

## Building Practice Note BP-10: Places of Public Entertainment

This Practice Note specifies the requirements for places of public entertainment.

The context below provides guidance for:

- Place of public entertainment (POPE)
- Obtaining an occupancy permit for a POPE
- Obtaining an occupancy permit for a prescribed temporary structure

### Abbreviations & Definitions

The abbreviations and definitions set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993 (the Act), Building Regulations 2018 (the Regulations) or the National Construction Code 2019 (NCC).

- **Act** – The Building Act 1993
- **BCA** – Building Code of Australia (Volume 1 and Volume 2)
- **Conduct** – to have a pecuniary interest in the proceeds or profits of the entertainment
- **POPE** – Place of Public Entertainment
- **Public Entertainment** – Entertainment or meeting to which admission may ordinarily be gained by members of the public
- **RBS**– Relevant Building Surveyor
- **Regulations**– Building Regulations 2019

### Place of Public Entertainment (POPE)

The Act only governs public entertainment conducted at a POPE.

Section 3(1) of the Building Act 1993 (Act) defines a POPE in the following way:

- 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.

## Prescribed building or prescribed class of building

The Act and Regulations do not specify a prescribed building. However, regulation 206(1) sets out prescribed classes of building as:

- a) class 9b buildings with an area greater than 500 m<sup>2</sup>; and
- b) prescribed temporary structures (regulation 207).

Class 9b buildings (e.g., sports stadiums, sports club, and halls) generally already have an occupancy permit to permit its use to hold public entertainment. Where the public entertainment exceeds the scope of the existing occupancy permit for Class 9b buildings greater than 500 m<sup>2</sup>, a POPE occupancy permit is required.

Prescribed temporary structures used to provide public entertainment require a POPE occupancy permit.

## Prescribed place or place in a prescribed class of places

Regulation 206(1)(b) prescribes a class of places as “a place with an area greater than 500 m<sup>2</sup>” unless-

- a) the place is used for the purposes of conducting an event or activity which is organised and controlled by a community-based organisation; and
- b) the number of persons in the place at any one time during the event or activity does not exceed 5000.

Regulation 206(2) clarifies that a community-based organisation means a body that-

- a) is not established primarily for the purposes of profit or gain; and
- b) does not distribute any part of any profit or gain made in the conduct of its activities to any member of the organisation; and
- c) operates in a community wholly for-
  - i. A philanthropic or benevolent purpose including promotion of art, culture, science, religion, education, or charity, or
  - ii. Any sporting or recreational purpose, including the benefitting of any sporting or recreational club or association.

In some instances, community-based organisations host events that require a POPE occupancy permit. These events are larger scale (e.g., the number of persons in the place at any one time during the event or activity exceeds 5,000 in a place larger than 500 m<sup>2</sup>), where the event is conducted in an enclosed or semi enclosed place and entry to the event is controlled, or to which admission can be gained by payment of an admission fee or other consideration.

Examples of these events can include football finals and grand finals run by the competition’s association, open air concerts, and agricultural shows. A POPE occupancy permit is required for these events irrespective of whether they are conducted by a community- based organisation or a commercial business.

## Obtaining an occupancy permit for a POPE

As per section 49 of the Act, a person is prohibited from conducting public entertainment in a POPE unless an occupancy permit has been issued for the entertainment.

In addition, section 50 of the Act prohibits an owner or occupier of a POPE from allowing the place to be used to provide public entertainment unless an occupancy permit has been issued for the entertainment.

To obtain an occupancy permit for a POPE, an application needs to be made to the council municipal building surveyor.

## Obtaining an occupancy permit for a prescribed temporary structure

As per section 52 of the Act, an owner, occupier, lessee, or hirer of a prescribed temporary structure must not permit a prescribed temporary structure to be used to provide public entertainment.

Furthermore, regulation 207 defines a prescribed temporary structure (if they do not form part of a building other than a temporary structure or temporary building) as a:

- a) tents, marquees, or booths with a floor area greater than 100 m<sup>2</sup>
- b) seating stands for more than 20 persons
- c) stages or platforms (including sky borders and stage wings) exceeding 150 m<sup>2</sup> in floor area
- d) prefabricated buildings with an area exceeding 100 m<sup>2</sup> and that are not placed directly on the ground surface.

To obtain an occupancy permit for a prescribed temporary structure, an application needs to be made to the VBA at <https://www.vba.vic.gov.au/building/prescribed-temporary-structures>.



Regulation 208 exempts requirements for a building permit for building work related to prescribed temporary structures.

## Related Documentation

- Building Act 1993 (VIC)
- Building Regulations 2018 (VIC)

## Version History

- Version 2.0, published 28 June 2021, supersedes Practice Note 66: Places of Public Entertainment

## Contact Us

If you have a technical enquiry, please email [technicalenquiry@vba.vic.gov.au](mailto:technicalenquiry@vba.vic.gov.au) or call 1300 815 127.

### **Victorian Building Authority**

Goods Shed North  
733 Bourke Street  
Docklands VIC 3008

[www.vba.vic.gov.au](http://www.vba.vic.gov.au)

## Copyright

© June 2021 Victorian Building Authority (VBA).

This Practice Note has been prepared and published by the VBA for general educational and information purposes only. This publication must not be copied, reproduced, published, adapted, or communicated by any person without the VBA's prior written consent or as permitted by the Copyright Act 1968 (Cth). The VBA makes no warranties or representations whatsoever about the accuracy, reliability, suitability, completeness or authenticity of any information or material contained in this resource. Any use or reliance on such information is at a person's own risk. The VBA accepts no liability whatsoever for any direct, indirect, or consequential loss or damage any person may suffer arising out of or in connection with the access or use of this resource (including any third-party material included in this resource).