

What is the place / building being used for?..... Or proposed to



Public Entertainment?

Definition: A *place* used or intended to be used for entertainment or meeting to which admission may ordinarily be gained by members of the public or a *building* used for providing entertainment or meeting irrespective of admission.



In all cases check with Council's Town Planning department for the permitted use of the building or land and;

Contact Council's Traffic, Health, Local Laws, Infrastructure and Events departments for any additional requirements.



Is the public entertainment one of the following?

1. A public assembly *building* with a floor area of more than 500m²
2. A *place* used or intended to be used for *public entertainment* of an area more than 500m² - which is enclosed or substantially enclosed; or to which admission can be gained by payment of money or the giving of other consideration.
3. A seating stand for more than 20 persons.
4. A marquee of more than 100m²
5. A tent of more than 100m²
6. A stage of more than 150m² (total)



NO -

No occupancy permit required under the Building Act 1993.



YES -

An occupancy permit is required under the Building Act 1993. Contact Council's **Building Team on 1300 BCOAST (226 278)**



NOTE

Failure to obtain and/or comply with the requirements of an occupancy permit for a place of public entertainment may leave the following persons accountable and subject to prosecution:

- **Organiser**
- **Land owner or occupier**
- **Owner, occupier, lessee or hirer of temporary structures**

(See overleaf for offences)

Additional information

An application for a new occupancy permit (for the above number categories) must be made:

In the case of 1 & 2 to the Municipal Building Surveyor (Ph 1300 BCOAST (226 278)

In the case of 3, 4, 5 & 6 to the Victorian Building Authority (Ph 1300 815 127)

Definitions of Prescribed Class of Place and Buildings

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 buildings 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 of 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

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 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 structures—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 registered building practitioners.
- (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 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: 10 penalty units.