

## Road Events Conditions of Hire

### Event Applications

The City of Adelaide's (**CoA**) roads can be used for a variety of events and activities.

To hold an event on a CoA road an **Events Booking Application Form** must be completed and submitted to:

#### **City of Adelaide – Event Facilitation Team**

GPO Box 2252

ADELAIDE SA 5001

**Ph:** (08) 8203 7203

**Email:** [events@cityofadelaide.com.au](mailto:events@cityofadelaide.com.au)

### Application Deadlines

All road event applications should be received by the CoA Event Facilitation team a minimum of three months prior to the event date.

An application for an event that proposes to close a road for more than 24 hours should be submitted with a minimum of five months' notice. If the road closure is proposed to be in place for over 24 hours, CoA will present a report to the Council for event approval or otherwise. Further details regarding this particular process will be advised by the Event Facilitator.

If an application has not provided adequate notice in advance of the event (taking into account the nature of the event), CoA reserves the right to reject the application on the basis of inadequate notice, as a matter of discretion.

Any application which is received with adequate notice will be allocated to a City of Adelaide Event Facilitator who will make contact with the Applicant in regard to the proposed event. The Event Facilitator will be able to assist with any queries and can advise of the administrative requirements of the event. Please note:

- The submission of an application does not imply the booking is confirmed – it is a registration of interest only;
- The allocation of an application to an Event Facilitator also does not imply the booking is confirmed.
- Confirmation of a booking occurs when the Applicant is issued with a formal permit by CoA under the *Local Government Act 1999*.
- Any representation made by, or assistance provided by, the Event Facilitator or any other employee or officer of CoA will not be construed as a promise that a permit will be issued or a promise regarding the conditions or other content of any permit;

- By signing the CoA Events Booking Application Form, the Applicant is taken to state that they have read and understood the Conditions of Hire set out herein, and is taken to agree to comply with all conditions set out herein in the event that their booking is confirmed (subject to any specific modifications which may be set out in the formal permit document);
- Bookings are subject to availability and a number of other considerations as part of the application; and
- Please note that annual and major events take precedence for road events over one-off or minor events.

## Definitions

The **'Applicant'** means the event organiser or person undertaking the booking of the road and, if a permit is issued to a person, that person.

**'CoA'** means the Corporation of the City of Adelaide.

The **'Council'** means the elected members of the City of Adelaide.

**'Event Facilitation'** means the CoA Event Facilitation team.

The **'Event Facilitator'** means the CoA staff member who is allocated to assist with the facilitation of the Road Event.

## Legal Effect of these Conditions

Confirmation of a booking occurs when the Applicant is issued with a formal permit under the *Local Government Act 1999*.

Any person who is issued a permit by the CoA must comply with any conditions set out in the permit.

In many cases, it will be a condition of the permit that the permitholder must comply with these [Conditions of Hire](#) (howsoever named in the permit). When this is the case, the permitholder must comply with the conditions set out herein as amended from time to time (subject to any modifications or special conditions set out in the permit itself).

Breach of a condition of a permit, including the condition to comply with these [Conditions of Hire](#), may constitute grounds for revocation of the permit.

## Observance of Statutes and other Instructions

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

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

Without limiting the above, the Applicant must comply with, and must ensure that its contractors, subcontractors, agents, employees and related bodies corporate comply with:

- The *Road Traffic Act 1961* and associated subordinate legislation and instruments;
- The *Work Health and Safety Act 2012* and associated subordinate legislation and instruments;
- The *Local Nuisance and Litter Control Act 2016* and associated subordinate legislation and instruments;
- Any other applicable legislation;
- The Department of Planning, Transport and Infrastructure's *Guidelines for Events on SA Roads*;
- The conditions of the permit issued under the *Local Government Act 1999*.

### No tenancy

The rights granted by the Council in any permit do not create or confer upon the applicant any tenancy, estate or interest in the area which is the subject of the event.

### Event Sites

Events must only take place in those road areas approved by CoA and, unless otherwise approved, must not interfere with pedestrian flow, public amenities, local businesses or residents.

### Public Notification and Consultation

Road Events will require a 21-day public consultation period as part of the application process. CoA will facilitate the public consultation process. A summary report of the feedback from the consultation process will be forwarded to the Event Facilitator. The outcome of the report will inform the decision to approve or not approve the Road Event Application.

If CoA is of the opinion that the proposed event will substantially affect road users in another council area adjoining the CoA council area and/or road users on a road under the care, control and management of the Commissioner of Highways, the Applicant must conduct certain required consultation under the *Road Traffic (Miscellaneous) Regulations 2014* before the Council will proceed with public consultation. The Applicant will be advised of further details regarding these required consultations where relevant.

### Council Report

If the road closure is proposed to be in place for over 24 hours, CoA will present a report to the Council for event approval or otherwise. Further details regarding this process will be advised by the Event Facilitator as necessary.

## Permit

If the road event is approved a permit will be issued to govern the Applicant's use of the road. This will be prepared by a CoA Event Facilitator in consultation with the Applicant and will be discussed further as required.

The permit is issued in the name of the Applicant and cannot be transferred to another person.

## Suspension, Revocation or Alteration of Permit

Notwithstanding anything else in these Conditions, CoA may, at its absolute discretion, suspend or revoke the permit, and/or may alter the term and/or conditions of the permit, for any or no reason, including any of the following reasons:

- due to the breach of any condition of the permit by the Applicant; or
- because any activity carried out by the Applicant is, in the opinion of an authorised officer of CoA under the *Local Nuisance and Litter Control Act 2016*, causing local nuisance; or
- to eliminate or minimise a risk to health and safety or of damage to property; or
- to eliminate or minimise damage to a road or roads;
- adverse weather;
- to accommodate other public events or roadworks; or
- due to impacts on traffic; or
- in the interests of amenity.

CoA will endeavour to consult with the Applicant before suspending, revoking or altering the permit, wherever practicable.

CoA incurs no liability in respect of the suspension, revocation or alteration of the permit (including any liability for economic or non-economic loss or damage incurred by the Applicant or other party directly or indirectly as a result of such suspension, revocation or alteration).

## Cancellation of Event

CoA must be notified in writing if the event is cancelled at least 14 days prior to the event date. Failure to notify CoA may result in the Road Event site fees and requested operational services fees being charged and becoming payable by the Applicant.

## 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 \$20 million in respect to any one claim and list the City of Adelaide as an interested party.

The insurance policy must confirm that indemnity is granted to the CoA for any liability, loss, claim or proceedings in respect of any injury, loss or damaged sustained by a third party, including the CoA, where the injury, loss or damage arises from the use of the Road.

The Applicant must immediately notify the relevant insurers and CoA in writing of any occurrence or accident 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 indemnifies and releases CoA, to the full extent permitted by law, from all liability arising from or in connection with the granting of the permit, or the conduct of the event, or the use or occupation of the event area, or the conduct of the Applicant's business by the Applicant or any of the Applicant's agents including:

- any claim by any person for injury, loss or damage arising in any manner;
- any loss or damage to any property belonging to the Applicant or other persons located in the vicinity of the event and caused by the Applicant or the Applicant's agent;
- any loss, damage, injury or illness sustained or incurred by the Applicant or any of the Applicant's agents;
- any loss or damage resulting from the exercise of CoA's power to suspend, revoke or alter this permit.

### 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. CoA does not warrant that the event site will be suitable for the event or the Applicant's use.

### Risk, Emergency and Safety Management Plan

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

The Applicant will be required to liaise with key stakeholders including South Australian Police, Department of Planning, Transport and Infrastructure and emergency services and provide CoA with a detailed risk, emergency and safety management plan in accordance with AS ISO 31000:2018 (or current replacement standard) no less than 14 days prior to the event. This plan must incorporate provisions for the control and coordination of the event inclusive of responsibilities of relevant personnel and emergency response procedures. This plan must also incorporate an adverse weather plan.

### Event Management Plan

Separate to, or in combination with, the risk, emergency and safety management plan, the applicant must also provide CoA with an event management plan no less than 14 days prior to the event. The event management plan must specify the person with primary responsibility for the following tasks, and the time at which the tasks are to be carried out or completed, as may be necessary:

- (a) the provision, placement, erection and dismantling of traffic control devices;
- (b) the placement of advance warning signs;
- (c) the provision and distribution of written material advising of the road closure, as well as any necessary additional information, to members of the public likely to be affected by the closure, including—
  - (i) local residents; and
  - (ii) proprietors of local businesses; and
  - (iii) persons who pay council rates on local property but do not use the property as a principal place of residence;
- (d) the fulfilment of other conditions the Council thinks fit to impose.

Advance warning notification signs must clearly indicate to the public the times and dates of temporary road closures.

### Traffic Management Plan

The Applicant must provide CoA with a traffic management plan prepared by a person who in the opinion of CoA has an appropriate level of knowledge and expertise in the preparation of traffic management plans no less than 14 days prior to the event.

All traffic control devices must be installed in accordance with that traffic management plan.

### Cost of plans

The Applicant bears the cost of preparing all plans (including associated consultations and disbursements) required under these Conditions, including the cost of any revisions, replacements or supplementary plans required by CoA.

### Bond Payments

A site bond or deposit may be required for an event. The bond amount will be stipulated by the Event Facilitation Team and must be received by CoA prior to event approval.

### Vehicle Access

Emergency services have strict requirements in regard to access and egress for all city streets.

The Applicant must liaise with these agencies to ensure required access is maintained and all safety aspects are met.

Access to residents and businesses must also be considered and, to the full extent possible, maintained.

### **Cleaning & Road Re-opening**

It is the responsibility of the Applicant to ensure rubbish & equipment is removed from the event site at the conclusion of the event. The event site must be clear of all infrastructure before the road is to re-open. If CoA is required to do additional clean up as a result of the event, an hourly labour fee will be invoiced to the Applicant and the Applicant will be liable for such costs.

CoA can provide 240L waste bins to assist with cleaning at an event; please indicate on the Booking Application Form if this is required. Fees apply for the provision of waste bins for an event.

### **Pedestrian & Cycling Paths**

Except with express permission of CoA, all pedestrian and cycling paths must not be obstructed in any manner either during set up, pull down or the duration of the event. The Applicant must indicate on the Booking Application Form if such obstruction is required.

### **Liquor Sales & Consumption**

Liquor licenses are issued by Consumer and Business Services (CBS) South Australia. For more information as to whether a liquor licence is required, please contact CBS on 131 882.

### **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. Set up and pull down of all equipment is to be undertaken by the Applicant, at the Applicant's expense.

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

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

### **Event Amplified Sound Management Guidelines**

All events using a sound system or PA must comply with CoA's Event Amplified Sound Management Guidelines as amended from time to time. [Click here to view the Guidelines.](#)

## Copyright Licence

If copyright works are being performed or broadcast at the event, a copyright licence is required by law. CoA holds a licence with OneMusic Australia, covering APRA and PPCA. Your event may be covered under CoA's licence if it is held in a public space and you meet the following criteria:

- If there is no entry fee, your gross expenditure on live artist performers is \$4,000 or under.
- If there is an entry fee, the advertised price is \$40 or under.
- Whether or not there is an entry fee the gross expenditure on your live artist performance is \$50,000 or less.

If your event falls outside these limitations, you will be required to apply to OneMusic Australia for a licence to cover your event, ensuring it meets the requirements of APRA and PPCA.

**APRA** - Australian Performing Right Association Ltd (APRA) represents artists and their copyright in a song (lyrics, composition etc). APRA is interested if live music is proposed to be performed at your event.

**PPCA** - Phonographic Performance Company of Australia Limited (PPCA) has an interest in the broadcast, communication or public playing of recorded music (e.g. CDs, records and digital downloads) or music videos.

For further information see <https://onemusic.com.au/licences/events/>

## Operational Services

Charges apply for operational services provided by CoA (e.g. Bins, Temporary Parking Controls etc.). A quote for services requested by the Applicant will be provided prior to the event and the services being rendered.

## Power & Electrical Wiring

All electrical equipment connected to CoA power outlets must be tested (in accordance with AS/NZS 3000:2018 or the current replacement standard) and tagged by a qualified person. Power cords must not be run along the ground. They must either be placed in cable trays or raised 2.75m above walking areas (includes grassed areas) and 5m above roads (or places where vehicles are likely to traverse). 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 AS 3533 – Amusement Rides and Devices or the current replacement standards*).

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

## Catering

The Applicant must provide CoA with a copy of the food business notification form under the *Food Act 2001* (if given to a Council other than CoA) for each food vendor or caterer providing or selling food at the event, and a list of such vendors or caterers. This list must include contact details, the name of the person/business, the type of food available, e.g. sandwiches, curry, hotdogs, fruit salad, and whether they are bringing food pre-prepared, or cooking on site.

Temporary hand wash set ups are required for all food stalls. If any cooking is happening on site, food grade sanitiser and temperature probe thermometers are required. Further information can be found at <http://tinyurl.com/resourcesforfoodbusinesses> or by contacting the CoA Environmental Health Team on (08) 8203 7405.

## Crowd Control

The Applicant is responsible for the provision of security staff as deemed necessary. All arrangements regarding crowd control are the responsibility of the Applicant.

## Fireworks

Fireworks are only permitted to be provided and operated by pyro technicians licensed by SafeWork SA and who hold Public Liability Insurance for a minimum of \$20million.

The pyrotechnician must receive separate written land use permission from CoA prior to the event. Fireworks must not be discharged without obtaining permission from CoA.

## Signage at Road Events

The Applicant must obtain permission from CoA to erect any signage on or around roads, including marketing and promotion of the event.

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

CoA reserves the right to refuse permission for any signage.

## 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 2012* shall provide to CoA evidence that the amusement ride is so registered.

A copy of the organisation's Public Liability Insurance 'Certificate of Currency', minimum \$20million must also be obtained and forwarded to CoA.

N.B.: Your Company's Public Liability Insurance may not cover the amusement rides at your event. You should check this with your insurer.

### Temporary Structures

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. The Event Facilitator will discuss this process with the Applicant to ensure that all guidelines and policies are met. Information regarding all staging and structures to be installed must be submitted to CoA for approval at least 14 days before installation at the event. 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.

### Roadside furniture

If the event affects any;

- roadside furniture owned or maintained by the Council or the Commissioner of Highways; or
- road markings;

the Applicant must reinstate such furniture or markings to their original condition or otherwise reimburse CoA for the cost of such reinstatement.

### Remedial action by CoA

CoA may, at the Applicant's cost, do anything which the Applicant should have done under the permit but which the Applicant has not done or which CoA reasonably considers the Applicant has not done properly.

### Application fees

Road closure, application and permit fees apply; however, such fees may be waived for not-for-profit applicants, at CoA's discretion.



### Consultation and/or Notification Advertisement Fees

Advertisement fees may apply for public consultation and notification of a road closure for an event. These costs may be borne by the Applicant.

### Agreement to pay all amounts

The Applicant agrees to reimburse the Council for all monetary amounts which the Council may incur as contemplated by these conditions or as a result of any special conditions in the permit, including monetary amounts incurred in connection with advertisements, notices, consultation, operational services, and remedial action.

### Contact Details

#### City of Adelaide – Event Facilitation

GPO Box 2252

ADELAIDE SA 5001

**Ph:** (08) 8203 7203

**Email:** [events@cityofadelaide.com.au](mailto:events@cityofadelaide.com.au)

**Web:** <https://www.cityofadelaide.com.au/community/spaces-rooms-venues-to-hire/road-events/>

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