



TERMS AND CONDITIONS

1. SELECTION CRITERIA

Tourism is a key economic driver to the City of Holdfast Bay and has significant positive flow-on effects for the local community. The Council's Strategic Plan 2030 focuses on a welcoming, safe and active community for the local community whilst the Tourism Vision is committed to a lively, diverse, safe and accessible tourism destination for visitors and residents. Ensuring sustainability and economic benefits for our community and region is also a high priority, therefore the selection criteria for all seasonal commercial activation activity applications is as follows:

- Promotes the image of City of Holdfast Bay and the reputation we hold as Adelaide's Premier Seaside Destination
- Enhance the City's attractiveness and creates strong visitor appeal
- Adds vitality by providing social value, engages visitors and community
- Effectively maximizes use of open spaces, increases patronage to cafes/restaurants, main streets and surrounding businesses
- Economic, social and environmental sustainability.
- Public Safety and equipment suitability.

Applications to operate a Seasonal commercial activation will only be considered where conditions of use have been read and agreed to, and only where the necessary application form has been submitted with all of the details completed.

2. GENERAL CONDITIONS

Approved seasonal commercial activations will run from October to March. Trading is only allowed on weekends, public holidays and school holidays. Outside of these times are by negotiation. Major events in the area may require the temporary suspension or relocation of a seasonal commercial activation. The approval is non transferrable.

The operation of seasonal commercial activation is only permitted between the hours of 8:00am and 8:00pm.

Foreshore seasonal commercial activation operators shall operate for at least 80% of their licensed period unless weather makes the operation impossible.

The control and administration of Council reserves and properties is vested in the Council, who shall have free access to any areas at any time.

3. PUBLIC LIABILITY

Council requires the applicant to have public liability insurance to a minimum value of twenty million dollars (\$20,000,000) in the legal organisation name or governing body. The Applicant must ensure that the insurance provides coverage for the specific seasonal commercial activation location. A copy of a Public Liability Insurance Certificate of Currency must accompany the application and final approval will not be given until it is received.

The Applicant agrees to indemnify and to keep indemnified the Council, its servants and agents and each of them from and against all actions, costs, claims, charges and expenses whatsoever which, may be brought or made or claimed against them or any of them arising out of or in relation to the issuing of an approval to conduct a seasonal commercial activation on property under the care, control and management of Council. The Council is not responsible for any loss of or damage to any fixtures, fittings or personal property of the Applicant or participants of the seasonal commercial activation.

4. APPLICANTS RESPONSIBILITY

The applicant will be responsible for any damage caused to Council property which resulted during the hire period and charges may apply.

Council will not accept liability for any personal injury, loss and damage that may occur to participants or third parties or their property as a result of operating the seasonal commercial activation.

Covid19 requires additional responsibilities of the operator and if these are not included in the daily operation checklist or not conducted on a daily basis then Council reserves the right to not issue a permit or revoke an existing permit.

Recommendations from SA Health on the safe use of shared mobility services include:

- Requiring operators to include COVID safe in-app messaging, including reminding users to sanitise their hands and to avoid touching their face especially when adjusting the helmet strap (regardless of whether they are using an operator-provided shared helmet or their own helmet).
- Requiring operators to clean their devices on a regular basis (at least once per 24 hours)

5. SAFETY CERTIFICATION

All activities are to be conducted in accordance with all relevant legislation, Australian standards and other such relevant requirements including Safework SA and Engineers Certification.

The operation of any hire craft has to be in accordance with all directions given by the Council. All hire craft shall be recognised by a marine inspector to ensure that the craft are in a sound and seaworthy condition. Proof of this inspection should be supplied by Council annually.

If an accident occurs during your operation period, please advise Council in writing of the incident within 2 working days.

6. RISK MANAGEMENT PLAN

A detailed risk management plan for your specific activity in relation to the site must be provided to the events team prior to your activity commencing. Final approval will not be given until it is received. The plan must demonstrate that all potential risks have been identified and considered. A risk management template can be obtained from Council's website.

Environmental and hygiene practices

7. SITE MAP AND INFRASTRUCTURE

A site map of the activity must be submitted as part of the application.

Seasonal commercial activations must operate within the designated area and must be in accordance with a plan approved by council. Vehicles and/or animals must not reside or travel over any foreshore lawn areas, only paths are to be used for this ride operation. All equipment used on the beach or foreshore area must be removed at the conclusion of each day's operation unless approved by Council. Buoys or other temporary markers shall be removed at the completion of operation each day before sunset.

8. ACCESS TO POWER

Permanent electrical installations are not to be interfered with. All electrical fittings and equipment are to comply with SA Power Networks and Council regulations. Please ensure that all power supply requirements are included in the application form.

Electrical equipment used in the City of Holdfast Bay must be tagged and tested for the safety of spectators and participants. If the equipment is not tagged, not in approved cable covers, or is found to be faulty by a Council representative, Council reserves the right to request that the item be disconnected or removed until the hazard has been rectified or the activity will be shut down.

Please ensure that electrical leads do not create a trip hazard for the safety of participants and spectators. Power cords must not be run along the ground. They must be placed in cable trays or raised 2.75m above walking areas (includes grassed areas) and 6m above roads (or places where vehicles are likely to traverse).

It is the responsibility of the operator 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). Any electrical work must be completed by a qualified electrician in accordance with AS/NZS2003:2008 and a Certificate of Compliance must be supplied to the Applicant and to your account manager. If there is a power outage during the activity it is the responsibility of the Applicant to coordinate an alternate supply.

9. AMUSEMENT STRUCTURES

Amusement structures are only permitted within the City of Holdfast Bay with Council approval. A current copy of SafeWork SA Certificate of Amusement Structure Registration must be submitted to the Event Management Team at least six (6) weeks prior to the commencement of the activation.

Points addressing the amusement structure need to be included in the Risk Management Plan.

Please ensure the amusement structure operator holds valid Public Liability Insurance to the value of twenty million (\$20,000,000) dollars. 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.

10. VACATING THE SITE

The operator will be responsible for any damage caused to Council property which is attributable to the users during the use period.

All areas are to be left in a clean and tidy condition and all debris, empty bottles, food scraps, animal waste etc. must be removed by the user immediately after the day of operation. Failure to do so will entitle any Council Officer to employ the necessary labour, the cost of which will be recovered from the hirer of the area.

11. NOISE CONTROL

The hirer of any public reserve or foreshore area is responsible for the control of noise. All reasonable measures must be taken to ensure minimal disturbance to residents or businesses within the surrounding area, and the hirer must be aware of and adhere to the Environment Protection Act guidelines applicable to noise and where necessary appropriate exemptions sought. No application for exemption is to be made without Council consent.

Council regulations state:

- No music system or amplified sound to be used by any hirer without the prior approval of Council;
- The maximum noise level conditions are set at 90 decibels before 6:00pm and decrease to 75 decibels after 6:00pm. Base levels will be checked;
- Set up should not be scheduled prior to 7:00am and no set up/pack down should take place after 9:00pm unless otherwise approved by the Event Management Team;
- No public address system announcements are to be made prior to 9.00am (unless otherwise negotiated), and only essential announcements are to be made between 9.00am - 10.00am; and

Non-compliance to noise control measures will result in withdrawal of power supply and loss of bond.

The applicant is hereby notified that they may incur loss of their bond monies, prosecution and a possible reluctance from Council to consider future hiring of the reserve or foreshore area to organisations or individuals who do not fully notify audio technicians or sub-contractors of their obligations regarding noise control.

If your activity includes amplified music or entertainment an approved resident and business notice will need to be distributed a minimum of one week prior to the activation to the affected residents and businesses.

12. SECURITY

The operator is responsible to provide security patrols if considered necessary. No hirer of a public area shall cause nuisance or allow nuisance to be caused to any person. Where determined necessary by Council, a responsible adult will have to be present at all times to supervise the total operation.

13. VEHICLE ACCESS

The Applicant must seek approval from the Event Management Team for all essential vehicles to access the area associated with the activity set up and pack down. Once a vehicle is unloaded/loaded it must be driven off site and into public parking areas.

14. ADVERTISING/SIGNAGE

Advertising is not permitted on Council property without written permission from the City of Holdfast Bay. Council does not accept responsibility for the content of any advertising conducted by the Applicant. Approved advertising is displayed at the risk of the Applicant.

Council's logo is a registered trade mark and all applications for usage must be made in writing.

15. SUN PROTECTION CLOTHING POLICY

External operators are responsible for contract employees who work outdoors on seasonal commercial activations approved by the City of Holdfast Bay. Council recommend operator staff and contractor's wear suitable clothing (long sleeve shirts, trousers, hats, sunscreen, sunglasses etc.) that provides adequate protection from the sun and risks of UV radiation.

16. DRY ZONES

The City of Holdfast Bay has both permanent declared dry zones that are operational 24 hours per day and intermittent dry areas that are operational daily between 9:00pm and 9:00am.

17. VENDORS

The distribution of free food/product sampling cannot be undertaken on Jetty Road, Moseley Square, Glenelg Foreshore, Glenelg Beach and Brian Nadilo Reserve – Ngutinilla.

18. HIRE FEES

Council will charge an administration fee of \$284 and a monthly fee of \$300.00 that must be paid prior to each month for trading to occur.

All fees are inclusive of GST

Event Management Team

events@holdfast.sa.gov.au

Reviewed and updated October 2022