

# Place of Public Entertainment (POPE) & Temporary Occupancy Permits (TOP)

## What is a POPE and TOP?

Under the Building Act 1993, a Place of Public Entertainment (POPE) and/or Temporary Occupancy Permit (TOP) may be required for events that need to temporarily occupy a building or public space.

These permits have a checklist of requirements that event organisers must meet to ensure the safety and wellbeing of the people attending.

Sections 49 and 50 of the Building Act prohibit the conducting of public entertainment where an Occupancy Permit is applicable, unless the Municipal Building Surveyor has issued a permit for the event.

## When does a POPE and/or TOP Apply?

A **Place of Public Entertainment** is defined as a building, place or venue used or intended to be used for the purpose of public entertainment.

A POPE Permit is applicable when the place of entertainment is area greater than 500m<sup>2</sup> and:

- Is enclosed, or substantially enclosed  
or
- An admission fee is charged

An exemption is in place for Community Based Organisations<sup>1</sup> if the number of persons at any one time during the event or activity does not exceed 5,000.

Note: an exemption to obtain a POPE permit does not exempt the requirement to obtain an occupancy permit for a prescribed temporary structure.

A **Temporary Occupancy Permit** is required when an event proposal includes any Prescribed Temporary Structures<sup>2</sup>, ie:

- A stage or platform exceeding 150m<sup>2</sup>
- A tent, marquee or booth with a floor area greater than 100m<sup>2</sup>
- A seating stand that accommodates more than 20 people
- A prefabricated building exceeding 100m<sup>2</sup> other than ones placed directly on the ground.

If you are unsure whether POPE or TOP Permits are required for your event email [buildingenquiries@maribyrnong.vic.gov.au](mailto:buildingenquiries@maribyrnong.vic.gov.au).

## How much does it cost?

City of Maribyrnong's current Building Services Fee Schedule (gst inclusive) for Places of public entertainment:

Application for Occupancy Permit for Prescribed Temporary Structure - Place of Public Entertainment (POPE) (500-1,000m <sup>2</sup> )	\$1,537.00
Application for Occupancy Permit for Prescribed Temporary Structure (POPE) (1,001-5,000m <sup>2</sup> )	\$2,562.00
Application for Occupancy Permit for Prescribed Temporary Structure (POPE) (5,001-10,000m <sup>2</sup> )	\$3,587.00
Application for Occupancy Permit for Prescribed Temporary Structure (POPE) (>10,001m <sup>2</sup> )	\$6,252.00
Additional structures over limit	\$154.00
Additional inspection / inspection over weekend or public holidays for POPE (per hour)	\$256.00

## How do I apply?

City of Maribyrnong's application form for POPE and TOP Permits can be obtained by emailing [buildingenquiries@maribyrnong.vic.gov.au](mailto:buildingenquiries@maribyrnong.vic.gov.au).

Applications and supporting documents should be submitted to [buildingenquiries@maribyrnong.vic.gov.au](mailto:buildingenquiries@maribyrnong.vic.gov.au)

**\*All Permits must be obtained prior to occupying the event. Failure to comply with these requirements may result in penalties and fines being issued &/or cancellation of the event.**

### Foot notes:

1. Community-based organisation means a body whether incorporated or not that:
  - is not established primarily for the purposes of profit or gain; and
  - does not distribute any profit or gain made in the conduct of its activities to members; and
  - operates in a community wholly for either:
    - a philanthropic or benevolent purpose (eg. A school council); or
    - any sporting or recreational purpose (eg. A football or netball club).
2. The siting of the temporary structure is subject to the approval of the municipal building surveyor. The erection of the temporary structure must be carried out by registered building practitioners. An application for an occupancy permit for a prescribed temporary structure must be made to the Victorian Building Authority.

*This document is current as at June 2019 and provides a summary of information from the Victorian Building Act 1993, the Victorian Building Authority and City of Maribyrnong's Building Services.*

*For further information and to ensure you are working to the most relevant and recent legislation and/or guidelines, visit:*

[Victorian Building Authority](#)  
[City of Maribyrnong](#)