

When do you need a place of public entertainment (POPE) Occupancy Permit or Temporary siting approval

A place of public entertainment is defined as -

- 1) A building or part of a building used or intended to be used for the purpose of providing public entertainment or a public meeting; or,
- 2) A prescribed place or place in a prescribed class of places-
 - a) which is enclosed or substantially enclosed; or
 - b) 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.

Typical examples of places of public entertainment

- 1) A public assembly building of more than 500m² or
- 2) A place or area of more than 500m².

Examples of events that may require a POPE Occupancy Permit

- Circus
- Grand Prix
- Rodeo or camp draft
- Cinema in the Park
- Community Fair / Show (eg Agricultural Show)
- Kids Carnival
- Community Cup
- Live Performances (e.g. music concerts)

Siting of prescribed temporary structures

Events may also require the erection of prescribed temporary structures. These are defined by meeting one or more of the following triggers-

- 1) seating stand for more than 20 persons
- 2) marquee of more than 100m²
- 3) tent of more than 100m²
- 4) booth of more than 100m²
- 5) stage or platform (inc. sky boarders and stage wings) of more than 150m²
- 6) prefabricated buildings with an area exceeding 100 m² and that are not placed directly on the ground surface

When the above triggers are met temporary siting approval is required to be issued by the Council Municipal Building Surveyor.

Note: If a prescribed temporary structure is used for the purpose of providing public entertainment it must have an occupancy permit under Division 2 of Part 5 of the Act and meet the requirements of the Authority under that permit.

Exemptions for POPE Occupancy Permits

The regulations exempt community-based organisations from the requirements of an occupancy permit for place of public entertainment, if:

Regulation 206(1)(b) prescribes a class of places as a place with an area greater than 500m² unless:

- i. the place is used for the purposes of conducting an event or activity which is organised and controlled by a community-based organisation; and
- ii. 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 500m²), 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.

More information

For further information visit VBA practice note

[VBA POPE Practice Note](#)