

Street Performance Standard Permit Conditions



10/07/2024

Standard Permit Conditions for Street Performance

Conditions

Principal Conditions

1. The Permit Holder is only permitted to:
 - (a) undertake the Permit Activity;
 - (b) during the Permit Days and Times within the Permit Period; and
 - (c) in the Permit Area.
2. This Permit cannot be transferred or assigned unless an application for the transfer of the Permit has been made and approved by the Shire.
3. The Permit Holder must carry a copy of a valid Permit at all times while undertaking the Permit Activity and present it to any Shire representative upon demand.
4. The Permitted Activity shall be conducted in accordance with the *Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Local Law 2020* and all terms and conditions of the Permit.
5. The Permit Holder shall be responsible for the cost of any damage to, or the cleaning of, the reserve or the road/footpath/car park resulting from the conduct of the Permitted Activity.
6. Litter resulting from the conduct of the permitted activity shall be collected by the Permit Holder and deposited in an approved waste bin.
7. The Permit Holder shall not obstruct the movement of pedestrians, traders, vehicles.
8. The Permit holder shall not park a vehicle within the permit area or erect marquees, temporary structures or otherwise unless approved by the Shire.
9. The Permit Holder shall not conduct the permitted activity, enter or remain on a reserve or thoroughfare, under the influence of liquor or having liquor in their possession.
10. Noise emissions resulting from the permitted activity shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
11. If an amplification unit is used, it must be battery powered and the Permit Holder must have a means of ensuring decibel level generated is no greater than 65dBA.
12. The Permit Holder may operate for no more than 2 hours at a time in any one location.
13. The Permit Holder must be always clean and presentable while undertaking the Permitted Activity.

14. The Permit Holder must not create a nuisance or disturb any person, neighbour or resident. Discriminatory/offensive language and behaviour must not be used in the performance.
15. The Permit Holder must not display, demonstrate or advertise goods or services for sale.
16. Minors are subject to the following:
 - a) Performers under the ages of 16 must have written permission to perform from a parent or guardian
 - b) Performers under the age of 16 years of age must be accompanied by a parent or guardian
17. Should the Shire need to undertake any works within or near the approved location, if required, the Permit Holder must vacate the site until notified by the Shire that the works is complete and the Permit Holder may return to the approved location to conduct the approved activity.
18. The CEO or authorised person may cancel the permit if:
 - a) in his or her opinion the volume of sound caused in connection with the performance adversely affects the enjoyment, convenience, or comfort of other persons in a public place; or
 - b) in his or her opinion, the performance constitutes a nuisance;
 - c) the Permit Holder breaches any provisions of the Shire of Augusta Margaret River Local Law Relating to Trading in Public Places; or
 - d) the Permit Holder fails to comply with any provision of this Permit.

Insurance

19. All risk in relation to performances remains with the Permit Holder.
 - a. Permit Holders are not insured under the Shire's public liability insurance policy and are therefore not covered for any injury or damage that they may cause to another person or property as a result of the actions of the busker or the buskers performance.
 - b. Where a performance involves equipment, instruments, props or actions that have the potential to injure a person or damage property, the busker will be required to supply to the Shire evidence of their public liability insurance, to the value of not less than twenty million dollars (\$20 million) with the Shire of Augusta Margaret River recorded as an interested party to the policy.
 - c. Performances that are considered low risk (i.e. performances or acts that have minimal potential to cause injury to the public or damage to property) will not be required to provide proof of public liability insurance. Despite this it is recommended that Permit Holders hold their own public liability insurance.

No exclusive rights

20. This Permit does not grant the Permit Holder any exclusive rights to the Permit Area.
21. The Permit Holder shall ensure that the permitted activity does not interfere with the use of the proposed areas of the Reserve by other groups authorised to use those areas and the Shire reserves the right to cancel individual bookings should a conflict with another authorised user's booking occur.

Breach of conditions

22. Council reserves the right to withdraw approval for the Permitted Activity and all approvals granted by the Shire to the Permit Holder for the Permitted Activity shall cease should the Permit Holder operate the Permitted Activity in breach of the terms and conditions contained in this Permit.

STREET PERFORMANCE STANDARD PERMIT CONDITIONS

Indemnification

23. The Permit Holder accesses the Permit Area and undertakes the Permit Activity at its own risk.
24. The Permit Holder releases the Shire from liability for any damage, loss, injury or death occurring in the Permit Area or otherwise arising from or connected to the Permit Activity.
25. The Permit Holder indemnifies the Shire against any action or demand arising from any damage, loss, injury or death caused by the Permit Holder or any of the Permit Holder's contractors' or agents' acts or negligence.