

# 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 45 and 59 of the Building Act 1993 prohibit the conducting of public entertainment where a **Place of Public Entertainment (POPE)** is applicable, unless the Municipal Building Surveyor has issued a permit for the event.

## When does a POPE 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:

- Holding an event in an enclosed or substantially enclosed area of land more than 500m<sup>2</sup>, **or**
  - Charging an entry fee (including donations and gifts), **or**
  - Are holding your event in a public building of more than 500m<sup>2</sup>, **or**
- An exemption is in place for Community Based Organisations 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, including;

- 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 current Building Services Fee Schedule indicates relevant fees (GST inclusive) for Places of Public Entertainment (POPE)

## How do I apply?

You will need to submit the following documentation:

1. Complete the Application Form including a detailed description of your proposed event
2. Payment of the relevant fees (refer to Building Services schedule of fees and charges)
3. Emergency Management and Evacuation Plan
4. Risk Management Plan.
5. Detailed site plan of your place of entertainment to minimum 1:500 scale clearly indicating the following:
  - All temporary structures including marquees, stages and seating stands
  - Copy of the current occupancy permit issued by the Victorian Building Authority for any Prescribed Temporary Buildings / Structures
  - Existing and proposed toilet facilities for use by patrons, including accessible toilets and number of drinking fountains/outlets
  - Fire extinguishers and placement of equipment
  - Access and egress points to the site and location of first aid facilities if required

***Applications are encouraged to apply as early as possible no less than 12 weeks prior to the event to allow a Council officer to review and identify other approvals and permits the event may require.***

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

Once completed, 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.**

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

Victorian Building Authority-

**[BP 10 Places of public entertainment \(vba.vic.gov.au\)](http://vba.vic.gov.au)**

Maribyrnong City Council -

**[Apply for an event permit - Maribyrnong](#)**

### NOTES:

1. A 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 (e.g. A school council); or
    - any sporting or recreational purpose (e.g. 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 occupancy permit for a prescribed temporary structure must be approved by the Victorian Building Authority.
3. This document is current as at 1 July 2023 and provides a summary of information from the Victorian Building Act 1993, the Victorian Building Authority and Maribyrnong City Council Building Services.