

## Notes

**Local Government Land** means land and owned by the Council or under the Council's care, control and/or management (except streets and roads) as defined in By-Law 3 Local Government Land.

**Authorised Officer** means an officer of the City of Charles Sturt authorised under Section 260 of the Local Government Act.

**Voice amplification** device means **any** device used to increase the volume or concentrate the direction of the user's voice or a voice recording.

**Environmental nuisance** means:

- a) Any adverse effect on an amenity value of an area that:
  - I. Is caused by noise, smoke dust, fumes or odour; and
  - II. Unreasonable interferes with or it likely to interfere unreasonably with the enjoyment of the area by person occupying a place within, or lawfully resorting to, the area; or

Any unsightly or offensive condition caused by waste

### The issuing of this permit is subject to:

- The Applicant agrees to comply with the General Conditions set out within the Permit;
- The Applicant agrees to comply with any Special Conditions which may be set within the Permit;
- The Applicant will pay the prescribed fees set out in the City of Charles Sturt's Fees and Charges Register;
- The Applicant will provide a copy of all certificates which are required by either the General Conditions or Special Conditions within the Permit;

The Applicant is only Authorised in respect to the Activity as specified within the Permit.

**General Conditions****Non Transferable**

Permit is non transferable.

**Described Activity**

Permit is valid only for activity described on the permit.

**Dates and Times**

Permit is valid only for times and dates on the permit.

**Permit Inspection**

Permit must be made available for inspection upon request by an authorised officer or a police officer.

**Insurance**

The permit holder agrees to indemnify and to keep indemnified the Council its servants and agents and each of them from and against all actions, costs, claims, damages, 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 the permit.

The permit holder shall take out and keep current a public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of ten million dollars (\$10,000,000) against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the permit holder in relation to the activity.

The permit holder must provide confirmation of insurance to Council. Such a policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the permit holder.

**The permit becomes immediately invalid if the permit holder ceases to have current public liability insurance as set out above.**

**Failure to Comply**

Failure to comply with any condition of the permit will result in the permit being revoked.

**Valid Area**

The permit is only valid for the area stipulated on the permit.

**Display**

The permit must be displayed at all times in a manner that is visible to the general public and be located on the passenger side of the dashboard of the vehicle.

**Compliance with Other Legislative Requirements**

The permit holder must abide by all other State and Federal legislation. The issue of this permit does not absolve the permit holder or their agents from any other overriding legislation.

**Amendment to Conditions**

The permit conditions may be amended at any time by the issuing authority with or without consultation with the permit holder.

**Directions**

The issuing authority may add or remove directions to the permit in addition to conditions at any time. Failure to comply with a direction will be taken as failing to comply with a condition of the permit.

**Changes to the Activity**

Any changes to the approved activity contained on this permit must be with prior approval from the issuing authority. This may cause conditions to the permit to be altered. If this is the case a new permit will be issued.

**Changes to Circumstances Affecting Validity of Permit**

Any changes to circumstances that would affect the validity of the permit must be notified to the issuing authority within 14 days of the change. For example a change to ownership of a company would require notification.

## **Special Conditions**

### **Council Booking System**

The permit does not replace the Council booking system for the use of aquatic areas for events. A separate booking is required for each event.

### **Safety Vessels**

At a minimum motor driven safety vessels must be provided during regattas and other organised activities under this permit. The safety vessel must be capable of quickly reacting to any emergency situation. The safety vessel must be currently registered as a recreational vessel with Transport SA. The driver of the vessel must hold a current South Australian Motorboat Drivers Licence or equivalent.

The vessel must comply with all marine safety legislation and requirements at all times. Failure to comply with this requirement may result in immediate revocation of this permit and cessation of all activities as prescribed under this permit until all requirements are met.

Safety briefings must be conducted before any on water activities commence under this permit.

**The maximum sized motor allowed is between 50-60 hp.**

### **Speed Limits**

Speed limits within the designated course area will comply with the requirements of the Harbours and Navigation Act;

Speed limits outside the designated course area will be restricted to 4 knots for motorised vehicles.;

Safety vessels are exempt from this speed limit only when they are responding to an emergency situation where a threat to human life is such that immediate action is required to negate the threat, eg. the exemption would apply to recover an unconscious rower in the water, however it would not apply to changing the position of the safety vessel on the lake or to monitoring the progress of the race.

### **Environmental Nuisance**

Activities carried out by persons operating under this permit must comply with the provisions of the Environment Protection Act 1993 in relation to environmental nuisances. Failure to comply will be taken as failing to comply with a condition of this permit, eg. coaches yelling instructions to rowers at 0700 hrs on a Sunday morning would constitute an environmental nuisance.

### **Use of Voice Amplification Devices**

The use of voice amplification devices is restricted to the following circumstances:

- Must not be used before 9am
- Must not be used between 9am and 8pm to project the user's voice across any expanse of water eg. coaching, unless when correcting a safety related problem or when authorised by special exemption for a specific time and granted through

the Council booking system. eg. the timing of safety briefings for an event which starts at 9.00am

- I. In these circumstances the amplification outlets must not be faced over water except for emergency purposes.
  - II. When used for safety or instructional briefing purposes the amplification is restricted to the instructional areas and maybe be used between 8am and 9am under the following conditions:
    - Must not be directed towards residential dwellings
    - Must not project the users voice across any expanse of water
    - Must be restricted to instructional and safety briefings for events ie. no promotional activity
- Voice amplification in boats is permitted between 6am and 8pm provided they are set at a level to be heard within the boat only, thereby minimising any noise disturbance to residents in the area.
  - Must not be used to convey promotional advertising, religious or other messages as per By-Law No. 3.

#### **Adverse Weather Conditions**

No on water activity is to be conducted in adverse weather conditions that would endanger the health and safety of any person.

#### **Low Light Safety Equipment**

Persons engaged in water activities before daylight or after dark must use lighting equipment as set out in the TSA Collision Regulations.

#### **Advertising**

Commercial advertising by means of signs, banners or leaflets on local government land is prohibited unless authorised by special exemption under the provisions of By-Law No. 3 and Bylaw No 2.

#### **Vehicle Parking**

The permit holder must take steps to advise all participants and spectators attending any organised event that they must comply with the provisions of the Australian Road Rules and Council Bylaws in relation to vehicle parking at all times.

#### **Litter**

The permit holder is required to ensure that all reasonable steps are taken to reduce littering and must provide adequate numbers of litter bins for patrons of the event. All litter is to be removed from the local government land upon completion of the event.

#### **Sale of Food or Beverages**

The sale of any food or beverage is prohibited on Local Government Land unless written approval has been granted by Council. In addition to the written approval, notification in the form of an application must be given to Council's Environmental Health Department. Failure to do so is an offence under the Food Act 2001 and an expiation notice may be issued.

**First Aid**

A person qualified to provide first aid to the minimum level of St Johns Senior First Aid or equivalent must be on duty during regattas and high risk organised events. A first aid kit meeting the requirements of a Basic Workplace First Aid kit must be available at all times in accordance with Workplace Health and Safety requirements.

**Vessel Identification**

All vessels operating under this permit must display an identification marker. These markers must be displayed so as to be clearly visible from the shoreline. The permit holder is responsible for keeping current records of the identifying markers which will be used for the purpose of complaint handling.

**Vehicle Access to Local Government Land**

Vehicles access to local government land is only permitted where relevant signage is posted and all other restricted parking areas that are set out by signage must be complied with. Australian Road Rules and Council By-Laws apply to all other situations.

**Public Access to Local Government Land**

This permit does not provide exclusive usage rights to any area of local government land unless it is specifically provided as part of the lake or reserve booking. Public access to local government land must be maintained at all times.

**Use of Bicycles or any other Small Wheeled Vehicles**

Bicycles or other small wheeled vehicles are prohibited on the walkway surrounding West Lakes Lake as per Section 250 of the Australian Road Rules unless an exemption has been granted. Note: The City Of Charles Sturt does not have the authority to grant this exemption.