



PLACE OF PUBLIC ENTERTAINMENT-OCCUPANCY PERMITS GENERAL INFORMATION

The Building Act 1993 (Part 5, Division 2) states that a person must not conduct Public Entertainment in a Place of Public Entertainment (POPE) unless an Occupancy Permit has been issued for that entertainment:

What is a Place of Public Entertainment?

- A Building or Place used or intended to be used for conducting public entertainment or a public meeting in:
- A building of more than 500m² or
- A place of more than 500m² which is enclosed or substantially enclosed (by fencing structures or natural features) that a reasonable person would see as being an exclusive area.
- It may also include the erection of a prescribed temporary structure as follows:
 - A tiered seating stand for more than 20 persons (A person is deemed to be a width of 450mm along the tier of seating).
 - A marquee of more than 100m²
 - A tent of more than 100m²
 - A stage of more than 150m²

Examples of public entertainment may include:

- Festivals
- Community fairs/agricultural shows
- Sporting events
- Live music events and performances
- Carnivals or Circuses
- Rodeos

COMMUNITY BASED ORGANISATIONS:

Important changes to the definition of a Place of Public Entertainment:

On the 9 July 2013 the State Government introduced the Building Amendment (Places of Public Entertainment) Regulations 2013.

The main purpose of the amended Regulations was to change the definition of a Place of Public Entertainment. The changes now allow not for profit community-based organisations to hold outdoor public entertainment events where the maximum number of persons attending the event at any one time will not exceed 5000 persons, without the need to obtain an Occupancy Permit.

What if I plan to run a Public Entertainment in a Building having a floor area greater than 500 square metres?

The Public entertainment may be held in the building providing the number of persons attending the entertainment does not exceed the number of persons specified on an Occupancy Permit for the building and the building has an Occupancy Permit allowing the use of a Class 9b Assembly Building.

What you will need to submit with the application for the POPE Occupancy Permit

1. Completion of the application form; **the application form can be downloaded from Council's web site**
2. Full details and description of the event
3. A plan of the Building or Place drawn to a suitable scale showing –
 - a. All marquees, stages, seating stands and temporary structures;
 - b. A copy of the current Occupancy permit issued by the Building Commission for any Prescribed Temporary Structure the stage, marquee/tent or tiered seating stands (A separate application form is applicable to Siting Approval for Temporary structures)

- c. Existing and proposed toilet facilities for use by patrons including accessible toilets for use by persons with a disability.
 - d. Number of drinking fountains or water outlets
 - e. Fire extinguishers and/or fire hose reels, placement of sundry items such as equipment, exits, exit signage and emergency escape lighting.
 - f. Exits and access points to the site and position of First Aid facilities.
4. Names of details of the nominated Safety officers who will be in attendance during the event, including details of any relevant qualifications and experience.
 5. An event risk assessment and a risk management plan that covers all possible public safety risks during the event.
 6. Payment of the application fee.

The following may form part of the Occupancy permit conditions –

Engagement of safety officers to implement the risk management plan at the Place of Public Entertainment Responsibilities of the safety officer may include:

- The operation of fire safety elements, equipment and systems
- The establishment and the implementation/operation of evacuation procedures
- Safety of barriers and exits
- Control of the use of naked flame in theatrical productions
- Exclusion of the public from unsafe areas
- 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 regulations
- 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
- Location and designation of passageways and exits
- Implementation and manage all Public safety risks as identified in the Event Risk Assessment/Management plan

Safety Officers

The role of the Safety Officer is of critical importance in terms of managing public safety during an event. It is important that the Safety Officer/Officers have the required training and expertise to perform that role.

The Metropolitan Fire Brigade (MFB), run recognised training courses for Safety Officers for a Place of Public Entertainment. Please contact the MFB to obtain information in relation to such training or to obtain contact details of trained Safety Officers who may be able to provide their services for your event.

Further Information: The Victorian Building Authority has released Practice Note 2013-66 titled; Occupancy Permits for Places of Public Entertainment. This Practice Note provides a detailed explanation and further guidance in relation to this topic. It can be found on the following website www.vba.vic.gov.au Search under the heading; Building Practice Notes or Place of Public Entertainment.

In relation to the recognised Safety Officer training course, the MFB are the current provider of the training, they have advised that individuals seeking Recognition for Prior Learning (RPL) must include the details of any relevant qualifications with the application for enrolment in the training course. For further information in relation to the RPL process, please contact the MFB on 1300 668 006 or 0396622311. The Country Fire Authority (CFA) South West Region 03 52402713 may also be contacted for further advice or assistance.