

Definitions

Permit

A written order issued by the City of West Torrens granting special permission to conduct your event in accordance with the following terms and conditions.

Event permit holder

The designated individual or representative of the organisation conducting the event as nominated on the Event Application.

Event permit application

The Event Permit Application is attached to these Terms & Conditions and must be completed in full to apply to conduct an event in a park, open space or street within the City of West Torrens.

Council

Refers to the City of West Torrens.

Council's event coordinator

The designated member of City of West Torrens staff who will assist you in the safe and successful planning of your event.

Remediation

The action of fixing something, in particular the reversal of environmental damage.

Tested & tagged

Is a generic name given to the process of visually inspecting and electrically testing in-service electrical equipment for personal safety which must be undertaken by an accredited person or licensed electrician.

General

Pursuant to the provisions of the City of West Torrens Local Government Land By-Law 2017 and Section 202 of the *Local Government Act 1999*, the City of West Torrens (the Council) approves the issue of an Event Permit subject to the conditions below:

- The Permit is not transferable;
- The Permit Holder, where appropriate, shall ensure that it is licensed or registered to carry out the activity authorised by the issuing of this Permit;
- Whilst the Permit allows the Permit Holder to use a designated space or facility for a specific purpose, the Permit Holder will not prevent other people from using other areas surrounding the approved event site;
- The Permit Holder shall comply with and give all notices required by any Legislation, Regulation or By-Law relating to the activity. In particular, participants agree to comply with the *Food Act of 2001*, *Food Regulations 2017* and Australia and New Zealand Food Standards Code, the *Liquor Licensing Act 1997*, the *Fire and Emergency Services Act 2005* and the *Work Health and Safety Act 2012*;
- Permit Holders must ensure that at all times they have sufficient numbers of persons (over the age of 18 year) available to properly supervise and manage all activities on the site or facilities (including amenities buildings);
- The submission of this application does not imply the booking is confirmed; it is a registration of interest only. This also applies for events that have occurred on an ongoing annual basis.

Non Approval of Permit Application

Council has the right to refuse the hire of any park or reserve at its discretion. Such circumstances may include:

- Submission of an incomplete or misleading and incorrect Event Permit Application
- Insufficient prior notice provided for Council to assess an application and review required licences, permits, certificates etc
- Inability of Permit Holder to provide required licences, permits, certificates etc
- Impacts on the general public, local residents and businesses
- Conflicts with other events already approved for the area; and
- Submission of an application to hold an event that is not consistent with Council's values and objectives.

Indemnities & Insurances

Public liability insurance

The Permit Holder must take out and keep current during the period of this Permit a general Public Liability Insurance policy in a form approved by the Council, insuring for a minimum sum of twenty (20) million dollars (\$20,000,000) for the specific event location. A copy of a current Public Liability Insurance Certificate of Currency must accompany the Event Permit Application and final approval will not be given until it is received.

Insurance claims

The Permit Holder must notify the Council in writing, giving full details, whenever the Permit Holder becomes aware of a possible claim under any insurance required in this Permit.

Limits on the council's liability

The Permit Holder will occupy and use the Event Site at the risk of the Permit Holder. The Permit Holder agrees to indemnify the Council from any costs or loss arising from any damages, accident or injury occurring on the Event Site except where such accident, damage or injury results from any wilful or negligent act or omission of the Council. The Council is not responsible for any loss of or damage to any fixtures, fittings or personal property of the Permit Holder or event attendees.

Event Site & Infrastructure

The Event Permit Application will be approved based on the site map that accompanies the application. Should you wish to alter the approved event site layout you must first seek approval from Council's Event Coordinator. If you are planning on installing any type of infrastructure at your event (tent, stall, marquee, staging, jumping castle, inflatable structure or any other type of equipment) you must apply for an Event Permit. Dependent on the size and nature of infrastructure relating to the event, developmental approval may be required prior to erection of any infrastructure or advertising display as per the *Development Regulations 2008*. A certificate from a qualified installer or engineer confirming that the temporary structures have been erected in accordance with appropriate specifications may also be required prior to the start of the event.

Protection of Council Grounds & Facilities

The Permit Holder must ensure that the site or sites are left in the original state at the end of the event as they were at handover on the agreed event set up date. Failure to do so may result in cleaning fees and remediation costs being charged.

The Permit Holder must ensure there is no damage to any area of the event site including all grassed and/or paved areas, footpaths and kerbs.

There is to be no pegging in to the ground under any circumstances and all structures must be weighted according to SafeWork SA standards.

Under no circumstances should anything of significant weight be attached or hung from any shelter, handrail, building or structure, this includes the use of such facilities for fitness activities such as pull-ups and chin-ups etc.

Vehicle movement or parking within the root zone of trees is not permitted.

Under no circumstances are nails, screws or other fixtures to be used on any part of a tree. No signage or event infrastructure can be affixed to trees at any time.

No tree pruning is permitted by the Permit Holder.

Permit Holders are asked to respect significant sites and memorial structures within the Council's parks and open spaces by ensuring that any event infrastructure is kept well clear and event patrons are not allowed to interfere with or climb on structures.

Permission is granted for vehicles to access the event site strictly in accordance with the designated entry/exit point advised by Council, as required, for the specific purpose of conveying goods and equipment – unloading and loading only. Once a vehicle is unloaded/loaded it must be driven off site and into allocated public parking areas. The only vehicles allowed to remain on the event site are those that are physically required to, such as catering vans and food trucks. It is the responsibility of the Permit Holder to ensure that all persons attending the event are made aware of the above conditions regarding parking.

Vehicles must stay on formal paths or hard surfaces wherever possible. During times of vulnerable ground conditions, such as after heavy rain. Council will discuss with you any extra restrictions that may need to apply.

Most parks and open spaces are irrigated with recycled water. Under no circumstances are you permitted to plumb into irrigation or recycled water lines.

Remediation of Council Grounds & Facilities

Where remediation of an event site is required as a result of event activity, this remediation can occur in one of two ways:

- Permit Holder remediates according to Council's instructions and to the satisfaction of Council within agreed time frames; or
- Permit Holder pays Council to remediate the site.

Remediation will be charged to Permit Holders on the basis of the direct cost to the Council, including all labour, materials and out-of-pocket expenses. You are responsible for all costs associated with remediating the site to its pre-event condition and this responsibility extends to all event staff, contractors and attendees.

Safety & Licensing

All non-fixed items (umbrellas, displays, signage etc) must be suitably anchored to prevent 'wind lift off' and will be in a safe condition. The consumption and sale of alcohol is permitted subject to the Permit Holder complying with the requirements of the *Liquor Licensing Act 1997*. A 'Limited Liquor Licence' is required if the service or supply of liquor is intended as part of your event. Limited Licence applications must be approved by Consumer & Business Services in conjunction with Council's Event Coordinator and the South Australian Police.

Open fires of any kind (including pizza ovens and kettle barbecues) are not permitted on days when a total fire ban is declared for the inner-metropolitan area unless you have obtained a Schedule 9 or 10 Permit from the Country Fire Service as per the *Fire and Emergency Services Act 2005*. Please ensure that all gas BBQ's are kept well clear of any flammable objects, are in good working order and operated by a competent adult at all times.

Use of sporting equipment (such as javelins, discuss, hammers, golf balls etc) that may injure other open space users is prohibited.

As the event organiser, it is your legal requirement to engage a licensed South Australian electrician to install, test and certify all electrical installations at your event. Only licensed electricians can do work on electrical installations in South Australia. If you do electrical work without a licence, you may receive a fine. It can also be extremely dangerous for you and result in serious injury, or even death. Insurance companies may not cover fire or personal injury claims caused by do-it-yourself electrical work. If you do not engage a licensed South Australian electrician, Council reserves the right to shut down your event. Your electrician will provide you with an electrical certificate of compliance that must be forwarded to Council's Event Coordinator within 48 hours of your event.

Amusement devices include any powered equipment that provides entertainment or amusement and includes jumping castles, rides, climbing walls, giant slides, bumper cars, merry-go rounds and some inflatable amusement devices.

If you intend to have amusement devices at your event, you are required to adhere to the SafeWork SA requirements which state that amusement devices must not be used or operated unless a current certificate of plant registration issued by SafeWork SA is provided (please note that interstate plant registrations are not acceptable in South Australia).

All amusement devices must also have:

- Certificate of annual inspection issued by a professional engineer and qualified electrician
- Appropriate space and suitable ground surface allocated for each ride, including access and egress for patrons
- Adult supervision at all times
- Appropriate fencing surrounding rides
- Appropriate soft-fall area for inflatable structures
- Consideration of the location of overhead electric lines, overhanging trees, sloping ground and drainage; and
- A risk assessment and emergency plan that covers the devices.

You will be required to provide a copy of the organisation's Public Liability Insurance (minimum \$20 million) to the Council's Event Coordinator at least 14 days prior to your event.

Requests to hold a fireworks display at approved events within Council will be assessed on a case by case basis. A request will not be considered unless the display is being conducted by a licensed pyrotechnician. The pyrotechnician will also be required to provide evidence of their current public liability policy (minimum \$20 million).

Cleaning & Waste Management

It is the Permit Holder's responsibility to provide adequate toilet facilities to event patrons and the general public, and to maintain these toilets in a clean and stocked condition for the duration of the event. Should the toilets be left in an untidy manner and require special attention following your event, an additional cleaning fee may be charged.

If the hired site does not have adequate toilet facilities it is the responsibility of the hirer to provide additional toilets and toilet paper etc, at their own cost. The hirer must liaise with Council regarding the delivery, location and removal of the temporary toilets. Accessible facilities must be available and be well lit to avoid security and safety hazards. Toilets must be regularly stocked and cleaned and be located away from food storage and service areas;

Council toilets are cleaned each morning. Permit holders must leave the toilets in a clean and tidy state. If Council is required to undertake additional cleaning of the toilets following a large event, the Permit Holder may be charged with a cleaning fee.

If Permit Holders are required to set up a waste management compound on or adjacent to the event site for larger skip bins, this area must be surrounded by temporary fencing covered in black plastic or hessian to shield the area from the general public for aesthetic and safety reasons.

The event site must be left in the original state at the end of the event as it was at handover on the agreed event set up date and all debris, especially cable ties, bottle caps, ice cream sticks and food scraps etc, must be removed immediately after the event. Failure to do so will entitle Council to employ the necessary labour to clean up the site, the cost of which will be recovered from the Permit Holder.

Environmental Health

Noise

The Permit Holder must exercise all reasonable care to ensure that disturbance by way of noise or other activities to the residents or other occupiers of the area are minimal. The Council shall in its discretion determine whether such disturbance has exceeded minimal standards in line with the City of West Torrens' By-Laws.

As the event organiser, it is your responsibility to control noise levels at your event. The majority of noise complaints received during events are due to excessive low frequency bass music noise levels and noise that continues into the evening. All reasonable measures must be taken to ensure minimal disturbance to residents and businesses within the surrounding area of your event.

As a minimum requirement, you will be required to distribute a notification letter to surrounding properties at least one week prior to your event that includes a mobile phone number for the event site manager. Events that include multiple stages and amplification may be required to submit a Noise Management Plan to Council, you will be advised if this is required and guided through the process. Non-compliance of noise control measures may result in withdrawal of power supply and possible fines.

Animals

If there is an animal nursery or petting zoo at the event it is important that the Permit Holder ensure that any animal faeces are removed immediately, so that no health risk or inconvenience arises. In the interest of good hygiene, full hand washing facilities must be provided. Permit Holders are required to provide a copy of the contractor's Public Liability Insurance (minimum \$20 million) to Council's Event Coordinator.

Food safety

As the Permit Holder, it is your responsibility to ensure that all food and beverage vendors comply with food safety practices, as set by Council's Environmental Health team and the *Food Act 2001*. You must complete and return the Temporary Food Stall Notification Form to Council's Event Coordinator at least 14 days prior to your event. An inspection of the catering facilities at the event may be conducted by Council's Environmental Health team.

Road Closures & Traffic Management

Temporary road closures have specific times of operation and conditions and will be implemented in accordance with Section 33 of the *Road Traffic Act 1961*. Temporary road closures must be advertised in a newspaper and depending on the size of the event, this may be The Messenger and/or The Advertiser. Fees will apply for the advertising, implementation and supervision (if required) of traffic management and/or temporary road closures.

It is the responsibility of the Permit Holder to produce and circulate a Council approved advance notice to local residents and businesses. Council's Event Coordinator will supply you with a distribution map. Notices must be delivered a minimum of one (1) week prior to the event. It is the Permit Holder's responsibility to ensure that adequate stakeholder notification is conducted.

If the event is held on a road, the Permit Holder will be required to ensure that the area is left clean and free of debris before the road is reopened to traffic. Council's Event Coordinator will be able to organise for the street and footpaths to be cleaned following your event for which a fee may apply.

Signage & Advertising

Advertising and signage is subject to Council By-Laws and advertising is not permitted on Council property without written permission from the Council. Approved advertising is displayed at the risk of the Permit Holder.

Cancellation

If you need to cancel your event, please notify Council no later than 10 business days prior to the scheduled event set up date. If an event is cancelled less than 10 business days prior to the approved and scheduled date, any hire fees incurred may be forfeited.

As the event organiser, it is your responsibility to monitor the weather conditions in the lead up and on the day of your event and make the determination whether or not it is safe for your event to proceed.

If an event is cancelled due to extreme weather, all hire fees will be refunded. A refund will not apply where the event was deemed to have commenced prior to cancellation. Extreme weather will be defined as weather that threatens the immediate or long term safety of individuals, as a result of rain, lightning, wind or temperature, you may like to use the table below as a guide.

| Weather condition | Extreme weather determinant |
|-----------------------------------|-----------------------------|
| Ambient temperature | > 36 degrees Celsius |
| Temperature in shade | > 30 degrees Celsius |
| Apparent temperature (wind chill) | < 2 degrees Celsius |
| Wind speed | > 40 km per hour |
| Rainfall | > 80mm within 24 hours |

The City of West Torrens reserves the right to revoke an Event Permit or cancel or postpone an event if Council staff determines that:

- The continuation of the event in extreme weather conditions is likely to cause significant damage to the event area or has the potential to pose a risk to public safety; or
- That the event is not consistent with Council's values and objectives.

You will be consulted prior to any determination being made by the City of West Torrens to revoke the Event Permit or cancel or postpone your event.