

Festivals and Events P11 Event Permit

Guidelines and Application Form



A Festival/Event must obtain the permission of Council to undertake the activity on Council or Crown land. This includes footpaths, streets, road related areas, public land and community reserves, beaches and foreshore.

The Festival/Event must comply with South Australian Local Government Act 1999;

- S200 Use of Community Land For Business Purposes
- S221 Alteration To A Public Road
- S222 Use of Public Road For Business Purposes

The approval for an Event Permit will be determined by Council taking a range of factors into consideration. It is mandatory this form is completed and returned to Council no later than 30 business days prior to commencement of the festival/event unless otherwise negotiated with Council.

Event name and description:	
Event location: Provide the exact location/s, attach map/s and site plan/s	
Event start date:	Event finish date:
Event start time:	Event finish time:
Organisation:	
Event Coordinator:	
Postal address:	Phone number:
Name of person responsible for the application if different from above:	Phone number:
Responsible person email:	
Number of people expected to attend the event:	

NOTE: Where this Application requires an Alteration to a Public Road, the issuing of this Permit also includes an Authorisation pursuant to Section 221 of the Local Government Act 1999.

Festivals and Events P11 Event Permit

Guidelines and Application Form



1. The Act provides that a road extends from property boundary to property boundary and includes the carriageway, footpaths and verges.
2. Pursuant to the Act, it is an offence to make an alteration to a public road without authorisation to do so from the Council. The following are considered road altering activities pursuant to the Act.

Please tick the activity/activities applicable to the Event

- Conduct a public event/activity in public space owned by Council or Crown Land
- Alter the construction or arrangement of the road to facilitate access to/from property
- Erect or install a structure (including pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road;
- Change or interfere with the construction, arrangement or materials of the road;
- Change, interfere with or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road;
- Plant, interfere with or remove a tree or vegetation from the road;
- Conduct a non-food business from a portion of road related area.

Fees

Alexandrina Council may charge a fee for use of public land for commercial or community purposes. Fees payable will be in accordance with Council's Schedule of Fees and Charges (as applicable).

Permit Eligibility

Applications for/and approval of permits will be determined by Council taking into account the following factors:-

- Activities already taking place in the area
- Any other relevant information that would assist with the decision making process
- Capability of the site and existing infrastructure
- Impact on road and footpath users
- Impact on the natural environment
- Location of existing businesses and community users of the area
- Number of approved permits already in the area
- Other known activities (passive or active) being undertaken in the area
- Potential negative impact on ground surface/ infrastructure including intensive wear and tear
- Risk and Emergency Response Planning and Management
- Type of business, event or activity seeking the permit
- Usage, demand, intensity of use of the area and times requested

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Guidelines and Application Form



Permit Time Frame

An Event Permit will be valid for a period of time/s and day/s as stipulated on the permit. The Permit will authorise the Permit holder to use an approved portion of land for an approved use, in accordance with all conditions of the Permit, on a non-exclusive basis.

Authorisation

After consideration of these factors, Council may;

- Approve an application and issue a permit with applicable fees; or issue a limited permit agreement with conditions or restrictions and applicable fees; or
- Not approve the permit application providing reasons why the application was not approved.

If the application is not consistent with Council Policy or is deemed high risk, potentially controversial of high public interest or environmentally detrimental, the request can be placed before Council for decision at the discretion of Council. Public consultation in order to approve the application is not required unless the permit confers a right of exclusive occupation; or

- Would have the effect of restricting access to a road; or
- Would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree.

Certificate of Currency – Insurance and Business Details

Along with the completed application form, the applicant must provide to Council prior to the issue of the Permit, current Certificate of Currency stating the:

- Business Name (as stated on this permit application)
- Policy Number (Insurance policy number)
- Minimum \$20 million Public Liability cover
- An acknowledgement or note on the policy, stating that the insurance covers the permitted use
- Any other relevant supporting documentation.

Cancellation

The Council may, by notice in writing to the holder of the permit; cancel, revoke, amend the conditions or withdraw the permit for breach of a permit condition or for any other reason deemed justifiable by Council. However, before the Council cancels or amends the permit, the Council must;

- Give the holder of the permit a written notice of the cancellation stating the grounds on which the Council proposes to act and allowing the holder a reasonable period to make written representations to the Council on the proposed cancellation; and
- Consider any representations made in response to the notice.

The 'reasonable period' of time allowed for the Permit Holder to make written representation to the Council must be made no later than thirty (30) working days prior to the event unless the Council determines that a shorter period should apply to protect the health or safety of the public, or otherwise to protect public interest.

Festivals and Events P11 Event Permit

Guidelines and Application Form



Welfare Health and Safety Responsibility

- Permit Holders, whilst holding permits authorised by Council are responsible for ensuring their capacity as responsible employers, that they and their employees comply with the provisions of the Work Health Safety Act 2012, and associated regulations.
- Permit Holders must notify both the Council and Safework SA of accidents, incidents and/or dangerous occurrences.

Ensuring compliance with the advice and/or directive regarding occupational health and safety issued by the Council and its agents.

- Abiding by the terms of the Permit, including compliance with work health and safety responsibilities providing for themselves, volunteers and employees all necessary protective equipment and clothing and enforcing the correct usage and maintenance of any such equipment
- Exercising due skill, care and expertise in undertaking all defined permit activities.

The Issuing Of This Permit Is Subject To:

- The Applicant agreeing to the General Conditions of Permit as contained herein
- The Applicant agreeing to any/all Special Conditions that the Council may determine and attach to this Permit
- The Applicant paying the prescribed fee if applicable
- The Applicant providing to the Council evidence of all appropriate insurances as required by the General Conditions and/or the Special Conditions of Permit.

GENERAL CONDITIONS OF PERMIT (AS APPLICABLE):

The Applicant further agrees:

- 1. Activity To Be Within Defined Permit Area**
All persons, equipment and activities associated with the Permit shall remain wholly within the defined area at all times.
- 2. Alterations to Permit by the Permit Holder**
Any alteration to the Permit area may only be granted upon a new application being lodged with Council and/or on written approval of the amendments by Council.
- 3. Area to be Kept Clean**
The Applicant shall keep the area of permitted use clean, tidy and undamaged.
- 4. Cancellation or Amendment of Permit by Council**
Council may, by notice in writing to the holder of a permit; cancel, revoke, amend the conditions or withdraw a permit for breach of a permit condition or for any other reason deemed justifiable by Council.
- 5. Cease activity**
The Permit Holder must cease the permitted activity immediately if directed to do so by an Authorised Officer of Council or the South Australia Police.

Festivals and Events P11 Event Permit

Guidelines and Application Form



6. Clear and Unrestricted Pedestrian Access

Should the permit allow the placement of structures on road related area (footpath), the Permit Holder must ensure that a clear, safe and unrestricted public/pedestrian access walk through of no less than 1.5 metres in width, is retained at all times along the footpath across the entire frontage of your activity and permit area.

7. Comfort of Use

The Permit Holder must not adversely affect or disturb the peace, comfort or convenience of users of any public place.

8. Compliance

The Permit Holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to the activity.

9. Comply With Directions

The Permit Holder must comply with all directions issued by an Authorised Officer of Council.

10. Damage to Permit Area

Repairing and/or replacing any damaged Council infrastructure and environment will be the responsibility of the permit holder. If any necessary repair or replacement is not undertaken by the Permit Holder within a reasonable time, Council will repair and/or replace and recover the costs from the Permit Holder. The Permit Holder shall bear the cost of all repairs carried out by the Council within the defined area, which, in the opinion of the Council's Chief Executive, have been made necessary by the activities of the Permit.

11. Electrical Supply

Not all sites have power supply and Council does not provide generators. Where power is available, a request is to be included in this form and will be assessed and availability determined. Fees may apply for use of electricity. All electrical equipment used must be tagged and tested to the current Australian Standard.

12. Fit and Proper Person

The Permit Holder must be a fit and proper person who acknowledges and agrees that Council reserves the right to request a current police background check of permit applicants, particularly in regards to permit activities involving children.

13. Harangue

The Permit Holder must not harangue, abuse or argue with any member of the public.

14. Indemnification of Council

The Applicant agrees to indemnify and to keep indemnified and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the granting of such permit and the establishment and operation of the said Permit.

Festivals and Events P11 Event Permit

Guidelines and Application Form



15. Legislative Compliance

The operation of the permitted activity is to be in accordance with all applicable industry standards, health and/or safety standards, Australian Standards, Codes of Conduct and Legislation.

16. License

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.

17. Music and Amplification

All measures must be taken to ensure minimal disturbance of residents. If music or amplification is proposed, please attach details.

18. No Exclusive Occupation

This Permit does not confer on the Applicant any exclusive right, entitlement or interest in the defined area (unless specifically provided pursuant to Section 223 of the Local Government Act 1999) and does not derogate from the Council's powers arising under the Local Government Act 1999.

19. Operation of Permit

This Permit will not come into operation until proof of all insurances have been provided to Council, payment has been made, if applicable, and the Permit document has been signed by the Council's delegated officers and returned to the applicant.

20. Ownership of Equipment

All equipment placed on or over public land remains the property of the Applicant pursuant to Section 209 of the Local Government Act 1999.

21. Presentation of Permit

This Permit shall be produced to any authorised officer of the Council on request.

22. Public Liability Insurance

The Applicant shall take out and keep current during the period of this permit, a public liability insurance policy in a form approved by the Council, in the joint names of the Council and the Applicant insuring, for a minimum sum of twenty million dollars (\$20,000,000), the Council and the Applicant against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against the Council or the Applicant or both arising out of or in relation to the granting of such permit or the operation of the permit.

23. Public Order

The Permit Holder must not convey, whether verbally, in writing or on signage, a message or communication that jeopardises public order or otherwise might encourage a breach of the peace.

24. Reinstatement

The area of permitted use is to be reinstated to its original condition by the Permit Holder on completion of the activity (within 24 hours after the conclusion of the event).

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Guidelines and Application Form



25. Removal of Equipment

All equipment, rubbish, infrastructure and other fixtures associated with the Permit must be removed from the area at completion of the permitted activity.

26. Respect

The Permit Holder must treat all members of the public with respect.

27. South Australia Police

The Permit Holder acknowledges and agrees that Council reserves the right to engage the services of South Australia Police where any activity is deemed to be unlawful and/or in breach of the peace beyond Council jurisdiction, irrespective of whether or not a Permit has been issued by Council for the activity.

28. The Prescribed Fee

The Fee shall be applied in accordance with Council's annual Schedule of Fees and Charges. The Prescribed Fee is subject to annual review by Council within its adopted Fees and Charges pursuant to Section 188 of the Local Government Act, 1999.

29. Times and Dates

The Permit Holder must undertake the permitted activity only during the times and dates specified in the Permit.

30. Transfer

The Permit is not transferable. The Permit Holder may not assign or otherwise transfer to any other party this Permit without first obtaining the consent of the Council in writing.

31. Valid Permit

The Permit Holder must carry the valid Permit at the time of the activity and display the Permit in a visible place or produce the Permit on request.

Applicant Supporting Documents Checklist

- Attached a copy of current public liability insurance
- Attached a copy of the Risk Management Plan
- Attached a copy of the Emergency Response Plan
- Attached a copy of site plan
- Completed the application form in full

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Guidelines and Application Form



AGREEMENT

IT IS HEREBY AGREED by the Permit Holder, to comply with the conditions of such Permit and declare that the particulars provided with regard to the proposed use and any proposed alteration to the road (where applicable) is true and accurate for the Event

I have read and understood the Events Alexandrina A - Z information kit

1. I have attached a copy of event Public Liability Insurance as required in accordance with this Permit.
2. I understand that this Permit Application is not consent to undertake the Event until I receive a copy of the Permit form signed by Alexandrina Council.
3. I agree to indemnify Alexandrina Council for all claims for damages or injury that may be a result of the event or occupation of the road or public reserve during the course of the event detailed within the application.
4. I understand that this Permit does not provide me/my event with exclusive use of the site under Council's care and control and I acknowledge that other traders or activities may be located in relatively close proximity to the location of this permitted activity.
5. I have completed this document correctly and to the best of my knowledge.

Applicant name		
Applicant signature		Date

Office Use Only

Approved location	
Approved Date/s	
Approved Time/s	
SPECIAL CONDITIONS OF PERMIT	

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Signed on behalf of Alexandrina Council in accordance with the check list and special conditions

Name			
Signature			
Position		Date	
Permit Expiry Date	Permit Expiry Time	Permit Number	