

Occupancy Permit for Places of Public Entertainment (POPE) & Prescribed Temporary Structures

Form 16, Building Regulations 2018, Regulation 186 & Regulation 209

FACT SHEET



If you are holding an event, you may need an occupancy permit for a place of public entertainment (POPE) and/or a siting approval for a prescribed temporary structure (PTS). This fact sheet will explain the definition of a POPE and a PTS, how to make an application for an occupancy permit or siting approval and what documentation must be submitted as part of the application.

Under the *Building Act 1993* (the 'Act') and Building Regulations 2018 (the 'Regulations'), the City of Melbourne has a responsibility to ensure the safety of the public at events where an occupancy permit for a POPE or a siting approval is required.

What is a place of public entertainment (POPE)?

A POPE is a place or space used for conducting public entertainment or a public meeting which exceeds 500m² in an area that is enclosed or substantially enclosed (controlled space surrounded by fencing, structures or natural features) that a reasonable person would see as being an exclusive area, and to which admission can be gained by payment of money or giving of other consideration. In certain instances, community based organisations using outdoor recreational spaces with an area greater than 500m² are exempt from requiring an occupancy permit for a POPE if the number of persons does not exceed 5000 and certain criteria is met. This exemption is not applicable if any temporary structures are to be provided for such an event. Please refer to Regulation 206 of the Regulations for circumstances that relate to exemptions for community based organisations.

A person must not conduct public entertainment or occupy a place of public entertainment unless an occupancy permit has been issued which permits its use for the entertainment. Failure to comply with this requirement is a breach pursuant to Section 49 of the Act.

What is a siting approval for a prescribed temporary structure (PTS) and when is it required

A siting approval is required for a prescribed temporary structure where public entertainment is to be conducted, prior to the installation and use of the structure. Prescribed temporary structures require an occupancy permit to be issued by the Victoria Building Authority and a copy of the occupancy permit must be submitted when applying for a siting approval to the City of Melbourne. A prescribed temporary structure includes the following:

- tents, marquees or booths with a floor area greater than 100m²
- seating stands for more than 20 persons
- stages or platforms (including sky borders and stage wings) exceeding 150m² in floor area
- prefabricated buildings with an area exceeding 100m² and that are not placed directly on the ground surface.

Please note: A prescribed temporary structure as referred to above is not a prescribed temporary structure when forming part of another building. In that instance a building permit and an occupancy permit may be required.

Is the event to be held within the City of Melbourne's parks, gardens and reserves or over the footpath or roadway?

Any event held within a Council park, garden or reserve or over the footpath or roadway must be approved by the Event Operations Team (9658 8008).

Application for an Occupancy Permit

An application for an occupancy permit for a POPE is to be made to the Municipal Building Surveyor at least 15 days

prior to the commencement of an event. For major events, advice and briefing sessions are available and additional time will be required to assess the application. Applications are to be submitted with the required level of documentation and fees.

Please note: All permits and approvals must be obtained prior to occupying or commencing an event. Failure to comply with these requirements may result in penalties and fines being issued and include the cancellation of the event. Applications for events in laneways will require consideration of all surrounding premises, exits, etc. For more information on any of the issues covered in this fact sheet please contact the City of Melbourne Building Control Group on 9658 9658.

When do I apply?

There is a minimum length of time prior to the commencement of an event that an application for an occupancy permit must be submitted to the Municipal Building Surveyor:

Less than 5,000 maximum occupation	15 business days
5,000 to 10,000 maximum occupation	20 business days
10,000+ maximum occupation	60 business days

Places of Public Entertainment (POPE) Application Format

- 1. Brief description of event (cover letter)**
- 2. Completed Application Form and completed document checklist**
- 3. Schedule of all proposed *Prescribed Temporary Structure(s)**, *Temporary Structures* and existing buildings to be used during the event. The event schedule must contain:**
 - Structure being used (name corresponding with site plan)
 - Victorian Building Authority (VBA) Occupancy Permit number for the Prescribed Temporary Structure
 - Use of structure (assembly/supporting structure/temporary seating, stage, etc)
 - Size of structure in metres
 - Proposed amount of people the structure will hold
- 4. Three (3) copies of clearly labelled site plans to scale identifying the following:**
 - Locality plan showing the boundary of the proposed POPE and boundary conditions
 - Location of all existing building(s), proposed Temporary Structures, Non Prescribed Temporary Structures which can include tents, caravans, trailers, scaffolds, marquee platforms, gantries, screens of the like
 - Location of emergency exits (widths included) and emergency vehicle access
 - Location of toilets, drinking taps and medical facilities
 - Location of all existing fire suppression equipment eg. Hydrants, boosters, fire extinguishers
 - Location, height and type of perimeter fencing (if applicable)
- 5. Prescribed Temporary Structures or permanent structures** (These are to be sectioned separately eg. 5.1, 5.2)

Each Prescribed Temporary Structure or permanent structure in each section is to include:

 - Copy of the VBA Occupancy Permit
 - Plan of the structure to scale detailing floor layout and any current or proposed fire safety system (fire safety systems include fire extinguishers, fire blankets, emergency lights, exit signs and exit widths)

NOTE: VBA Occupancy Permits for Prescribed Temporary Structures in the majority of cases require the structure to be based on the ground. Structures placed on platforms or requiring extension legs may require a revised OP from the VBA.
- 6. Supporting structures for Prescribed Temporary Structures, Temporary Structures or gantries, towers, access platforms or the like greater than 1 metre above ground level.**

(These are to be sectioned separately eg 6.1, 6.2)

Temporary structures note required to be issued with a VBA Occupancy Permit require documentation to be supplied to council to the satisfaction of the Municipal Building Surveyor including:

- Approved Form - Certificate of Compliance - Design and drawings from a registered engineer
- Documentation detailing fire hazard amenities and fire safety.

Each supporting structure/scaffold/gantry/tower or like structure in each section is to include:

- Approved Form - Certificate of Compliance - Design and drawings from a registered engineer
- Locality plan

- 7. Sanitary and drinking facilities detailing the following:**
 - Site plan detailing location of facilities (facilities distributed as evenly as possible)
 - Schedule detailing the number of facilities provided
 - Male/Female/Disabled toilets
 - Wash hand basins
 - Fountains/taps provided at that location
- 8. Details of first aid facilities to be in accordance with Table F2. 101 of the BCA** (A guide is provided on the following page).
- 9. Emergency management and evacuation manual and plans, including the number of fire safety officers and first aid/ambulance officers attending.**
- 10. Details on how the event will be accessible to all members of the public.**

The details must address access to and within the proposed structures (ramps/stairs etc to be compliant with AS 1428.1/2009), the location of the proposed structures and how they will facilitate access (i.e. wide, level, firm, slip resistant surface from the road/carpark to and with the event area).

A report from a qualified and Accredited Access Consultant may be provided that:

- a. confirms the proposed design/structure meets the requirements of AS 1428.1/2009 and AS 1428.4.1/2009 or
- b. A Performance Solution that provides access that is equal to, or greater than, the Performance requirements of the Building Code of Australia relating to a building and demonstrates equitable, dignified and functional access to the structure for a person with a disability (Provision of segregated access will not be accepted).

NOTE: a qualified Accredited Access Consultant will hold either a Certificate IV or Diploma in Access Consulting and has a current member of the Association of Consultants in Access Australia (ACAA).

Places of Public Entertainment (POPE) Document checklist

Format Ref	Paperwork Check list	Note	Complete
1.	Description of event and index		<input type="checkbox"/>
2.	Application Form (FORM 16)		<input type="checkbox"/>
3.	Schedule of proposed buildings and structures to be used during the event		<input type="checkbox"/>
4.	One (1) hard copy of detailed / scaled site plans	A	<input type="checkbox"/>
5.	Prescribed Temporary Structures / permanent structure plan/ non-prescribed structures	B	<input type="checkbox"/>
	VBA Occupancy Permit	C	<input type="checkbox"/>
	Plan of structure and details and schedule		<input type="checkbox"/>
6.	Support structure / scaffold / gantry / tower / platform structure or the like		<input type="checkbox"/>
	VBA Occupancy Permit	D	<input type="checkbox"/>
	Copy of Approved Form - Certificate of Compliance - Design with drawings		<input type="checkbox"/>
	Scaffold structure		<input type="checkbox"/>
	Concourse / platform		<input type="checkbox"/>
	Gantry / tower		<input type="checkbox"/>
	Temporary Seating (VBA Occupancy Permit may be required)		<input type="checkbox"/>
7.	Sanitary Facilities (refer to BCA Vic 102.4)	E	<input type="checkbox"/>
	Male 1 WC per 200 persons, 30% of which must be water closets		<input type="checkbox"/>
	Female 1 WC per 100 persons		<input type="checkbox"/>
	Disabled 1 unisex disabled WC per 100 water closets or part thereof		<input type="checkbox"/>
	Wash hand basins 1 wash basin per 150 persons		<input type="checkbox"/>
	Drinking Fountains 1 per 150 persons		<input type="checkbox"/>
8.	First aid facilities	F	<input type="checkbox"/>
	1 room 5001 – 10,000 persons		<input type="checkbox"/>
	2 rooms 10,001 – 15,000 persons		<input type="checkbox"/>
	3 rooms 15,001 – 30,000 persons		<input type="checkbox"/>
	<i>1 room for each extra 15,000 persons or part thereof</i>		<input type="checkbox"/>
9.	Emergency management and evacuation manual		<input type="checkbox"/>
	Additional Siting Permit required	G	<input type="checkbox"/>
	Is event in City of Melbourne park, garden or reserve	H	<input type="checkbox"/>
	Is event held on Council controlled roadways or footpath	I	<input type="checkbox"/>
10.	Details of how the event will be accessible to all members of the public		<input type="checkbox"/>

Notes:

- A.** Plans must show extent of grounds, building(s) to be used. For small single structure events, the following can be shown on this site plan: emergency lighting, emergency exit signs and exit widths, location and type of fire extinguisher/fire blanket and sanitary facilities.
- B.** For large venues or multi-structure sites, individual detailed plans showing emergency exits and exit widths, exit signs and emergency lighting, location and type of fire extinguisher/blanket.
- C.** Check expiry date and whether permit covers type of structure to be used.
- D.** Check expiry date, drawing and computation (if provided) ref numbers against Approved Form
- E.** This minimum number of toilet facilities is provided as a guide only and may vary upon review of the application
- F.** Fire aid facilities station minimum room size of 24m² Rooms must contain a sink or wash hand basin. First aid facilities must be located so as to be convenient to a public road and accessible from within and outside the arena or ground. Smaller events are still required to have first aid facilities.
- G.** Additional Siting Permits may be required for any Prescribed Temporary Structures (marquee greater than 100m², stage greater than 150m² or seating stand with more than 20 persons, prefabricated buildings with a floor area exceeding 100m²) that form part of an event.
- H.** Any event held within the City of Melbourne's parks, gardens or reserves must be approved by the Event Operations Team 9658 8008.
- I.** Any event held on Council-controlled roadways or footpaths must be approved by the Event Operations Team.

Siting Approval – Temporary Structures

Application Type	Fee	Additional Notes
Per Structure	\$ 500.00	Each application includes two inspections (one hour each) during ordinary business hours. This is sufficient for the majority of applications.
Additional Inspections (per hour)	\$ 140.00	
Additional fees		Late Applications
*Late Fee per Structure	+ \$ 250.00	Late fees apply if an initial application has not been submitted at least 2 weeks prior to the event start date. Applications submitted less than 10 business days prior to the event will not be accepted unless authorised by the Municipal Building Surveyor.

Occupancy Permit for Places of Public Entertainment (POPE)

Application Type	Fee	Additional Notes								
500m ² to 5,000m ²	\$1,500.00	Max 5 structures (includes 2 hours of inspections)								
5,001m ² to 15,000m ²	\$2,500.00	Max 20 structures (includes 6 hours of inspections)								
15,001m ² to 25,000m ²	\$4,000.00	Max 30 structures (includes 8 hours of inspections)								
25,001m ² +	\$6,025.00	Max 50 structures (includes 12 hours of inspections)								
Additional structures over limit	\$145.00	<ul style="list-style-type: none"> Charged per extra structure over limit specified above Each application includes inspections during ordinary business hours, between 8am and 4:30pm. When requested or if required, after hours or weekend inspections will incur additional charges. Please confirm prior to booking. 								
Inspections (per hour per officer)	\$145.00									
Additional Fees		Late Applications								
Late Fee 500m ² to 5,000m ²	+ \$710.00	Late fees apply if an initial application has <u>not</u> been submitted within the following time frames before the event: <table border="1" data-bbox="743 1585 1347 1792"> <tbody> <tr> <td>500m² to 5,000m²</td> <td>2 weeks</td> </tr> <tr> <td>5,001m² to 15,000m²</td> <td>4 weeks</td> </tr> <tr> <td>15,001m² to 25,000m²</td> <td>6 weeks</td> </tr> <tr> <td>25,001m²</td> <td>8 weeks</td> </tr> </tbody> </table>	500m ² to 5,000m ²	2 weeks	5,001m ² to 15,000m ²	4 weeks	15,001m ² to 25,000m ²	6 weeks	25,001m ²	8 weeks
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25,001m ²	8 weeks									
Late Fee 5,001m ² - 15,000m ²	+ \$1,150.00									
Late Fee 15,001m ² - 25,000m ²	+ \$2,000.00									
Late Fee 25,001m ² +	+ \$3,015.00									
Variation to Occupancy Permit										
	\$ to be confirmed on application	Due to a variation of workload that can result from these requests, it is necessary to assess variations on an individual basis								



Application for
**Occupancy Permit for
Places of Public Entertainment
(POPE)**

Form 16, Building Regulations 2018, Regulation 186

Applicant Details

Contact Info	Name:	
	Company Name:	
	Telephone:	Mobile:
Emergency Contact person	Email:	
	Name:	Mobile:

Event Organiser Details

Contact Info:	Name:	
	Email:	Mobile:

Event Details

Name of Event	Name:		
Street Address of Event	Unit:	Street No:	Street Name:
	Suburb:	State:	Postcode:
	Reserve or Oval name Name:		
Duration of Event	Commencing:	To:	Maximum Occupation:
	Day Event <input type="checkbox"/> Night Event <input type="checkbox"/> Both <input type="checkbox"/>		

Maximum Occupation is the maximum number of patrons and staff at any point in time.

Applicant Declaration

Signature:

Date:

By signing this application:

I declare to the best of my knowledge and confirm that the details submitted with this application are true and correct.
I understand and accept that all fees are non-refundable.

Lodgement

Lodgement and payment may be made using one of the following options:

Email/Phone Email: bcgevents@melbourne.vic.gov.au
Telephone: 61 03 9658 9658

For applications lodged via phone or email, an officer will contact you via email with a reference number and instructions to make payment online or by phone.

Please note that failure to make payments will result in the application being delayed or refused.

In person Payment can be made in person from 7:30am to 5pm Monday to Friday at Melbourne Town Hall Administration Building, 120 Swanston Street, Melbourne.

Mail Building Department
City of Melbourne
GPO BOX 1603
Melbourne VIC 3001

Only cheque or money orders are acceptable for applications received by mail. Please make cheques or money order payable to the City of Melbourne.

The City of Melbourne is committed to protecting your privacy. The personal information requested on this form is being collected by City of Melbourne for the assessment of Temporary Occupancy Permit applications, parts of which are set out in the Building Act 1993 and Building Regulations 2018. The personal information will be used for the following purposes:

- correspond with you about your permit application
- or for any other directly related, or reasonably related purposes.

The information you provide may be made available:

- to relevant officers within Council and other pertinent Government agencies directly involved in the Temporary Occupancy Permit process
- contract service providers, where necessary or appropriate
- to persons accessing information in accordance with the Public Records Act 1973, or the Freedom of Information Act 1982.

It will not be disclosed to any other external party without your consent, unless required or authorised by law. If the personal information is not collected, we may not be able to process your application. If you wish to access or alter any of the personal information you have supplied please contact the City of Melbourne by telephone 03 9658 9658 or email enquire@melbourne.vic.gov.au