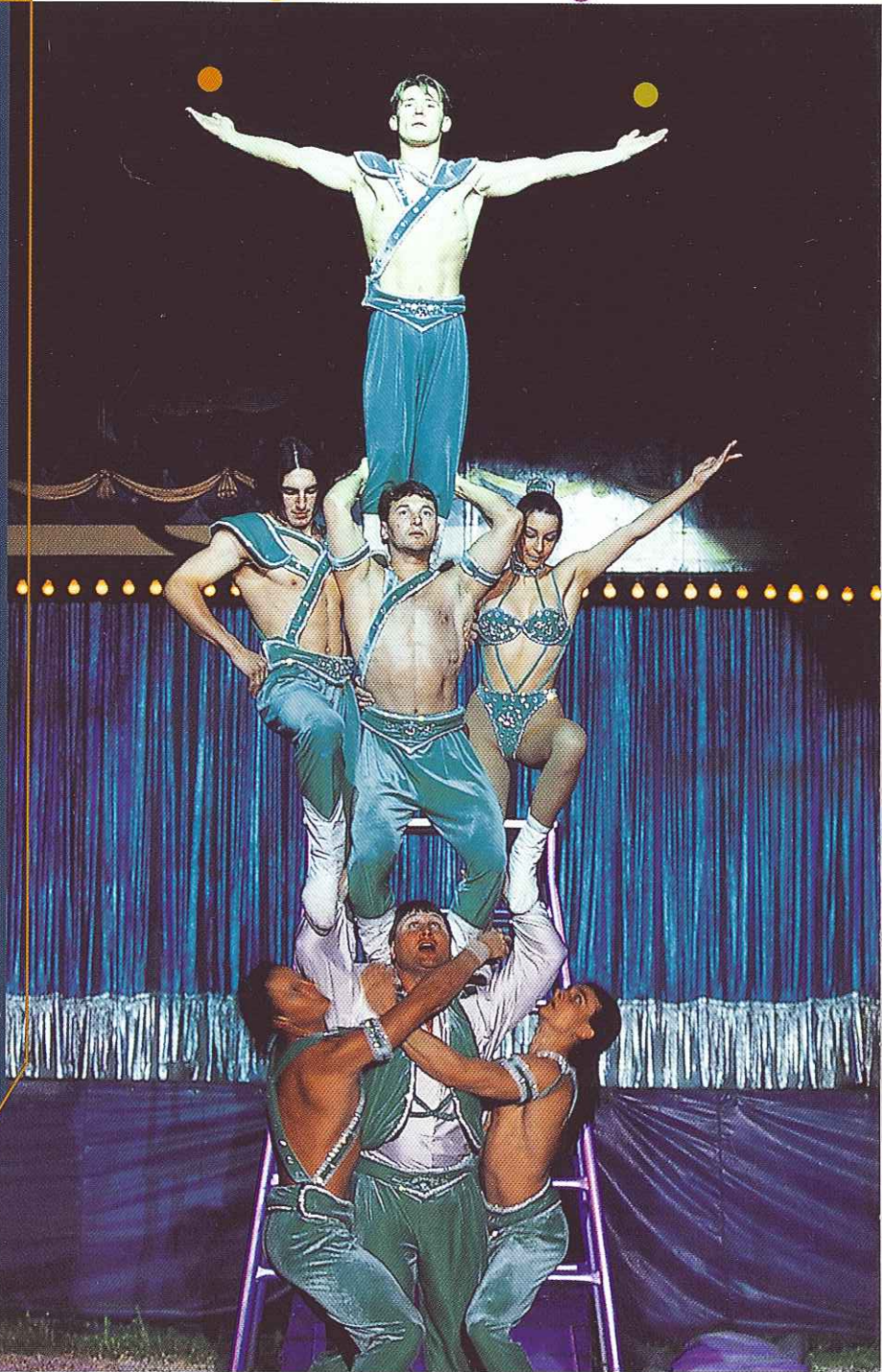




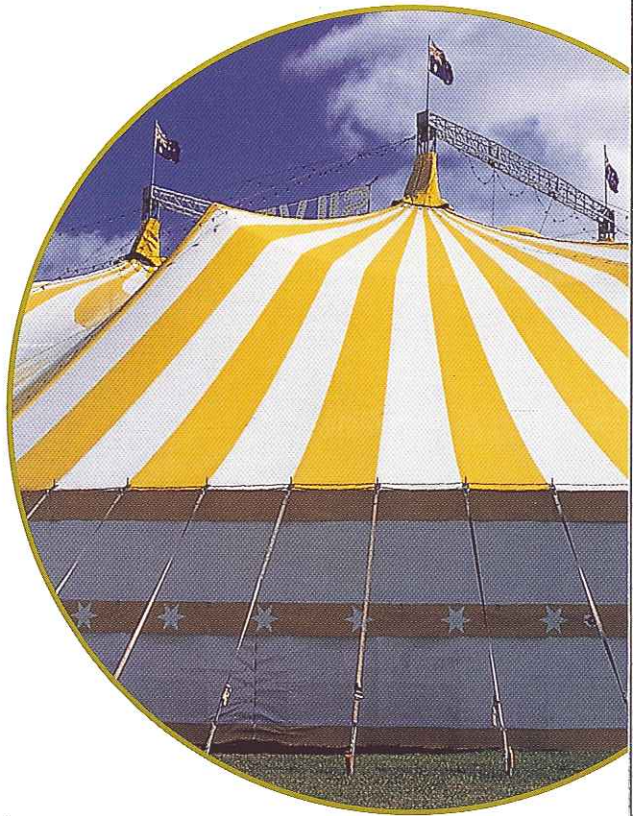
A 'GOOD NEIGHBOUR' CODE OF PRACTICE
FOR A CIRCUS OR CARNIVAL OCTOBER 1997





INFRASTRUCTURE

**A 'GOOD NEIGHBOUR'
CODE OF PRACTICE
FOR A CIRCUS OR CARNIVAL**



OCTOBER 1997

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A 'GOOD NEIGHBOUR' CODE OF PRACTICE FOR A CIRCUS OR CARNIVAL

BACKGROUND TO THIS CODE

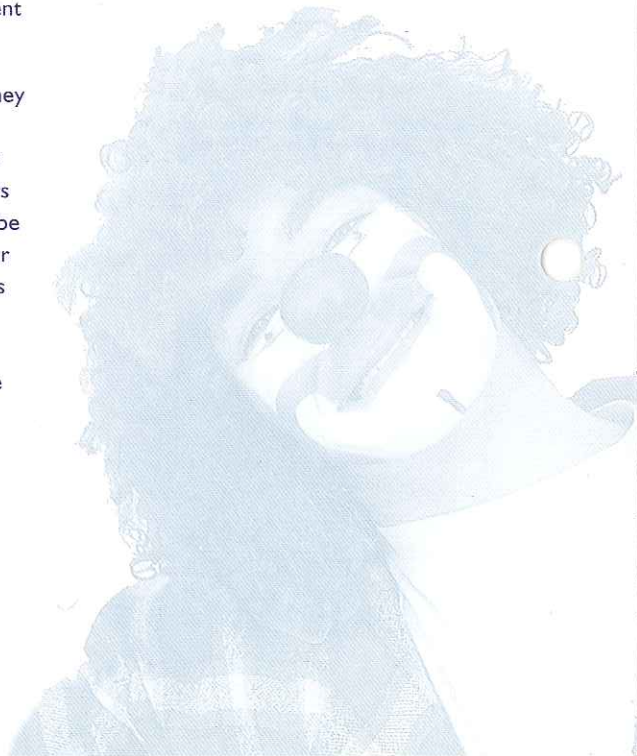
Circuses and carnivals often operate with national itineraries and influences which affect those itineraries can be many and varied. Influences may include; drought, flood, bushfire, earthquake and site availability. Drought which affected much of the eastern part of Australia recently resulted in many inland national and State itineraries being revised and venues being sought along the eastern seaboard.

Traditionally, circuses and carnivals occupy sites for short periods and perhaps only once or twice a year. Circuses and carnivals are temporary and transient activities and they are not the end use of the land. The sites they occupy are often in private ownership, vacant or awaiting development and located in, or near, urban areas.

Responsible authorities vary in the way they respond to circus and carnival. Some consider that the temporary activity does not require a planning permit while others require lengthy notification processes to be carried out before considering whether or not to grant a permit. The quick decisions which are required by the industry are frequently prevented. Varying responses and the possibility of lengthy delays in the application process leads to uncertainty within the industry.

It is the nature of the industry that itineraries need to be revised at short notice. The present planning controls do not provide the quick response, flexibility, and certainty which is required by the industry.

This code aims to protect the amenity of residents and provide a degree of certainty to the industry by setting out the 'Requirements to be Met', if a site is to be occupied by a circus or a carnival for short periods.



A 'GOOD NEIGHBOUR' CODE OF PRACTICE FOR A CIRCUS OR CARNIVAL

PURPOSES OF THE CODE

The purposes of this code are:

- to promote certainty for communities by requiring that a circus or carnival will be a good and considerate neighbour, ensuring that the amenity of the neighbourhood is not adversely affected by the presence of a circus or carnival; and
- to provide certainty for the industry, as no planning permit for the temporary occupation of land by a circus or a carnival will be needed if the provisions of the State section of all planning schemes are complied with and the 'Requirements to be Met' in this code, are complied with.

A failure by the operator to comply with the 'Requirements to be Met' under this code means that the conditions of the Planning Scheme which allow a circus or carnival to operate without a permit do not apply and the enforcement process provided under the Planning and Environment Act 1987 may be invoked.

This document is incorporated into all planning schemes.

DEFINITIONS IN THIS CODE

CIRCUS

means a company of performers gathered for the purpose of providing entertainment such as acrobatic feats, tricks of skill, clowns and exhibiting animals.

CARNIVAL

means a temporary fair or amusements for the purpose of providing recreation or entertainment such as side shows, merry-go-rounds, stalls for games or snacks. It does not include a sporting event, trade fair, or exhibition.



THE REQUIREMENTS TO BE MET

BUILDINGS AND WORKS

No permanent buildings or works are to be constructed or carried out.

A SUITABLE SITE

The owner of the land must give written consent for the land to be occupied by a circus or a carnival; or

The land must be a site which has been designated by the municipality (by local law or otherwise) as a site which is appropriate for occupation by a circus or a carnival (it is likely that designated sites will be council reserves and showgrounds); or

If a site has not been designated the site must:

- be capable of accommodating the circus or carnival so that it does not:
 - cause a nuisance beyond the site;
 - have an adverse effect, affect the amenity of the neighbourhood; or
 - have an adverse effect on any significant native vegetation.
- allow animals to be kept away from the boundary of any adjoining residential site if the animals are likely to cause a nuisance to adjoining residents.

If a site is not large enough to accommodate ancillary activities of a circus or a carnival and if the council agrees, another area of land may be used to accommodate ancillary activities. The requirements for any site which accommodates ancillary activities are the same as those which apply to the main site occupied by the circus or carnival.

NOISE

The operator must ensure that noise from any ride, animal, public address system, amplified music, generator, or other equipment does not cause a nuisance beyond the site which is occupied by the circus or carnival.

ADVERTISING SIGNS

Any signs which are used to advertise the circus or carnival must comply with the planning scheme requirements for outdoor advertising.



The signs must:

- be of a professional standard;
- present a good image of the industry to the public;
- be securely fixed and kept in a safe condition; and
- be removed by the operator before the site is vacated.

Signs must not:

- be displayed on electricity poles; or
- be displayed on road reserves without the consent of the relevant authority (local, council or VicRoads).

THE REQUIREMENTS TO BE MET

DURATION OF THE EVENT

To ensure that the occupation remains transient and temporary and to ensure that any cumulative effects do not have an adverse effect on the amenity of the area, a circus or carnival must not occupy a site for more than:

- 28 consecutive days; and
- not more frequently than twice in any 12-month period.

Given that the population varies across the State, in some instances a small population may not warrant a stay of 28 days. In such a case, a circus or a carnival operator may want to occupy a site for only a few days but may want to visit the site more frequently than twice in 12 months. Council may respond to circumstances such as these and allow shorter but more frequent stays. Council may choose to use a local law or other means to allow this.

OPERATING HOURS

To ensure that the operation of the circus or carnival does not conflict with other neighbourhood activities, the operating hours of the circus or carnival must not exceed the times which are set out below. These times do not apply:

- if the municipality has designated the site (by local law or other means) as one which is appropriate for occupation by a circus or a carnival and other times have been designated; or
- the council considers that times should not be applied as there will be no disturbance to the neighbourhood; or
- if a site is located on a main road within the metropolitan area and the circus show time or the operation of a carnival means that patrons entering or leaving the site will unduly interfere with the peak flow of traffic.

CIRCUS:

Monday to Friday (inclusive)
7pm to 10.30pm
Saturday - 2pm to 10.30pm
Sunday - 2pm to 7pm

On public holidays and during school holidays the operating times may be extended to include a 2pm matinee on weekdays.

CARNIVAL:

Thursday - 6pm to 10pm
Friday - 6pm to 11pm
Saturday - 11am to 12pm
Sunday - 11am to 7pm.



THE REQUIREMENTS TO BE MET

The carnival will not operate on Monday, Tuesday, or Wednesday nights, or on a Sunday night after 7pm.

On public holidays and during school holidays the operating times may be extended to:

Monday to Thursday (inclusive) - 11am to 9pm

Friday - 11am to 11pm

Saturday - 11am to 12pm

Sunday - 11am to 7pm.

HANDLING FOOD FOR SALE

The handling and sale of any food must comply with the provisions of the relevant act administered by the council.



SANITARY FACILITIES

Separate toilets must be provided for use by patrons and staff and they must be:

- clearly signed for this purpose;
- screened; and
- kept in a clean condition.

To prevent the spread of litter:

- rubbish receptacles must be provided on the site where food or wrapped goods are sold;
- rubbish from the bins must be collected daily or more frequently if required and the refuse disposed of appropriately; and
- the site must be kept free of litter.

Details must be provided on the number of toilets and the method of waste disposal.

The site must be regularly cleared of animal manure and measures taken to reduce any odours which may result from the keeping of animals or the storage of animal manure. The site must be cleared of any animal manure when the site is vacated.



THE REQUIREMENTS TO BE MET

TRAFFIC, PARKING AND SITE ACCESS

To ensure that patron parking facilities are adequate, that access to the site is appropriate and that the flow of road traffic will not be unduly affected by the occupation, at least two weeks before the site is occupied, the operator must satisfy the council that:

- adequate parking space for patrons will be available on the site; or
 - there is safe and adequate roadside parking to meet or supplement the need; or
 - the operator has the agreement of property owners or occupiers in the vicinity to provide suitable alternative parking;
- when off-site parking is proposed, the operator and the council must consider the times that the circus or carnival will be operating and the likelihood that the alternative parking will be available given that other activities in the area may also be operating at that time;
- where car parking is proposed on private land, attendants must direct vehicles to optimise the use of available space;
- the location of the site access is appropriate and the method of gaining access to and egress from the site is satisfactory;
 - the pattern of traffic movement in the area will not be unduly affected by the occupation of the site or by vehicles entering or leaving the site (the activities must not unduly interfere with the flow of peak traffic); and
 - there is appropriate provision and maintenance of pedestrian access in and around the site.

A brief description of the occupation or site sketch must also be provided to the council to help it to identify any traffic issues (a copy of the sketch which is to be provided when giving notice to neighbours will be suitable for this purpose).

THE REQUIREMENTS TO BE MET

CARE OF ROADS, ACCESS WAYS, KERBS AND FOOTWAYS

At least two weeks before the site is to be occupied, the operator must satisfy the municipal council that adequate precautions will be taken to protect roads, access ways, kerbs and footways from damage during the occupation and from vehicles entering or leaving the site.

The council may require the payment of a bond of not more than \$1000 to be applied to the reinstatement of any public works including roads, access ways, kerbs or footways which may be damaged by the occupation or by vehicles gaining access to or leaving the site. The council may also require the payment of an inspection fee of not more than a total of \$50 (preliminary inspection of \$25 and a final inspection of \$25) to inspect and assess the condition of the public works before the site is occupied and again after the site has been vacated. A written assessment of the condition of these works must be provided to the operator at the time of the inspections.

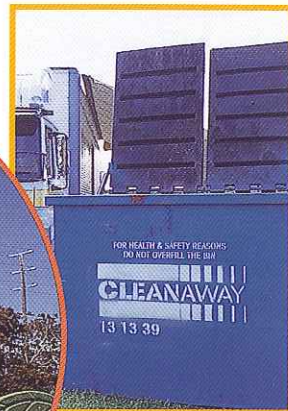
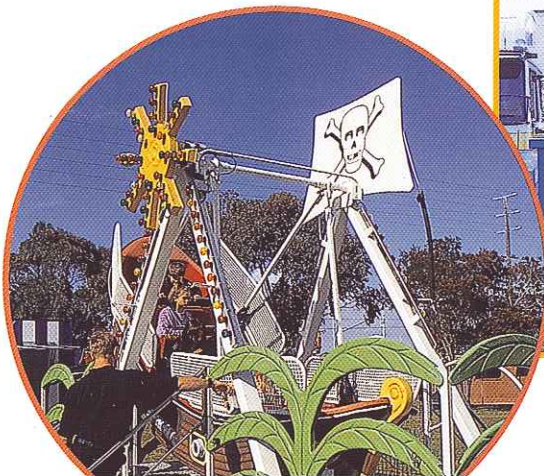
SITE REINSTATEMENT

The operator must ensure that the site is left in a good condition by:

- removing any rubbish or litter from the site;
- repairing any damage caused by the occupation of the site;
- removing any manure, all straw or other material; and
- removing any materials used to protect any public works or to gain access to or egress from the site.

GIVING NOTICE

To ensure that the neighbours of a circus or carnival site are identified, any concerns of amenity are addressed, and to foster a good neighbour image for the circus or carnival before the site is occupied, written notice



THE REQUIREMENTS TO BE MET

that a circus or carnival will occupy a site must be given to any resident or business operator whose residence or place of business either abuts the site, or is opposite the site, at least 14 days before the site is to be occupied unless:

- the municipality designates the site (by local law or other means) as one which is appropriate for occupation by a circus or a carnival;
- the place of residence or business is more than 100 metres from the circus or carnival including the Big Top, 'exotic' animals, stalls, rides, sideshows, electricity generating equipment, on-site parking area, residential caravan or trailer, or other equipment.

The notice must contain the following information:

- the expected duration of the occupation;
- a brief description of the occupation, that is, it is a circus or carnival and whether animals will be kept on the site;
- a brief description or site sketch to indicate where the Big Top, stalls rides or sideshows will be located on the site and where any exotic animals will be kept;
- the operating hours;
- a statement that the circus or carnival must comply with this code of practice, a copy of which may be viewed at the offices of the municipal council;

- a statement to the effect that: if the person to whom notice is required to be given believes that they may be adversely affected by the occupation, they may make a written objection to the council before the site is occupied. The objection should state how they believe they will be affected, and the objection must be lodged in writing with the local council; and
- the address of the local council.

To confirm that notice has been given it will be sufficient for the operator to:

- obtain written confirmation from any resident or business operator who was required to be given notice, that the notice was given; or



- make a statutory declaration to this effect; or
- keep a log or diary for this purpose.

The following information must be recorded in any log or diary:

- to whom the notice was given, that is, the occupier;
- when the notice was given;
- where the notice was given;
- the form in which the notice was given, that is, by letter, notice or otherwise; and
- the details of the notice given, that is, a copy of the notice.

The onus is on the circus or carnival operator to ensure that the municipality has an up to date copy of the Code of Practice to be viewed by the public.

CONSIDERING OBJECTIONS

Any objection must be in writing and lodged with the council two days before the specified period of occupation of the site. If the council receives a written objection from a person who was required to be given notice and the council believes that the occupation of the site will cause detriment to that person, the council must:

- advise the operator of the objection and its content; and

- give the operator an opportunity to comment on the objection.

Once the council has notified the operator of the objection and it has given the operator an opportunity to comment, the site must not be occupied by the circus or carnival unless:

- the objection is withdrawn; or
- after investigation, the council resolves that the use would not cause detriment; or
- a permit is granted (the permit process provides the mechanism for a review of the objection).

In any case, the council must notify the circus or carnival operator of the outcome as soon as it is reasonably possible to do so.



