



## Commercial Recreation Foreshore Activity Permit

### Permit Conditions

These conditions apply specifically to the Permit Holder and its operations at the authorised location/s.

The Permit Holder will conduct the permitted commercial activity in accordance with their submitted application, approvals issued by the City of Melville and other governing bodies..

The Permit Holder is to abide by the Department of Biodiversity, Conservation and Attractions and their governing Peak Body's conditions.

**These permit conditions are written in accordance with the *Local Government Activities in Thoroughfares, Public Places and Trading Local Law 2014*. All local laws are available for viewing on our website [www.melvillecity.com.au](http://www.melvillecity.com.au)**

### Approved Areas

The Permit Holder:

1. can only operate in the areas and at the times specified by the City of Melville in the permit.
2. is aware that the location/s (inclusive of the parking areas) is not set aside for their exclusive use and must take note of the public and other activities (review attachments).
3. acknowledges this permit only approves activities on City of Melville land. Where an activity is being conducted on the Swan Canning Riverpark and/or neighbouring areas, separate approvals are required. I.e. Department of Biodiversity, Conservation and Attractions or neighbouring local authorities.

### Exclusion Areas

The Permit Holder will not conduct the approved commercial recreation activities within, near or on:

4. areas where high activity is taking place.
5. areas of cultural or natural significance.
6. within 20 metres of;
  - 6.1. memorials.
  - 6.2. playground or play equipment.
  - 6.3. picnic shelter, gazebo, park bench/seating or any other infrastructure with a public use i.e. change rooms, toilets or kiosk.
  - 6.4. stairways and dual use pathways.
  - 6.5. boat ramps or jetties.
  - 6.6. vegetated bushland or foreshore Areas.

### Conducting Approved Activities

The Permit Holder:

1. shall always conduct themselves in a proper and orderly manner and be considerate to other river

users (including other operators) and adjacent residents when conducting commercial recreational activities in public areas.

2. will conduct activities so not to dominate, monopolize and/or obstruct any thoroughfares, stairways or pathway areas.
3. shall conduct activities away from environmental areas, i.e. foreshore vegetation, habitats (e.g. seagrass) and avoid landing on the vegetated end of the Point Walter spit during bird nesting seasons (when fencing and signage are erected).
4. will only access the foreshore areas by the designated access areas only and are to avoid trampling native vegetation along foreshore areas.
5. shall ensure that the area is maintained in a clean and tidy condition during and after use.
6. shall not interfere with any Council approved or booked activity including but not limited to filming, commercial photography, wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on the reserve or part thereof and the operator acknowledges that such a booking has priority over the operators use.
7. must ensure the activities do not in any way obstruct/interfere with either vehicular or pedestrian traffic or native animals.

### Equipment

The Permit Holder and their participants:

8. shall not erect, hang or tie equipment from trees.
9. shall ensure that any equipment used does not create any hazards or obstruction.
10. are responsible for removal of all equipment from the site at the conclusion of each activity session.
11. shall not string out or place string lines &/or ropes along the foreshore.
12. shall not display any advertising signage including banners or 'A' frame signs on the City of Melville's public areas.

### Parking

The Permit Holder and their participants shall:

13. abide by all **Local Laws relating to Parking 2016**. This includes (but is not limited to):
  - 13.1. parking within marked bays
  - 13.2. not parking on footpaths
  - 13.3. not parking in No Standing / No Parking areas
  - 13.4. not obstructing other traffic
  - 13.5. not stopping or parking any vehicle in a public reserve, other than within a parking facility or parking station at that reserve

## Permit Approval Requirements

To satisfy and maintain an approved permit, the Permit Holder:

14. is responsible for obtaining approvals as required for any activities held outside City of Melville land.
15. shall carry the issued permit at all times whilst in operation.
16. shall comply with directions requested by City of Melville: Rangers, Community Safety and Security Officers, Reserve Coordinators or other authorised Council officers.
17. shall pay all statutory fees in advance as required.
18. acknowledges and accepts that in the event the permitted activity causes undue interference or disturbance to other river visitors the City of Melville reserves the right to:
  - 18.1. add, delete or alter any conditions endorsed upon or attached to the permit approval
  - 18.2. suspend the permit
  - 18.3. cancel the permit
19. acknowledge that the permit is issued to an individual without a right of assignment of the permit unless approved by the City of Melville in accordance with this condition of hire.
20. acknowledge and accept approved permit holders may be invited to extend their approved permit for the maximum term available of up to two (2) years.
21. acknowledge and accept that a permit or renewal of a permit may not be provided if a similar business is operating in close proximity or the desired location is already heavily used by the general public or other community groups.
22. acknowledge and accept that the City of Melville does not guarantee permit or agreement renewal at the conclusion of a permitted period.
23. acknowledge that the City of Melville reserves the right to alter or update the Permit Conditions. Any changes after receiving approval for and issuing of a permit will be applicable to continued use of an issued permit as notified by the City of Melville.
24. acknowledge that the City of Melville reserves the right to conduct unannounced site visits at any time.

## Liability and Certifications

The Permit Holder shall:

25. indemnify and keep indemnified the City of Melville from any claim or demand arising from or in relation to any act, omission, damage, loss, charge, liability, outgoing, payment, expense, cost or the like of any party.
26. not commence any action, notice, demand, proceeding or make any claim of whatsoever nature against or to the City of Melville and shall not hold the City of Melville liable for any loss,

damage, charge, liability, outgoing, payment, cost or expense in relation to the hire or use of the facility.

27. take out and maintain in their name, for the duration of the permit, an approved public liability insurance for a minimum of \$10 million and produce documentary evidence of this at the time of application and at anytime it is requested by the City of Melville.
28. agree that, notwithstanding any implication or rule of law to the contrary, the City of Melville shall not be liable for any damage or loss that any operator, their staff and customers may suffer by the act, default or neglect of any other person or by reason of the City of Melville failing to do something on or to the public space used.
29. obtain, where required, written approval from the Department of Biodiversity, Conservation and Attractions, Work Safe and/or other relevant statutory authorities.

## Health and Safety

To ensure the safety of their participants and colleagues the Permit Holder:

30. prior to commencing activities, inspect the immediate area to ensure no hazards are evident and take appropriate action to remove those hazards or alternatively relocate, without undue delay, report to the City of Melville the hazard or any other hazardous matters observed during the lesson that may require City of Melville's attention or the governing authority.
31. is responsible for satisfying all occupational health and safety legislation and regulations.
32. is responsible for providing all necessary first aid and/or rescue equipment as required by the governing body of the relevant activity.
33. must possess all necessary safety training as required by the governing body of the relevant activity.
34. must provide current documentation of any certifications which confirm approvals and qualifications from other public authorities or statutory bodies to the City of Melville when requested.
35. are liable for any fees or levies required by other public authority or statutory body.




## Notice of Breach

36. If the Permit Holder fails to comply with any of these conditions or Local Laws, the City of Melville will then notify the Permit Holder.
37. If the Permit Holder fails to comply with any of the Department of Biodiversity, Conservation and Attractions Licence, this will be deemed as a breach to the City of Melville permit.
38. Any non-compliance could result in permit cancellation.

**Attachment:**

**Point Walter Foreshore Restrictions:**



	Restricted Foreshore Activity (Permit holders are not to operate within these areas.)
	Wedding Ceremony area (Permit holders are not to operate within this area.)
	Environmental Area (Permit holders are not to operate within this area.)

**Melville Beach Foreshore Restrictions:**



Please note specific conditions that apply to the Melville Beach Foreshore:

- No kiting inside the three yellow buoys as highlighted. Only launch and land inside this area.
- No flying kites over the grass or road, especially when walking back up wind.
- All learners and lessons to be located down wind of the large white gum tree.
- No kiting in onshore (westerly) winds
- Abide by WA Kitesurfing Association's C.L.E.A.R Kite Surfing Safety guidelines.