

Permit Terms and Conditions – Events, Filming, Promotions and Weddings

1. Permit

- a. Cancellation of a permit occurs immediately when:
 - i. Conditions of the permit have been breached.
 - ii. Council identifies a misrepresentation in the application.
 - iii. Council identifies a contravention of the law, regulation or local laws in relation to the safe operations of the activity.
- b. The Council reserves the right to cancel or suspend a booking or permit at any time, including for safety reasons, (which may include a direction or state of emergency being declared by the Government, air quality, heat, flooding or other extraordinary circumstance or event).
- c. No claim shall be made for payment or compensation from the Council for, or in respect of, such cancellations.

2. Compliance

The permit holder(s) must be available at all times to ensure that:

- a. Individuals associated with and attending the activity adhere to all conditions.
- b. All employees, agents, and any other persons associated with or attending the activity must uphold laws, legal requirements and Council directions that apply.
- c. A copy of the permit is readily accessible at all times during the activity.

3. Liability

- a. The Council is not liable for any claims for loss or damage sustained or incurred to any person or property due to:
 - i. Use or occupation of the public space.
 - ii. Conduct of the activity.
 - iii. Granting of a permit.
 - iv. Cancellation of the permit or booking by Council.
- b. The applicant/permit holder must provide current public liability insurance with coverage of at least twenty million dollars (\$20,000,000) in any single claim instance, with the following conditions:
 - i. A certificate of currency must be provided prior to receiving a permit.
 - ii. Council must be listed as an 'interested party' if other parties are listed.

4. Indemnity insurance

- a. The applicant/permit holder(s) agree to indemnify the City of Melbourne, its officers, servants and agents, in respect of any damage, injury or loss, claims, demands or expenses whatsoever which may be instituted or made against City of Melbourne, its officers, servants or agents by any person or persons or agents for any damage injury or loss to any person or property whatsoever caused directly or indirectly from the proposed activity.

- b. The applicant/permit holder(s) liability to indemnify the City of Melbourne shall be reduced proportionally to the extent that any act or omission of the City of Melbourne its servants or agents, contributed to the loss or liability.

5. Payment and Invoicing

- a. Application fees are payable on application and are non-refundable.
- b. A permit will not be issued until payment of all fees is received in full.
- c. Additional fees may apply, as identified, during the permit process.
- d. City of Melbourne will charge interest at the rate specified under section 120 of the *Local Government Act 2020*, if payment is not received within the terms stated.
- e. City of Melbourne reserves the right to suspend a customers' credit if payment is not made within Council's prescribed trading terms.

6. Cancellation and Refund

Cancellation and refund requests from the applicant/permit holder will only be accepted in writing, with the following conditions applicable:

- a. Events, Weddings and Promotions
 - i. Application fees and general administration fees are non-refundable.
 - ii. When notice of cancellation is provided 15 days or more from the activity date a 75% refund of the site fee will apply.
 - iii. When notice of cancellation is provided 14 days or less from the activity date, no refund will apply.
 - iv. Refunds are not issued if the activity does not proceed.
- b. Filming
 - i. Application fees and general administration fees are non-refundable.
 - ii. When notice of cancellation is provided prior to the permitted activity date, a 75% refund of the site fee will apply.
 - iii. When notice of cancellation is provided on or after the permitted activity date, no refund will apply.
 - iv. Refunds are not issued if the activity does not proceed.

7. Area Access

- a. Parks, gardens, public places and Council infrastructure must remain accessible to the public at all times.
- b. Cordoning off a park for exclusive use and / or provision of tickets to grant entry is prohibited without a licence in accordance with section 17B *Crown Land (Reserves) Act 1978*.
- c. Access to the permitted location must be maintained at all times for:
 - i. Emergency vehicles.
 - ii. Pedestrians and cyclists; a minimum path area of 2.5 metres.
 - iii. Tram tracks must always be kept clear.
- d. Signage must be positioned to alert pedestrians and cyclists during bump in and out.
- e. Permanent BBQs and playgrounds must remain publicly accessible at all times and cannot be booked.
- f. Access to properties adjoining the permitted location must be maintained unless prior approval from the owner / occupier has been received and provided to Council.

8. Catering and Entertainment

a. Beverages

- i. Alcohol is allowed for BYO functions at private events and weddings where it is to be consumed in conjunction with food, except in alcohol free zones.
- ii. A valid liquor licence must be obtained, a copy provided to Council and a copy displayed at the permitted location where alcohol is to be sold or served at a public event.
- iii. The applicant/permit holder must adhere to all conditions outlined as part of the approved liquor licence where required.

b. Food and Cooking Equipment

- i. The applicant or permit holder(s) must adhere to City of Melbourne's Community Wellbeing requirements in relation to operation of temporary and / or mobile food premises.
- ii. If serving food, no smoking or vaping in outdoor eating area bans must be applied in accordance with the *Tobacco Amendment Act 2016*.
- iii. If selling food or giving away samples of food or drinks, all vendors must be registered in accordance with the *Food Act 1984* and the permit holder must comply with the requirements of the *Food Act 1984* and other Acts and laws.
- iv. Generators must be placed on protective matting to prevent burning of turfed areas.
- v. Barbeques and cooking appliances must not be used on a declared Total Fire Ban day, unless a permit / exemption has been granted by the relevant fire authority.
- vi. Use of cooking areas including food truck / vans, gas barbecues and spit roasts are subject to the following conditions:
 - a. Operated 5 metres away from trees and foliage.
 - b. Coals must be removed from site.
 - c. Protective matting must be used under vehicles and cooking areas to prevent damage to the grass and other surfaces.
 - d. All fat and residue must be collected, wrapped and disposed of off site.
 - e. Cooking areas must be setup in accordance with Energy Safe Victoria guidelines and gas safety regulations.

c. Entertainment

- i. Amplified noise must not exceed 65 decibels (dba) at the closest point of potential complaint (residents and businesses). All speakers must be practically positioned to direct noise away from these areas.
- ii. Amplified noise is permitted to occur between the following hours, for no longer than 8 hours per day:
 - a) 10am to 10pm Sunday to Friday; and
 - b) 10am to 11pm on Saturday.
- iii. To emit noise outside of the above operating hours, for longer than 8 hours in duration, or to undertake a concert prior to 12 noon, additional permissions (permit) from the Environment Protection Agency (EPA) may be required.

(A concert is defined as an operation at an event where the effective noise level exceeds 55 dB(A) assessed as an LAeq of 15 cumulative minutes at any measurement point in a noise sensitive area at least once during a 24-hour period.)
- iv. The applicant/permit holder agrees to immediately reduce noise upon receipt of complaint and or when advised by Council to do so.
- v. Please note that Council does not consent to any performance or activity in breach of the *Copyright Act 1968*. The permit holder is responsible for ensuring that all relevant copyright approvals or licences are obtained. See [OneMusic Australia Event Licences](#).¹

9. Animals

- a. Council may approve the use of animals, subject to the following conditions:
 - i. Application of the RSPCA's [Five Freedoms of animal welfare](#).²
 - ii. Animal rides remain on paved pathways.
 - iii. Animals to be kept in a pen or on leash at all times, except dogs in designated off leash areas.
 - iv. Animal waste must be removed from site.
 - v. Hand wash / disinfectant must be provided for post animal handling sanitation.
 - vi. Grass must be protected from animals by installing flooring such as, plastic covered with straw.

10. Vehicles

- a. Vehicles are prohibited in parks and gardens, without prior approval from Council.
- b. When approved for use, vehicles must comply with the engineering and loading requirements of the place.
- c. Approval may be sought for drop off and pick up of equipment and transport mobility impaired guests. Approved vehicles are subject to the following conditions:
 - i. Must be escorted by a marshal in high visibility clothing.
 - ii. Must drive with hazard lights on at all times.
 - iii. Must be driven at a maximum speed of 10km per hour.
 - iv. Must have a drip tray placed under the engine whilst stationary.
 - v. Vehicles parked on grass must have protective matting placed beneath tyres.
 - vi. Any bollards removed to enable vehicle access must be replaced immediately after entry and exit to those spaces.
 - vii. Vehicles must not use access routes through floor boarded, decked or tiled locations unless in accordance with specific approval of such routes.
- d. Traffic must be controlled by Victoria Police and / or a Vic Roads Accredited Traffic Controller.

11. Drones / Remotely Piloted Aircraft (RPA)

- a. Drones / RPA are prohibited to travel over any City of Melbourne public open space, without prior approval and must comply with Civil Aviation Safety Authority (CASA) RPA operating conditions (CASR 101.238).
- b. A 30m exclusion zone must be implemented in all directions from the Drone / RPA whilst in operation.
- c. Marshals are required to be in place to ensure the integrity of the exclusion zone is maintained.

12. Structures and Equipment

- a. Inflatable devices and other non-prescribed structures must comply with the National Construction Code 2022, Building Code Australia and relevant Australian Standards. If installed at the activity, the organiser must submit:
 - i. A Certificate of Compliance proposed building works – before a permit can be issued.
 - ii. A Certificate of Compliance building works - no later than one business day after the activity.
- b. Security must be provided if any structures or equipment are erected in public space and are not supervised by the permit holder or their representative.
- c. Structures may be permitted in certain locations where prior approval has been obtained; this is subject to the following conditions:
 - i. The permit holder must obtain an occupancy permit for large structures.

- ii. Structures must be weighted in accordance with their specifications, be freestanding and not involve penetration into or affixing to the fabric of the place.
- iii. Tree canopy and fragile surfaces such as turf, soft landscaping, timber flooring and ground surface masonry (excluding concrete or asphalt), must be protected from temporary structures and associated installation activities.
- iv. When approved for use, structures must comply with the engineering and loading requirements of the place.
- v. Works and activities must be entirely reversible, and not involve damage to, removal or disturbance of the fabric of the place.
- vi. Water weights must not be emptied on to grass, trees or mulch surfaces.
- vii. Unless in accordance with an approved Tree Protection Management Plan, structures must be positioned at least 4.5 metres away from trees / shrubs or tree canopies, 2.5 metres away from garden beds and mulch and a minimum of 1.5 metres away from public art.
- d. Temporary buildings, equipment and infrastructure must not block or impede the sight lines of Council's [\(Safe City\) CCTV cameras](#)³.
- e. The possibility of inclement weather must be taken into account. Council does not provide wet weather alternative arrangements and marquees cannot be set up at late notice.
- f. Toilets must be provided or hired if public toilets are not available or of adequate supply.
- g. The permit holder must maintain all public toilets within the activity footprint unless in agreement with Council.
- h. Unless prior approval has been granted, decorations, signage, must not be tied, stapled or attached to Council assets, public furniture, trees or the broader fabric of the place. This includes rope, string, cabling or balloons.
- i. All cables / cords to be securely covered and protected to avoid trip hazards, this includes back of house areas.
- j. Filming equipment and infrastructure must be kept within parked vehicles, only essential infrastructure is to be kept on the footpaths. This gear is to be kept to one side, cordoned off and placed within existing infrastructure so to not pose a risk to pedestrians.
- k. Concrete Blocks
 - i. Must be placed upon protective matting
 - ii. Markings depicting the placement of concrete blocks are permitted in chalk only
 - iii. Must be placed with a maximum gap of 1.2m unless additional vehicle blocks / gates are to be utilised.

13.OH&S

- a. Site set up and operations must comply with the *Occupational Health and Safety Act 2004*.
- b. Electrical equipment must be protected to ensure the safety of pedestrians and vehicles and must not be placed in trees.
- c. Power outlets, if use has been approved by Council, must be opened, tested and closed by Council's approved electrical contractor, at the expense of the permit holder.
- d. The applicant/permit holder must complete a risk assessment plan based upon international risk management standard ISO31000:2009.

14.Site Reinstatement

- a. Damage and waste removal
 - i. The applicant/permit holder is responsible for coordinating waste management resources and facilities to areas affected by the activity, including those outside of the permitted area where City of Melbourne's normal services cannot access. This includes all areas affected by road closures, including major transport hubs, for example Flinders Street Station or tram super stops.

- ii. Waste, structures and decorations must be removed from site and surrounding grounds must be left in a clean, tidy and rubbish free condition.
- iii. The use of helium balloons, confetti cannons, sky lanterns and single use plastic items is not permitted.
- iv. The permit holder must not dispose or allow to be disposed any sullage, foul water or liquid, grease, decomposed substance or any poisonous, noxious or offensive matter into any channel, gutter, drain or sewer on any road, street, footpath or other land in contravention of any laws.
- v. The reinstatement of the permitted site is the responsibility of the permit holder. If the permit holder fails to comply with this condition, the Council will carry out the necessary works, at the permit holders cost and the permit holder indemnifies and agrees to reimburse the Council for all expenses incurred in carrying out such works.

15. Conduct, Behaviour and Activities

- a. Activation Management:
 - i. Schedules, including bump in and out times, specified on the permit must be adhered to.
 - ii. Crowd control must be arranged. Suitable action to maintain the good order, conduct and behaviour of those persons associated with or attending the activation must be made.
 - iii. The applicant/permit holder must comply with reasonable requests or directions given by authorised officers of the Council.
 - iv. Entry / admission fees into any section of the park or garden or public place is not permitted without prior approval.
 - v. If requested, the applicant/permit holder is to provide Council with written evidence that stakeholder notification has taken place prior to the event and in accordance with the requirements set out by City of Melbourne.

16. Activities

- a. Activities involving tobacco and gambling promotion or advertising are not permitted.
- b. The promotion and advertising of liquor must be in accordance with [Victorian Gambling and Casino Control Commission guidelines](#).⁴
- c. Activities or promotion of activities which are deemed illegal, or could promote violence are not permitted.
- d. Product or food giveaways, distribution of flyers or handbills and other such activities are not permitted unless Council approval has first been obtained.
- e. If fundraising has been approved as part of the activation, the applicant/permit holder must:
 - i. Provide evidence of charity registration via a letter from the charity.
 - ii. Engage in fundraising activity passively only.
 - iii. Stay within the approved boundary of the activity.

17. Selling and Giveaways

- a. If an activity involves the selling of food or products the permit holder must ensure:
 - i. Only vendors listed on the permit are authorised to sell or serve goods.
 - ii. The quality of products is maintained at all times of operation and product information is readily available.
 - iii. Staff are easily identifiable as selling items on behalf of the activation.
 - iv. No selling of food or drink by vendors, wandering outside the activity boundary, is permitted.
 - v. No cigarettes are offered for sale.

¹ <https://onemusic.com.au/licences/events/>

² <https://kb.rspca.org.au/knowledge-base/what-are-the-five-freedoms-of-animal-welfare/>

³ <https://www.melbourne.vic.gov.au/community/safety-emergency/pages/safe-city-cameras.aspx>

⁴ <https://www.vcglr.vic.gov.au/resources/education-and-training/responsible-alcohol-advertising-and-promotion>