

Pursuant to Section 49 of the Building Act 1993 a person must not “conduct” a “public entertainment” in a “place of public entertainment” unless an Occupancy Permit (POPE permit) has been issued by the Municipal Building Surveyor or a Private Building Surveyor which permits its use for the entertainment.

These requirements relate to “public entertainment” held within certain **building(s)** and also certain outdoor events held at a **place**. Community based organisations are often exempt from needing a POPE permit, depending on certain criteria being met.

DEFINITIONS

A “place of public entertainment” means –

- a class 9b **building** (public building) with an area greater than 500m2,
- a **place** (outdoor) with an area greater than 500m2 which is enclosed or substantially enclosed, or which admission can be gained by payment of money or the giving of other consideration,

-and which is intended to be used for the purpose of providing “public entertainment”.

“**public entertainment**” is defined as an entertainment or meeting which admission may ordinarily be gained by members of the public.

“**conduct**” means to have a direct or pecuniary interest in the proceeds or profit of the entertainment.

“**community based organisation**” means a body, whether or not it is a corporate 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. philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity; or
 - ii. any sporting or recreational purpose, including the benefiting of any sporting or recreational club or association.

WHEN DO YOU NEED A POPE PERMIT? – Community based organisations

Question 1. Is the “public entertainment” being conducted by a “community based organisation” (see definition)?

Yes No

Question 2. Is the “public entertainment” being conducted at a **place** (outdoor)?

Yes No

Question 3. Is the number of persons at the **place** at any one time, less than 5000?

Yes No

If you have answered yes to questions 1 and 2 and 3, a POPE permit is not needed.

WHEN DO YOU NEED A POPE PERMIT? – Individuals or other organisations

Question 4. Is the **building** or **place** used or intended to be used for the purpose of “public entertainment” (see definition)?

Yes No

Question 5. Does the **building** or **place** have an area greater than 500m2?

Yes No

Question 6. Is the **place** enclosed or substantially enclosed?

Yes No

Note: enclosed or substantially enclosed is considered to be a controlled space (by fencing, structures, or natural features) that a reasonable person would see as being an exclusive area.

Question 7 - Is admission to the place gained by payment of money or giving of other consideration?

Yes No

If you have answered yes to questions 4 and 5 and either question 6 or 7, a POPE permit is needed. An application for Occupancy Permit for a Place of Public Entertainment must be made to the Municipal Building Surveyor.

HOW TO APPLY FOR A POPE PERMIT?

- Use this [link](#) to download the application form
- Complete all sections
- Make application and payment either:
 - In person at Councils Colac office at **2-6 Rae Street COLAC** or
 - By mail to: Municipal Building Surveyor
Colac Otway Shire
PO Box 283
COLAC VIC 3250



PRESCRIBED TEMPORARY STRUCTURES

Sometimes a place of public entertainment (POPE) will feature one or more prescribed temporary structures.

Prescribed Temporary Structures are:

- Tents, Marquees or Booths with a floor area greater than 100 m².
- Seating stands for more than 20 persons.
- Stages or platforms (including sky borders and sky wings) exceeding 150 m² floor area.
- Pre-fabricated buildings exceeding 100 m² other than those placed directly on the ground surface.

The siting / locating of any prescribed temporary structures must be approved by Councils Municipal Building Surveyor. Other requirements apply to prescribed temporary structures. These include:

- a. The issuing of an Occupancy Permit for the prescribed temporary structure(s) from the Victorian Building Authority.
- b. The erection of a prescribed temporary structures must be carried out by a registered temporary structures practitioner in the appropriate category.
- c. A Certificate of Compliance-Inspection must be issued by a registered temporary structures practitioner in the appropriate category, after the structures has been erected.
- d. The Certificate of Compliance-Inspection and Occupancy Permit (issued by the VBA) is to be displayed on / within the prescribed temporary structure.

HOW TO APPLY FOR SITING APPROVAL OF A PRESCRIBED TEMPORARY STRUCTURE?

- Use this [link](#) to download the application form
- Complete all sections
- Make application and payment either:
 - In person at Councils Colac office at **2-6 Rae Street COLAC** or
 - By mail to: Municipal Building Surveyor
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