

## Fitzroy Street Precinct Terms and Conditions of Hire

### Legislation

The Hirer shall comply with any approvals issued by Council for the Fitzroy Street Precinct.

The key considerations for those operating under the Fitzroy Street Precinct development consent include:

- All reasonable measures shall be taken to ensure that the development permitted by this consent does not cause injury to the amenity of the neighbourhood by reason of noise, unruly behaviour, traffic movement, excessive lighting or the like.
- No smoking is permitted at the event as Fitzroy Street is smoke free in accordance with Council's Smoke-Free Environment Policy 2015.
- Stall holders must contain and remove their waste including any waste water generated during the operation of their market stalls. No waste water is allowed to be deposited to stormwater systems or be in a position where it could enter into storm water systems at any time.
- A fire extinguisher shall be provided within close proximity to any marquees that have a floor area exceeding 100m<sup>2</sup>

### Event Application

The Fitzroy Street Precinct can be used for a variety of purposes, including functions, displays, barbecues, dance performances and small to medium sized events. To have an activity or hold an event in the Fitzroy Street Precinct a *Fitzroy Street Precinct Booking Form* must be completed and submitted to Tamworth Regional Council for assessment. Council can decide in its discretion as to whether the proposal is suitable for the venue.

### Booking Conditions

The *Fitzroy Street Precinct Booking Form* must be completed and submitted by the Hirer to Tamworth Regional Council. The application must be received up to three months prior to the tentative booking. Notification timeframes vary dependent on the type of event or activity.

Tamworth Regional Council takes no responsibility for any third party commitments entered into by the Hirer if an application is declined.

The Hirer may only use the precinct for the purposes shown on the completed application form. Successful application does not grant exclusive use of this space. Any time required for set up and cleaning at the end of the event must be included in the booking time.

Hirers must be over 18 years of age.

Approved Hirers who are granted permission to use the Fitzroy Street Precinct cannot transfer the right of use to another person, group or organisation.

Special conditions may be imposed for certain types of events. This is at the discretion of Tamworth Regional Council.

### Events Categories & Notification Time Frames

Activities within the Fitzroy Street Precinct are classified into the following categories; Minor Event, Medium Event and Large Event.

#### Minor Event

Minor Events are classified as having no or very minimal impact on the immediate area, with an attendance less than 50 people. Those in attendance remain on site for short periods of time. These events may be promoted locally and for the most part these events rely on passing foot traffic.

Minor Events might include:

- A commercial entity or non profit group selling or giving away items
- The sale or provision of food, including the operation of a bbq
- The installation of up several small marquees
- The use of a small amount of furniture (a dozen tables and/or chairs for e.g.)
- A request for access to power
- An amplified busker or other entertainment such as a dance performance
- A media event or launch
- Some Minor Events may require a road closure

Applications for the use of Fitzroy Street Precinct for a Minor Event should be submitted up to three weeks prior to the proposed event date. If a road closure is necessary up to eight week notification may be required.

### **Medium Event**

Medium Events are classified as having some impact on the immediate community with an approximate attendance of 50 to 400 people. Medium Events may be bespoke and aimed at a specific group within the community and may include the following:

- The installation of marquees
- The installation of furniture, including chairs and tables
- A stage with PA for speeches and/or entertainment
- Sale or provision of food
- Sale or provision of alcohol
- Non food stalls
- Require additional waste facilities
- Local event advertising or promotion
- Security
- Requires access to power
- Liaising with Police, Liquor Licensing (OLGAR) and other government agencies
- A road closure (of part or all of the street between Peel and Kable)

Applications for the use of Fitzroy Street Precinct for a Medium Event should be submitted up to eight weeks prior to the proposed event date.

### **Large Event**

Large Events are classified to have a significant impact on the immediate community and may also impact the wider non event community. These events would have an approximate attendance of 400 or more people

These events may include the following:

- The installation of marquees
- The installation of furniture
- A stage with PA for speeches and/or entertainment
- Sale or provision of food
- Sale or provision of alcohol
- Non food stalls
- Require additional waste facilities
- Require additional toilet facilities
- Significant event advertising or promotion
- Security
- Requires access to power
- Liaising with Police, Liquor Licensing (OLGAR) and other government agencies
- A road closure (of part or all of the street between Peel and Kable)

Applications for the use of Fitzroy Street Precinct for a Large Event should be submitted up to three months prior to the proposed event date.

### **Licenses**

The Hirer must obtain all relevant licenses pertaining to the proposed use and a copy of them must be provided to Tamworth Regional Council prior to the commencement date of the use of the Fitzroy Street Precinct.

### **Insurances and Indemnity**

As a condition of hire, the Hirer 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, or such other amount as Council may require at the time of application. Where required, the Hirer may be required to also provide evidence of product liability policy to be of a minimum amount of \$20 million in respect to any one claim as well as to Workers' Compensation insurance.

The Hirer must fully indemnify Tamworth Regional Council against:

- any liability, loss, claim or proceeding caused by any negligent act or omission or willful misconduct or breach of statute by the Hirer, its employees, agents or subcontractors; and
- Any breach of the conditions of hire by the Hirer, its employees agents or subcontractors.

### **Schedule of Fees**

The schedule of fees is set in accordance with the Tamworth Regional Council's Fees and Charges approved by Council.

### **Damage**

The Hirer must ensure that any notable damage is reported to the Tamworth Regional Council prior to the commencement of the booking as it will be deemed that this damage occurred during the course of the booking.

The Hirer is deemed responsible for any damage and/or loss to the Tamworth Regional Council's property or equipment, which occurs during the Hirer's use of the precinct. The value of repairing the damage will be charged to the Hirer after inspection.

## Site Plan

A proposed site map of the layout of the event must be submitted to the Tamworth Regional Council for approval, indicating the placement of marquees, catering facilities, a stage and other associated structures. This is to be received at least 10 days prior to the booking date and cannot be varied without first gaining approval from the Tamworth Regional Council. No generators are to be used without authorisation from the Tamworth Regional Council.

The Fitzroy Street Precinct Site Map, which details restricted areas, power access, permanent structures and other features within the area, must be referenced when preparing an event site plan.

## Toilets

The Hirer is to provide the appropriate number of toilets for the size of event and these are to be housed in an area designated by Tamworth Regional Council. Tamworth Regional Council will advise the Hirer the number of toilets, if required, in the booking confirmation.

## Parking

Hirers should note that there is ample street parking in the surrounding streets. Parking bays may be available to lease by the Hirer on the day of the approved event.

A fee per parking bay per day is applicable and will be charged to the Hirer as set out in Council's Fees and Charges.

## Road Closures

There are two existing road closure approvals in place that can be applied to the Fitzroy Street Precinct;

1. A partial road closure incorporating the shared pedestrian zone only, between Peel Street and the Give Way sign at the end of this zone
2. A full road closure between Peel Street and Kable Avenue incorporating the 13 car parking spaces and cul-de-sac at the western end of the street.

These pre approved road closures are effective each week from 6am Friday through to Midnight Sunday. If the proposed event is to be held outside of these times additional notification will be required in order for the associated road closure to be approved by council.

It is likely that a road closure will need to be implemented for most Medium and Large Events in the space. This will not be the case for small displays, raffle ticket sales and buskers. Council will determine if a road closure is required (if not already requested by the Hirer). Where a partial or full road closure is required, Tamworth Regional Council staff will be engaged to implement the road closure.

The costs incurred for the implementation of the road closure are to be met by the Hirer based on a cost recovery basis.

A Schedule 1 Notice of Intention to Hold a Public Assembly form is to be completed for some larger events that require a road closure. This form is to be submitted to the Police in order to obtain their written consent. Council will advise if this Police consent is required.

Events that involve a road closure are classified by the police as described in the table below. It is likely that any event in the Fitzroy Street Precinct that involves a road closure will be considered Class 2 or Class 3. For more information on this classification see the "Guide to Traffic and Transport Management for Special Events", [www.rms.nsw.gov.au/trafficinformation](http://www.rms.nsw.gov.au/trafficinformation)

Class 1	Class 2	Class 3	Class 4
An event that impacts major traffic & transport systems	An event that impacts local traffic & transport systems	An event with minimal impact on local roads	Moving event under police control
Significant disruption to non-event community	Minimal impact on non-event community	No impact on non-event community	Impact varies from significant to minimal

## Bollards

The stainless steel bollards in the Fitzroy Street Precinct can be removed on request dependent on the type and size of event. These bollards must be removed by an authorised council officer, not the Hirer, and can only be removed when bookings include a road closure. Council reserves the right to deny any request to remove the bollards for any reason.

## Event Bins and Cleaning

If additional bins are required as part of the hire of the precinct, the request for event bins must be included when completing the Fitzroy Street Precinct Booking Form. Hirers will be charged a hire fee per bin requested according to council's Fees and Charges.

It would be expected that some events would require the hire of event bins given the potential waste produced by larger events. If event bins are not requested in the Fitzroy Street Precinct Booking Form but are required, the Hirer will be advised of the number

of bins to be supplied and will be charged accordingly.

The Hirer will be responsible for cleaning the precinct and ensuring all rubbish resulting from the event is placed in the bins. If the precinct is not cleaned to the satisfaction of Tamworth Regional Council the cost of any additional cleaning will be charged to the Hirer.

All waste bins must be collected from and returned to the waste bin compound located near No. 1 Oval. A key for the compound can be collected from customer service staff at the ground floor counter at council's administration building, Ray Walsh House, located at 437 Peel Street.

#### **Cleaning Fee**

If pavers or any other surfaces within Fitzroy Street Precinct require cleaning after use by a Hirer, a cleaning fee will be charged to the Hirer on a cost recover basis dependent on the damage occurred.

#### **Amplification**

Amplification as part of the hire of the precinct requires approval from Tamworth Regional Council and will be strictly regulated by the Tamworth Regional Council.

#### **Special Conditions**

The Hirer acknowledges that any special conditions set out in the booking confirmation shall apply and be incorporated in this agreement.

#### **Booking Cancellations**

On occasion, the Tamworth Regional Council may need to cancel or reschedule a booking to allow alternative use of the space, or may need to close a facility or restrict space within a facility to undertake maintenance or repairs. In this instance, every effort will be made to ensure the Hirer is given at least twenty one (21) days notification to make alternative arrangements.

#### **Usage Times**

Approval to use the Fitzroy Street Precinct applies only to the times and dates outlined on the booking confirmation. Hirers must allow for set up and bump out times when completing the *Fitzroy Street Precinct Booking Form*.

Events must conclude no later than Midnight.

#### **Service of Alcohol**

No alcohol is to be sold or consumed in the Fitzroy Street Precinct without the appropriate license being obtained from the Department of Industry, Liquor and Gaming NSW. A copy of license must be presented before booking will be confirmed

Please see <https://www.liquorandgaming.nsw.gov.au/Pages/liquor/liquor-licences/which-licence-do-i-need.aspx> for further information.

As Fitzroy Street is located in an Alcohol Free Zone Hirers wishing to sell or give away alcohol must also complete a form requesting permission from the General Manager of Tamworth Regional Council to temporarily lift the Alcohol Free Zone in this area. This form can be obtained from council's events staff.

Please ensure that the Service of Alcohol section within the Fitzroy Street Precinct Booking Form be completed in order to have this request considered.

#### **Smoking**

Smoking is strictly prohibited in Fitzroy Street, as the Tamworth CBD is a Smoke Free Zone.

#### **Sale of Food**

Any proposed event that is to include giving away or selling food must detail the proposed these food stall details in the Fitzroy Street Precinct Booking Form.

The Hirer must ensure that all food activities comply with the NSW Food Authority's Guidelines for Food Businesses at Temporary Events and/or Guidelines for Mobile Food Vending Vehicles, whichever is applicable.

[http://www.foodauthority.nsw.gov.au/\\_Documents/retail/temp\\_events\\_guideline.pdf](http://www.foodauthority.nsw.gov.au/_Documents/retail/temp_events_guideline.pdf)

<http://www.foodauthority.nsw.gov.au/retail/mobile-food-vendors>

The requirements for food labelling also apply to stall holders particularly regarding allergen declaration. All packaged food for sale must comply with the guidelines on food labels contained with the Food Safety Standards.

An inspection shall be arranged with Council's Environmental Health Officers to inspect any temporary food stalls. The inspection shall be arranged for the day of the event prior to the scheduled start time to ensure that all conditions have been satisfied.

#### **Barbecues**

Barbecue residues must be collected in drip trays. A tarp or other suitable ground cover must be placed below all barbecues to prevent oil and fat dropping on the pavers. Hot water, oil, fat, ice and dry ice must not be tipped onto the paving, road way, into

planters or in any drains, including stormwater drains.

### **Tents/Marquees and Temporary structures**

No tent or marquee or temporary structure is to be erected within the Fitzroy Street Precinct without obtaining prior consent from the Tamworth Regional Council. No stakes and/or pickets are to be placed into any part of the ground. Any repair of damage to the paving and other surfaces in the area will be at the expense of the Hirer.

Please refer to the Fitzroy Street Precinct Site Map when determining where marquees and other structures are to be placed.

### **Keys**

Keys must be obtained from the Tamworth Regional Council prior to the event day. Keys must be returned the same day or before 10am the next business day after the booking date.

### **Call-outs and Enforcement**

Should a Tamworth Regional Council member be called out as a result of the Hirer's non-compliance with any condition of hire, penalties could apply for non-compliance of conditions associated with permits.

The authorised staff member shall have authority to terminate the hire arrangement forthwith in the event of non-compliance if in the reasonable opinion of the authorised staff member the breach is likely to continue.

### **Vehicle Access**

No vehicle is authorised to access the non road areas of Fitzroy Street Precinct without obtaining prior consent from the Tamworth Regional Council.

### **Occupational Health & Safety**

The Hirer must comply with the laws governing occupational health and safety for its employees. Access for emergency vehicles must be kept clear at all times.

### **Access and Obstructions**

Access to all businesses located in the Fitzroy Street Precinct must be maintained throughout their opening hours. This includes entrance and exit areas and loading areas. Note: if a road closure has been approved, alternative plans must be put into place.

Disability access through the site must be considered in relation to events, including bump-in and bump out periods.

Events must not create a pedestrian hazard. Event holders must ensure that all equipment associated with their event is made safe and does not pose a risk to members of the public, site workers and others.

### **Security**

The Hirer must provide adequate security, high risk event bookings will be required to provide information to the satisfaction of the Tamworth Regional Council as to how people will be moved on from Fitzroy Street Precinct on completion of the hire period.

The Hirer will be responsible for any damage caused if security arrangements are inadequate.

Security must be provided if any structures or equipment are erected in the Fitzroy Street Precinct and are left over night.

### **CCTV Cameras**

There are a number of CCTV security cameras in the Fitzroy Street Precinct. It is the Hirers' responsibility to ensure that these are not damaged during the hire period. This is particularly relevant during event set up and pack down, when vehicles and structures may be in the space which could damage these cameras and other permanent infrastructure.

Structures are not to be placed within 3 metres of any light pole with a CCTV camera. See the Fitzroy Street Precinct Street Site Map for restricted areas.

### **WiFi**

Public WiFi is available and free to use in the Fitzroy Street Precinct. The SSID is called 'TRC\_Free\_WiFi'. This service is available between 6am and 8pm.

### **Event Marketing**

The event should not be promoted to the public in any way until the Tamworth Regional Council has approval has been granted.

Once the booking of Fitzroy Street Precinct is approved the Hirer is encouraged to list their event, if applicable, on the Destination Tamworth website, visit <http://www.destinationtamworth.com.au/EventPublic/CreateEvent.aspx>

This will result in the activity or event promoted through Tamworth Regional Council's marketing channels, including Facebook and the Destination Tamworth website.

### **Site Inductions**

With the exception of some Minor Events the Hirer must complete a site induction with an authorised council staff member in the week leading up to the hire period.

Each contractor and all stakeholders that will be in site (for e.g. stall operators, performers) must be inducted by the Hirer prior to starting works.

The Hirer is responsible for the supervision of all contractors during bump in and bump out and must have a key contact on site at all times during these periods.

### **First Aid, Accidents and Incidents**

It is required that adequate first aid, or first aid trained and accredited staff are onsite for the duration of the event hire period.

### **Power**

10amp, 15amp and three phase power is available in the Fitzroy Street Precinct, with a total power load of up to 100amps. If access to power is required this must be detailed on the *Fitzroy Street Precinct Booking Form*.

All electrical leads, junction boxes and equipment provided by Hirer must comply with the requirements of WorkCover NSW. WorkCover NSW requires electrical leads to be tested at least annually, and identification tags to be attached.

Hirers must ensure that all electrical leads are installed to avoid trip hazards, using cable covers/trays.

Power usage will be charged according to Council's Fees and Charges.

Should a power outage or system overload occur due to the operations of an event, an electrician will be called by a Tamworth Regional Council representative. All associated costs including, but not limited to, call-out and repair, will be payable by the Hirer.

### **Water**

Availability of water for events is to be assessed on a case by case basis. Water services are very limited. No waste water is to be discarded on the site. Water consumption for the event will be charged at 100% to Hirer. Rates are detailed in Council's Fees and Charges.

### **Wind Loading**

It is the responsibility of the event holder to ensure that any temporary structure/s installed in the Fitzroy Street Precinct complies with the relevant Australian Standards, including anchor requirements for wind.

### **Work Safe**

Before the commencement of any works or activities the site must be secured in accordance with SafeWork NSW requirements.

### **Risk Management**

An event risk management plan is to be prepared and submitted to Tamworth Regional Council three weeks prior to the event date for all Medium and Large Events.

Council's Events staff can assist in the preparation of a risk management plan.

### **Event Accessibility**

When planning an event or function in the Fitzroy Street Precinct it is the Hirer's responsibility to consider the access needs of people with a disability. For information regarding key considerations around access at an event, visit;

[https://www.dpc.nsw.gov.au/programs\\_and\\_services/events/event\\_accessibility](https://www.dpc.nsw.gov.au/programs_and_services/events/event_accessibility)

### **Notification**

Tamworth Regional Council will notify local emergency services of any approved events in the precinct.

For any event or activity that requires a road closure Tamworth Regional Council will be responsible for the appropriate public notification regarding this road closure and will also be responsible for notifying Fitzroy Street businesses and tenants of the event details.

It is the Hirer's responsibility to complete a Schedule 1 Notice of Intention to Hold a Public Assembly form when the Hirer is advised by Tamworth Regional Council that this is required.

### **Privacy Statement**

Any personal information you have supplied to or is collected by Tamworth Regional Council will only be stored and processed by Council for lawful purposes directly related to the functions and activities of Council. Any personal information supplied will only be disclosed to a third party for the purpose of performing a lawful function or activity and for no other purpose. Disclosure of personal information to a third party will be in accordance with Tamworth Regional Council's Privacy Management Plan.