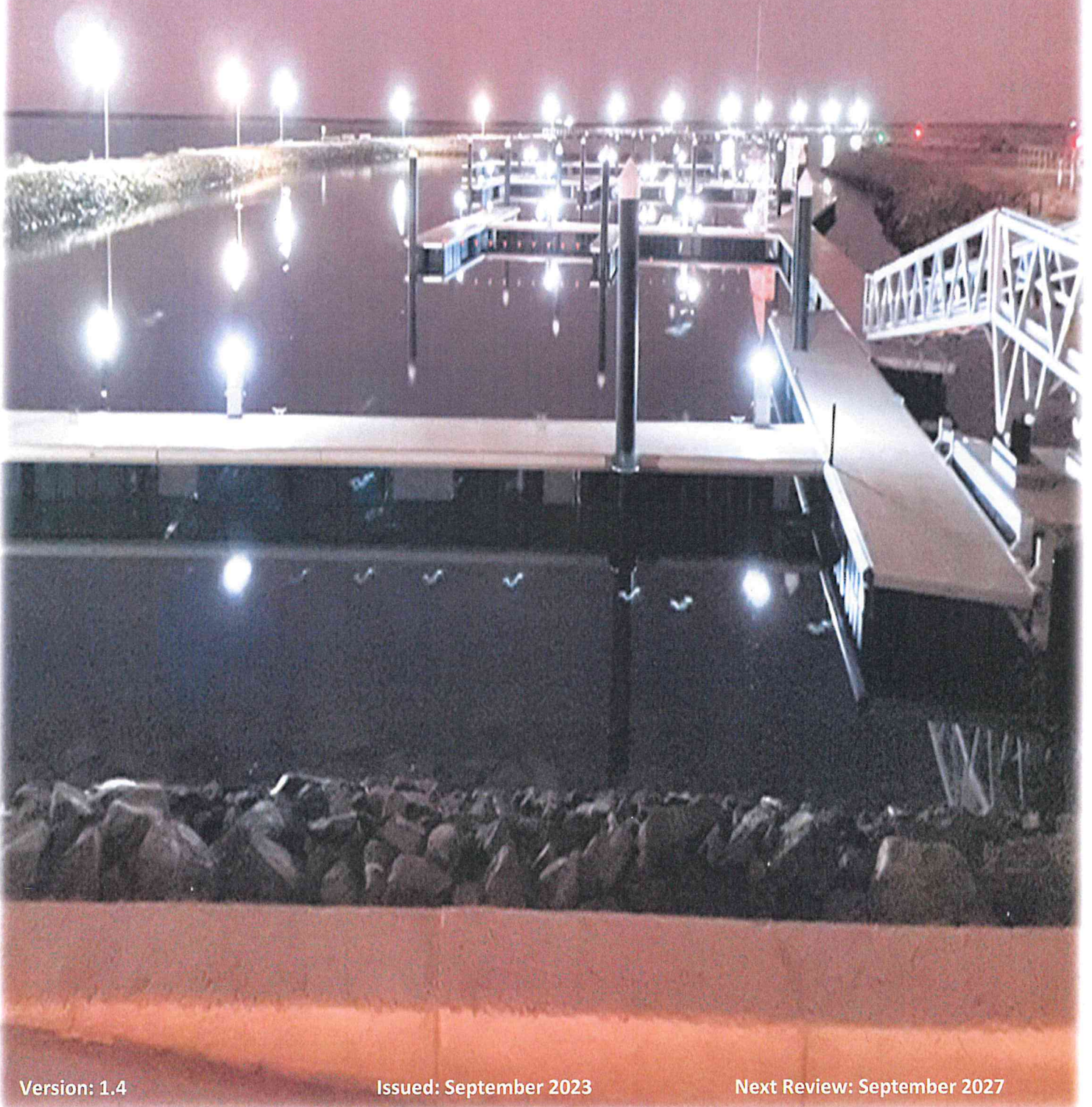




# Community Events Policy





## COMMUNITY EVENTS POLICY

Name of Council	District Council of Franklin Harbour
Responsibility	Planning & Community Services
Revision Number	1.4
Effective date	September 2023
Last revised date	June 2019
Minutes reference	93/11/23
Next review date	September 2027
Applicable Legislation	<i>Local Government Act 1999</i> <i>District Council of Franklin Harbours By-Laws</i> <i>Liquor Licensing Act 1997</i> <i>Environmental Protection Act 1993</i> <i>Public Communication and Consultation Policy</i> <i>Zero Waste SA Act 1993</i>

### 1. INTRODUCTION

Council recognises the important role which events play in the life and vitality within the Council area and encourage the appropriate use of council land for the holding of various events to assist the community's moral, vibrancy, cultural wellbeing and to promote the area and its attractions.

### 2. POLICY OBJECTIVE

To deliver a framework for maximising the benefits associated with hosting events on Council land by determining:

- the most appropriate types of events; and
- the way in which they are to be conducted and managed in order to minimise their impacts on the environment, general users of Council land and adjacent residents and businesses.

### 3. POLICY STATEMENTS

Council will:

- Attract and support a culturally diverse range of events.;
- Respect the needs of the community and ensure they are not unduly affected by events; and
- Provide well serviced, managed and maintained events.

### 4. DEFINITIONS

**Council Land** refers to all land either owned by Council or in the care and control of Council. This land is listed in Council's *Community Land Register and Management Plans*

**Event** means a public or private, fenced or unfenced, ticketed or not and a planned gathering which is outside the normal everyday activity levels of Council land (even if held regularly).



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**Booking Application and Council approval** identifies acceptable current and proposed events that must first submit a booking application for use of Council land and must be approved by Council / C.E.O before the event is publicised or advertised.

**Conditions of Hire** refers to any conditions of hire that Council has implemented within this Policy or by a Council resolution including the submission of a booking application, including a request to produce all relevant documentation required for appraisal by Council of such a booking application to be processed.

### 5. POLICY RESTRICTIONS AND LIMITATIONS

- 7.1 This Policy does not take precedence over the legislative or statutory responsibilities of Council.
- 7.2 Any matters not able to be dealt with by this Policy will be referred to Council for a decision.
- The process will include:
- 7.2.1 a report to Council outlining the subject matter;
  - 7.2.2 the development of a recommendation in line with the policy;
  - 7.2.3 noting Council's capacity to exercise its discretion in the matter in the relevant section of the Council report;
  - 7.2.4 seeking Council's guidance to resolve the matter;
  - 7.2.5 in the case of an exception being made by Council, ensure that the wording reflects that the exception does / does not require an amendment to the existing policy; and
  - 7.2.6 in the case of an amendment being required, the matter is to be referred for inclusion into an annual Policy Program (unless the matter requires urgent redress in which case it is reviewed as a priority).
- 7.3 Where a strategy or policy is under review, the existing policy takes precedence until a revised version has been adopted by Council.

### 8. KEY PERFORMANCE INDICATORS

Performance measures for monitoring the effectiveness of the Community Events Policy are:

- 8.1 A sustainable number of events can utilise Council land in terms of the submission of applications ensuring that:
- 8.1.1 Turf, trees, other vegetation, infrastructure and facilities are maintained to an acceptably high standard;
  - 8.1.2 Event Organisers adhere to the area of exclusion and length of time required for public exclusion as determined by Council or its staff.
  - 8.1.3 Event Organisers adhere to the application process and the conditions within the Policy.
- 8.2 Satisfaction of residents, businesses and the general public – measured through the number and type of complaints submitted to Council;
- 8.3 Satisfaction of event organisers - measured by general feedback received by Council; and
- 8.4 Meeting the zero waste targets.

### 9. MONITORING AND IMPLEMENTATION

The District Council of Franklin Harbour is responsible for the monitoring, review, measuring and Reporting on performance and effectiveness of this Policy to Council.



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### 10. CONDITIONS OF HIRE

#### 10.1 Event Booking Applications

Council land can be used for a variety of events and functions, from barbecues and corporate functions to festivals, concerts and carnivals.

Information on holding an event on Council land can be made by contacting the District Council of Franklin Harbour.

To hold an event on Council land, a booking application must be completed and submitted to Council; otherwise the booking application will not be processed by Council and approval to hold the event will not be granted by DCFH.

Once an application is received, it will be allocated to a Council staff member who will make contact with the Applicant in regards to the event.

The staff member will be able to assist with any queries and can advise of the administrative requirements of the event.

Please note:

- 10.1.1 The submission of a booking application does not imply the booking is confirmed – it is a registration of interest only;
- 10.1.2 By signing the booking application, the Applicant states they have read and understood the Conditions of Hire within this Policy and agree to comply with all conditions set out therein;
- 10.1.3 Booking approvals are subject to availability of the Council land.

#### 10.2 Lodgement Requirements

Booking Applications must be lodged with the District Council of Franklin Harbour, with all fields within the booking application being completed, along with any requested information being submitted for the booking application to be processed by DCFH.

#### 10.3 Cancellation of Event

The DCFH must be notified in writing of cancellation of an event.

Failure to notify DCFH may result in the site fees (if applicable) and requested operational services fees being charged to the applicant.

#### 10.4 Event

Events must only take place in the approved location and, unless otherwise approved, must not interfere with pedestrian flow, public amenities, local businesses or residents.

#### 10.5 Insurance and Indemnity

The Applicant shall have and maintain for the period of hire, a policy of insurance against risks to the public in relation to the event, and such policy to be of a minimum amount of \$10 million in respect to any one claim.

The Applicant must immediately notify the relevant insurers and DCFH in writing of any occurrences or accidents likely to give rise to a claim under the insurance policy and give all information and assistance as may be reasonably practicable in all the circumstances.

The applicant must fully indemnify DCFH against:

- 10.5.1 Any liability, loss, claim or proceeding caused by any negligent act or omission or wilful misconduct or breach of statute by the applicant, its employees, agents or subcontractors; and



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10.5.2 Any breach of the conditions within the Policy by the applicant, its employees, agents or subcontractors.

### 10.6 Warranty

The Applicant warrants that it has inspected the event site and that the event site is fit for the event and the applicant's use. DCFH does not warrant that the event site will be suitable for the event or the Applicant's use.

### 10.7 Safety and Risk Management

All events are subject to DCFH assessment in regard to risk management and safety.

Dependent on the size and nature of the event, the Applicant may be required to liaise with key stakeholders including SA Police and Emergency Services and provide a detailed risk, emergency and safety management plan in accordance with AS/NZS ISO 31000:2009 (or current replacement standard) prior to the event for approval by DCFH. This plan must incorporate provisions for the control and coordination of the event inclusive of responsibilities of relevant personnel and emergency response procedures.

### 10.8 Bond Payments

A site bond or deposit may be required for an event. The bond amount will be stipulated by DCFH (if applicable) and must be received prior to event approval.

### 10.9 Public Consultation

If the event is to be conducted over more than three consecutive days (event days only - not including set up or pull down), or as deemed necessary by the event coordinator due to the nature of the event, public consultation will be required. The cost of this consultation will be advised and is at the expense of the Applicant.

### 10.10 Vehicle Access

Permission is granted for vehicles to access Council land only for the specific purpose of conveying goods and equipment to the site – unloading and loading only. Once a vehicle is unloaded / loaded it **must** be driven off site and into allocated public parking areas.

It is the responsibility of the Applicant to ensure that all persons attending the event are made aware of the above conditions regarding vehicle access to Council land.

### 10.11 Cleaning & Remediation

It is the responsibility of the Applicant to ensure rubbish & equipment is removed from the approved event site at the conclusion of the event. If DCFH is required to do additional clean up as a result of the event, an hourly labour fee will be invoiced.

DCFH can provide wheelie bins to assist with cleaning at an event – please indicate on the booking form if this is required.

Fees may apply for the provision of bins for an event.

If remediation of Council land is required due to damage caused by the event, this will be assessed immediately following the event and the Applicant will be charged accordingly.

### 10.12 Pedestrian footways

Except with express permission of DCFH, all pedestrian paths must not be obstructed in any manner either during set up, pull down or the duration of the event.

### 10.13 Selling/Fundraising

Except with express permission of DCFH, the Council land must not be used for any fund raising activities involving taking collections or selling goods outside the designated event area.



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### 10.14 Liquor Sales & Consumption

Liquor licences are issued by the Office of the Liquor & Gambling Commissioner (OLGC). For more information as to whether a liquor licence is required, please contact the OLGC on (08) 8226 8410.

If a liquor licence is required, to assist with the approval process, a copy of the application should also be sent to DCFH's Development Officer, who will assist with the processing of the application and liaise with the event coordinator as required (fax: (08) 86292019).

### 10.15 Equipment

The provision of all equipment required for an event is the responsibility of the Applicant and all costs must be borne by the Applicant. DCFH does not supply equipment such as staging, PA or sound systems, chairs, etc. Set up and pull down of all equipment and requirements is to be undertaken by the Applicant, at the Applicant's expense.

If any such equipment is deemed unsafe, unsuitable or unsatisfactory by DCFH for any reason whatsoever, it shall be removed from the council land by the Applicant, at the Applicant's expense.

The Applicant is responsible for all property, equipment, decorations and materials associated with the event. DCFH will not accept any responsibility for damage or loss prior to, during or after the event.

### 10.16 Road Closures

All requests for road closures or traffic management in relation to the event must be submitted in writing to DCFH at the time of submitting a Community Events Booking Application.

The Applicant is responsible for liaising with the DCFH in regard to road closures and traffic management issues relating to the event.

Fees may apply for road closures and a quote is provided (if applicable) once the application is received.

### 10.17 Underground Services

Due to various underground services located in the area's identified within this policy DCFH will therefore prohibit all pegging of any structure/s into the ground and will not be approving any booking application requesting such an activity.

However, please clarify your request for the pegging of a structure within the area with DCFH prior to submitting of your booking application to Council.

### 10.18 Noise Mitigation

All events which use a sound system or PA must comply with **Noise Mitigation Standards**.

Music concerts and festivals in particular must undertake the following:

- 10.18.1 Locate stages/speakers in areas that actively reduce impacts to residents and businesses.
- 10.18.2 Notify surrounding residents and businesses of the event via a letterbox drop a minimum of two weeks prior to the event. A copy of the correspondence to be used in the letterbox drop must be provided to DCFH no later than four weeks prior to the event.
- 10.18.3 Have an acoustic engineer onsite for the duration of the event including sound checks, who is engaged by DCFH on behalf of the Applicant. The cost of the acoustic engineer is to be borne by the Applicant. The acoustic engineer will be responsible for monitoring and recording sound levels at the event at the FOH mixing desk and outside the event area as per maps provided. The Applicant is required to comply with all directions provided by the acoustic engineer throughout the event and is responsible for ensuring



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that the sound levels at noise sensitive receivers are kept within the dictated levels specified in the Noise Mitigation Standards.

**This clause may not be required, please refer to DCFH for further information and clarification.**

### 11. Copyright Licence

If copyright works are being performed at the event, a copyright licence is required by law.

If live music is proposed to be performed at an event, an APRA (Australian Performing Right Association Ltd) licence must be obtained by the Applicant. This is to cover the copyright in the song (lyrics, composition etc).

A PCCA (Phonographic Performance Company of Australia Limited) licence is required for the broadcast, communication or public playing of recorded music (e.g. CDs, records and digital downloads) or music videos.

### 12. Operational Services

DCFH can provide a limited amount of operational assistance for an event (e.g. provision of power, water, bins etc.). The Applicant will need liaise with DCFH regarding any operational requirements for the event.

Fees may apply for the use of operational services.

A quote for requested services will be provided to the Applicant prior to the event and the services being rendered.

### 13. Invoicing

An invoice for relevant site fees (if applicable) and any requested operational services (if applicable) will be sent to the Applicant following the event or the payment of all fee's (if applicable) must be made prior to the event by the Applicant as may be requested by DCFH.

### 14. Power & Electrical Wiring

Electricity may be available for use by the applicant (fee's may apply). Please refer to DCFH for further information and appropriate applicable fees.

All electrical equipment plugged into DCFH power outlets must be tested (in accordance with *AS/NZS 3000:2007 Wiring Rules* or the current replacement standard) and tagged by a qualified person.

It is the responsibility of the Applicant to ensure all services suppliers are made aware of their legal obligations and that all safety precautions regarding power supply and power cords are taken (as per *AS/NZS 3002:2008 Electrical Installations – Shows and Carnivals* and *3533 – Amusement Rides and Devices* or the current replacement standards).

If the event requires a larger amount of power than is already provided on site, then it is the responsibility of the Applicant to coordinate an alternate supply.

### 15. Catering

Proprietors of temporary food businesses must comply with food safety practices / standards for the duration of the business' operation.

The Applicant must advise the event coordinator of any operators of temporary food premises associated with the event (i.e. catering vans) prior to commencing any food handling operations.

An inspection of the catering facilities at the event may be required.

A brochure, detailing the requirements of operating temporary food premises under the *Food Act 2001* and Food Safety Standards, is available from DCFH.



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### 16. Crowd Control

The Applicant is responsible for the provision of security as deemed necessary. All arrangements in regard to crowd control are the responsibility of the Applicant.

### 17. Fireworks

Fireworks are only permitted to be provided and operated by pyrotechnicians licensed by SafeWork SA and who hold Public Liability Insurance for a minimum of \$10 million.

The pyro technician must receive written land use permission from DCFH prior to the event. Fireworks must not be discharged without obtaining permission from DCFH.

### 18. Signage at the event

The Applicant must obtain permission from DCFH to erect any signage on Council land, including marketing and promotion of the event.

Signage must not be attached to any fixture without the express permission of DCFH including attaching signage to any tree, plant, fixture, sculpture or artwork.

DCFH reserves the right to refuse any applications for signage for any reason.

### 19. Amusement Structures

The operator of any Amusement Ride of Class 2, 3 or 4 (as defined under the Australian Standards AS3533) being registered in accordance with the Work, Health and Safety Regulations 2013 and Safe Work S.A, shall provide to Council a copy of the Certificate of Registration of the Amusement Structure(s) as required pursuant to Section 3[A] 5.3.1 of the Work, Health, Safety Regulations 2013.

A copy of the organisation's Public Liability Insurance 'Certificate of Currency', minimum \$10 million must also be obtained and forwarded to DCFH. It is advised that your Company's Public Liability Insurance may not cover the amusement rides at your event on Council land.

### 20. Structural Requirements

No tent, stall, staging or other structure or equipment (including Showman's Guild equipment) may be erected on Council land without written consent and must be sited by DCFH.

Any works undertaken (e.g. provision of power, erection of marquees, staging, cleaning of toilets etc) in connection with this activity must be carried out to the satisfaction of the DCFH.

Any costs incurred by DCFH in the provision of services prior to, during or following the proposed activity will be borne by the Applicant.

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, please refer to DCFH for clarification and further information.

Information regarding all staging and structures to be installed must be submitted to DCFH for approval before installation at the event is to take place.

The information required may include certification from an independent suitably qualified and experienced Structural Engineer confirming that the design of the temporary structure is adequate and information confirming the proposed structures are suitable for the site, nature and duration of the event.

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.

### 21. Water

The Applicant must liaise with the DCFH for access to a potable water supply if available (fees may apply), or the Applicant must supply their own potable water for use at the event.





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### 22. Drink Containers

If beverages are dispensed into drink containers, they must be either paper or plastic, unless otherwise authorised, and if plastic, it must be sufficiently pliable so as not to splinter when crushed (DET pack Hygienic Lily 6-9p or equivalent are suitable). If beverages are not dispensed into containers then they must be sold in cans, not glass bottles (unless otherwise authorised).

### 23. Animal Nurseries & Petting Zoos

DCFH may refuse any booking application in regards to an animal nursery or petting zoo within Council land for any reason.

The Applicant must ensure that any animal faeces resulting from animal nurseries and petting zoos at the event is removed immediately, so that no health risk or inconvenience arises. DCFH requires a copy of the operator's Public Liability Insurance, to the value of \$20 million for each and every claim and must be extended to name and indemnify DCFH.

Full hand washing facilities must be provided, consisting of running water (i.e. from a water container or similar), soap and paper towel. A bucket or similar to collect the waste water is also required. The waste water must be disposed of appropriately (i.e. in a sullage tank, sewer drain). The Applicant must be able to advise and supervise how the waste water is to be disposed.

### 24. Adverse Weather Conditions

DCFH reserves the right to revoke an event booking, or cancel or postpone an event upon determination by;

- DCFH that the continuation of the event, in adverse weather conditions, is likely to cause significant damage to Council land and may be a safety risk to the community.

The Applicant will be consulted prior to a determination being made by DCFH to revoke the event booking or cancel or postpone the event.

DCFH will not accept any liability for loss, damage or any financial consequences as a result of the event booking being revoked or the event being cancelled or postponed.

### 25. Observance of Statutes and other Instructions

The organiser shall comply with and give all notices required by any relevant Act of Parliament, ordinances, regulations or DCFH By-laws.

Any instruction or request issued by DCFH, Police or State Emergency Services must be complied with.

### 26. Hire Fees

The Applicant shall pay fees for use of areas within council as determined by DCFH by way of a Council resolution (if applicable), please refer to DCFH Fees and Charges Schedule.

The fee structure for events is primarily based on a sliding scale of expected attendance per day with a range of categories including but not limited to free entry public events, ticketed events and private functions.

DCFH reserves the right to classify an event in the category deemed most appropriate based on its particularities. It may also vary a fee previously determined due to changes to the nature and duration of the event.

### 27. Operational Services Fees

Charges may apply for operational services provided by DCFH (e.g. provision of power, water, bins etc.). A quote for services requested by the Applicant will be provided prior to the event and the services being rendered.

Please contact DCFH for further information regarding any fees / charges that may be applicable and payable prior to the event being held.



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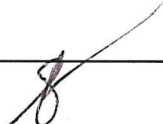
### 28. Contact Details

District Council of Franklin Harbour, 6 Main Street Cowell SA 5602

Ph: 08 86292019

Email: [council@franklinharbour.sa.gov.au](mailto:council@franklinharbour.sa.gov.au)

SIGNED:

  
Chief Executive Officer

Date: 15 / 11 / 23