

# Places of Public Entertainment



Section 49 of the *Building Act 1993* states, public entertainment must not be conducted in a place of public entertainment unless an occupancy permit has been issued for the use of the entertainment.

## **A Place of Public Entertainment is:**

- (a) a building in which is used or intended to be used for the purpose of providing public entertainment; or
- (b) a place which is enclosed or substantially enclosed; or
- (c) to which admission can be gained by payment of money or the giving of other consideration.

## **An Occupancy Permit is required for:**

- (a) An assembly or public buildings (Class 9b) having an area greater than 500m<sup>2</sup> and any prescribed temporary structures; and
- (b) A place having an area greater than 500m<sup>2</sup>.

## **Prescribed temporary structure is:**

- 1. tents, marquees or booths with a floor area greater than 100m<sup>2</sup>;
- 2. seating stands for more than 20 persons;
- 3. stages or platforms (including sky borders and stage wings) exceeding 150m<sup>2</sup> in floor area;
- 4. prefabricated buildings exceeding 100m<sup>2</sup> other than ones placed directly on the ground surface.

Prescribed Temporary Structures have additional requirements under the *Building Act*. Any Prescribed temporary Structure must have a separate **Occupancy Permit** issued by the **Victorian Building Authority** and must be designed in accordance with engineering principles to provide for their structural safety and the safety of the public and other persons using them.

## **What are the Requirements for obtaining an Occupancy Permit for a Place of Public Entertainment?**

Without limiting the conditions that are specified on an occupancy permit issued by the Victorian Building Authority for temporary structures or other requirements under the building regulations, an occupancy permit for a place of public entertainment may be issued subject to conditions relating to;

- 1) the engagement of safety officers to be in attendance at the place of public entertainment to provide for the safety of the public;
- 2) the safety training qualifications to be held by any person engaged as a safety officer as required by the chief officer or the Commission;
- 3) the responsibilities of the safety officer which include;
  - a) the operation of fire safety elements, equipment and systems;
  - b) the establishment and operation of evacuation procedures;
  - c) the safety of barriers and exits;
  - d) the control of the use of naked flame in theatrical productions;



- 4) the exclusion of the public from unsafe areas;
- 5) the keeping, testing and storage of flammable material or explosive items and equipment in safe manner, to the extent that this is not required by any other Act or regulations;
- 6) 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 regulations;
- 7) the location and designation of passageways and exits;
- 8) the availability of public toilet facilities and the condition of those facilities.

## HOW TO APPLY FOR AN OCCUPANCY PERMIT

The following checklist of information is required to accompany an application for an Occupancy Permit to conduct public entertainment;

- Complete and return the attached **Occupancy Permit application form** for the public entertainment, **Landowners Authorisation form** (if you are not the owner of the land) and **Siting Approval application form** for all prescribed temporary structures.
- Site plan showing locations and descriptions of all buildings, temporary structures and individual displays. Including details of any flammable material or explosive items proposed.
- Occupancy Permit Certificates, including conditions, issued by the Victorian Building Authority for all temporary structures greater than 100m<sup>2</sup>.  
**Please note that Certificates of Compliance must be provided by the relevant registered temporary structure erector prior to use or occupation of a temporary structure.**
- Land owner's approval is required for the event to be carried out on the nominated days.
- Details of the number and qualification of safety officers that will be in attendance during the event.
- Copy of Risk Assessment and Emergency Management Plan to be provided.
- Description and locations of any unsafe areas and details of safety barriers to ensure the public are excluded from **unsafe areas**.
- Locations of designated public exits.
- Details of public toilets and associated facilities and condition of facilities.
- Occupancy Permit Application Fee
- Access passes to be provided to Council Building Staff so on-site inspections can be carried out.

For further advice on the requirements of conducting public entertainment in a place of public entertainment, please contact Council's Building Department on 1300 366 244.

The information contained in this sheet has no legal status. It is intended that the information is to be used as a guide only and should not be relied upon to the exclusion of obtaining professional or first-hand advice.



# Application for Occupancy Permit



**FORM 6**  
**Building Act 1993**  
**BUILDING REGULATIONS 2018**  
Regulation 186

**Applicants Details**

*Note: If the applicant is not the landowner, written consent is required from the landowner for the event.*

Name .....Company.....

Postal Address.....

Telephone No .....

Signed..... Date...../...../.....

Landowners name (if not the Applicant).....

Postal Address.....

Telephone No ..... Email .....

**Property Details**

In accordance with Part 5, Division 2 of the *Building Act 1993*, I hereby apply for an Occupancy Permit to conduct public entertainment at a place of public entertainment at:

Street No.....Street/Road.....

Town..... Lot/s.....LP/PS.....

Volume.....Folio.....

**Date and duration of public entertainment event**

Commencement date & time ..... Completion date & time.....

Total Number of Attendees .....

**Description of proposed public entertainment event**

.....  
.....  
.....

Signature of applicant: .....

Date .....

Office Use Only: (Short Key 143)

DATE .....

RECEIPT NO.....

FEE PAID.....

**Relevant Fee: \$343.00**

The personal information requested on this form is being collected by Council for a Building Services application. The personal information will be used solely by Council for that primary purpose, or directly related purposes. The application understands that the personal information provided is for this Building Services application and that they may apply to Council for access and/or amendment of the information.

18 Desailly Street (PO Box 506) SALE VIC 3850 Ph: 1300 366 244 Email: [enquiries@wellington.vic.gov.au](mailto:enquiries@wellington.vic.gov.au)



*The Heart of Gippsland*

# Siting Application for Temporary Structures



The *Building Act* 1993, Section 57 (1)

## Applicants Details (Event Organiser)

Name ..... Company.....

Postal Address.....

Telephone No .....

Signed..... Date...../...../.....

## Property Details

Street No.....Street/Road.....

Oval/Reserve Name.....

Town..... Lot/s.....LP/PS.....

Volume.....Folio.....

## Temporary Structure/s Details

(Photocopy form if additional location of structure details required.)

A scaled site plan, plans of structure, computations and Form 11 where applicable and Victorian Building Authority Occupancy Permit Documents. Each structure to be individually referenced.

### Location of Structure 1.

(Site Number or Reference).....

Structure Type: ..... Description: .....

Building Control Commission Occupancy Number: ..... Size (m<sup>2</sup>):.....

## Building Practitioner Details

Name: ..... Phone Number: .....

Category: Erector or supervisor (temporary structures) Class: .....

Registration No: .....

Signature (Event Organiser): .....Date:.....

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