



PLACE OF PUBLIC ENTERTAINMENT (POPE) FACT SHEET

From 26 October 2007, regulation of the erection of temporary structures and the use of buildings or temporary structures as places of public entertainment (POPE'S) will be transferred to the Environmental Planning and Assessment Act 1979 (EP&A Act) from the Local Government Act 1993 (LG Act).

The legislative changes streamline the approval requirements for these types of development while continuing to provide for public safety. The changes will promote opportunities for live entertainment and make it easier to stage some private functions and community events where temporary structures are to be erected.

Transfer of the approval process

From 26 October 2007, regulation of the erection of temporary structures and the use of buildings or temporary structures as POPE'S will be under the EP&A Act only. Previously, the use of a POPE (including by the crown) has required approval under the LG Act. Similarly, the installation of a temporary structure has usually required LG Act approval. The transfer will occur when certain provisions in the Local Government and Environmental Planning and Assessment Amendment (Transfer of Functions Act) Act 2001 commence.

A new State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 (the SEPP) and associated amendments to the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), gazetted on 28 September 2007, also come into force on 26 October 2007. The SEPP introduces regulatory requirements and other provisions relating to temporary structures and POPE'S.

Changes to the Environmental Planning and Assessment Act

New definitions are being inserted in the EP&A Act so that the use of a POPE or the erection of a temporary structure will be developed under the EP&A Act:

Places of public entertainment

They include theatres, cinemas and public halls used for public entertainment and licensed premises and registered clubs used for entertainment.

Temporary structures

They include tents, marquees, booths and other temporary enclosures and mobile structures.

Also the definition of "building" will be amended to include temporary structures.

What is Public Entertainment?

Public Entertainment means entertainment to which admission may ordinarily be gained by members of the public on payment of money, or other consideration and includes a public meeting.

What is a Place of Public Entertainment?

Places of Public Entertainment include drive-in theatres, open air theatres, theatres, public halls and licensed premises. It may also include temporary structures like tents, marquees, booths and other temporary enclosures and mobile structures that may be used for traveling productions or trade shows and the like.

How do I get approval?

Approvals under the new State environment planning policy:

Permissibility of development

State Environment Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 provides that the erection of a temporary structure or the use of a building as a POPE requires development consent except as otherwise provided for in the policy or where the use of a particular type of POPE or the erection of a particular type of temporary structure is identified as exempt or complying development, or is prohibited, in another environmental planning instrument such as a local environmental plan.

The new SEPP sets out the matters to be considered by the consent authority (in most instances the local council) when determining a development application for the use of a building as a POPE or the erection of temporary structure.

Exempt and complying development

The SEPP identifies certain development as exempt or complying development. The SEPP sets standards for the use of a POPE or the erection of a temporary structure to qualify as exempt or complying development, and imposes conditions on complying development to cover matters of safety, amenity and protection of the environment.

Exempt development under the SEPP includes the erection and use of some temporary structures for certain private functions and community events. The SEPP also amends State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development to insert provisions relating to the use of certain temporary structures for filming.

Complying development under SEPP also includes the erection and use of some temporary structures as POPE'S and for community events, and the use if some existing buildings as POPE'S.

Existing building

If you propose to change the use of an existing building for use as a place of public entertainment you will be required to lodge a development application for the change in use.

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