



## SECTION 4 – DETAILS OF PERMORMANCE

Type of Performance:

Instruments played/implements used:

Are you using dangerous materials/  
implements? (e.g. Flames, smoke, chemicals,  
fireworks, knives, swords, sharp implements)

NO

YES (if yes, you will be required to submit a Risk Management Plan as outlined in the Busking Policy).

Does your act use battery operated  
amplification?

NO

YES

## RELEASE AND INDEMNITY

In consideration of Douglas Shire Council ("Council") issuing me/us with The Approval for the purpose described or allowed under The Approval ("the activity/activities"), I/we:

1. release and discharge Council and Council's agents, servants, officers and insurers ("the Related Parties") from and in respect of all liability, claims, losses, damages or proceedings which I/we may have (either now or accruing in the future) against Council and/or the Related Parties in respect of, or arising out of, or in connection with the activity/activities;
2. agree that the release and discharge given under clause 1 may be pleaded by Council and the Related Parties as a bar to any action, suit or proceeding commenced now or taken at any time by Council and/or the Related Parties, against Council and/or the Related Parties, or to which Council and/or the Related Parties is or are joined as a party or parties, in respect of, or arising out of, or in connection with the activity/activities; and
3. agree that I/we am/are liable for and shall indemnify Council and the Related Parties against any liability, claim, loss, damage or proceeding in respect of, or arising out of, or in connection with the activity/activities.
4. The release and indemnity provided by you under 1-3 is, however, reduced to the extent that the Council and/or any of the Related Parties have caused or contributed to the relevant liability, claim, loss or damage.

The covenants given under this document are binding upon me/us and my/our heirs, executors, successors and permitted assigns.

## DECLARATION

To the Chief Executive Officer, Douglas Shire Council

I / We make application under *Local Law No. 1(Administration) 2020* for approval to conduct the prescribed activity outlined in this application form and declare that the information provided by me in this application is true and correct, and agree to comply with all requirements and conditions as approved.

Print Name:

Signature:

Dated:

### *Douglas Shire Council – Information Privacy Statement*

Your personal information has been collected for the purpose of assessing your Application for Approval. The collection of your information is authorised under the Local Government Act 2009. You are providing personal information which will be used for the purpose of delivering services and carrying out Council business. Your personal information is handled in accordance with the Information Privacy Act 2009 and will be accessed by persons who have been authorised to do so. Your information will not be given to any other person or agency unless you have given Council permission or the disclosure is required by law.

## PRESCRIBED FEE (Applicable from 1 July 2023 to 30 June 2024)

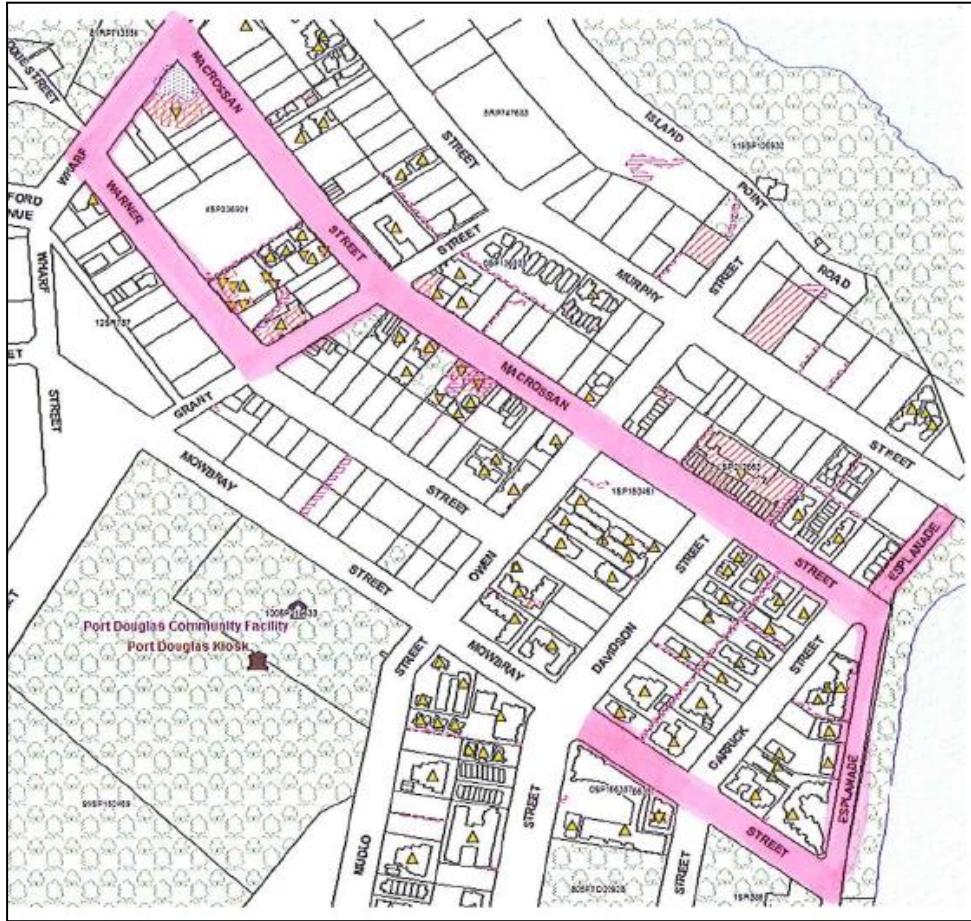
Busking Permit Application Fee (3 months)

\$33.00

**CONDITIONS (Schedule 8 – Commercial use of local government controlled areas and roads)**

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are as follows—
- (a) Reasonable access to local government staff or contractors must be permitted at all times.
  - (b) The activity must be conducted in accordance with any standards of the local government applicable at the time of the approval.
  - (c) The approval must be displayed in a way that is visible to the public whilst conducting the activity.
  - (d) The approval must be produced for inspection on demand by an authorised person.
  - (e) A defined access point for emergency vehicles must be maintained at all times.
  - (f) If the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business—
    - (i) pay rental specified in the approval to the local government at specified intervals; and
    - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition.
  - (g) If the activity involves playing live or taped performances—
    - (i) a requirement that amplified music does not exceed a decibel limit determined by an authorised person.
  - (h) If the activity involves use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 1.5 metres or, in the case of high usage footpaths, a distance greater than 1.5 metres stipulated in the approval.
  - (i) The activity must only be conducted on the days and hours specified on the approval.
  - (j) the approval holder must indemnify the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity.
  - (k) pay any costs or expenses incurred by local government to rectify any damage caused by the activity;
  - (l) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
  - (m) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by the local government.
- (2) For an approval for busking, additional conditions that will ordinarily be imposed on an approval are that the approval holder must unless the permittee of those activities has provided written consent to the busking activity—
- (a) not use any amplification equipment or cause to be made any unreasonable noise during the conduct of the busking activity;
  - (b) only conduct busking activities in the areas defined in the approval;
  - (c) not undertake busking activities closer than 10 metres from—
    - (i) any outdoor dining area;
    - (ii) any licensed venue; or
    - (iii) any market stall;
  - (d) allow a minimum 1.5 metre pedestrian corridor parallel to any road or footpath;
  - (e) display their approval in a prominent and visible position at the busking site at all times during their acts;
  - (f) only perform between the hours specified on the approval;
  - (g) perform for a maximum of 2 hours at any one site;
  - (h) keep the busking site in a clean, tidy and orderly condition while they are busking;
  - (i) not offer goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance (other than a compact disc or USB drive consisting of the busker's own work);
  - (j) not interfere with pedestrian flow or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference;
  - (k) not use dangerous implements and materials unless specifically prescribed in the approval.

MAP 1: PORT DOUGLAS AREA



MAP 1: MOSSMAN AREA

