

Central Coast Council

Guideline Name

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Revision: 2



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1. Guideline Objectives

- 1.1. The purpose of these Guidelines is to outline the conditions for Buskers to ensure maximum public safety, amenity and community harmony at all times. The Guidelines have been created to encourage and manage high quality performances that complement our existing communities and town centres.
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2. Guideline Scope

- ~~2.1.~~ All applicants must agree to comply with the conditions outlined in the Central Coast Council Busking Guidelines in order to obtain Busking Approval. The busker is responsible to ensure all up to date NSW Government Health Orders are adhered to and met. If Central Coast Council determine the busker is not following the health order, their approval card may be revoked, and they will be asked to cease performing.

3. Applying for Busking Approval – Section 68 – Community Owned Land

- 3.1. All Buskers (or people wishing to undertake busking) on community land within the Central Coast Local Government Area must obtain a valid Busking Approval. All applicants must apply for their Busking Approval Card in person and acknowledge and agree to comply with the terms and conditions of these guidelines. They must also agree to have their photograph taken at the time of their application. Scanned photographs are not permitted.
 - 3.3. Busking approval applications are available on Central Coast Council's website, at any one of Council's libraries, or by contacting any of our Customer Service Centre's.
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4. Identification

- 4.1. All applicants are required to present proof of identify with their application form before a Busking Approval Card is issued. Proof of identity must include one of the following:
 - Current Australian driver's licence
 - Proof of age card, such as a Photo Card (NSW), Personal Information Card (Tas), Evidence of Age Card (NT), Card 18+ (Qld) or a Proof of Age card (Vic, SA, WA and ACT)
 - Current passport
 - Another document containing a signature, a recent photograph and date of birth (e.g., a military identification document, student identification card, air crew identity document or seafarer identification document) which establishes the person's identity.

5. Buskers Under age of 18

- 5.1 Proof of parental consent is required for applicants under the age of 18 years

- 5.2** The Central Coast Council Busking Approval Application must be completed and signed by the applicant's parent or guardian in person at the time of application for a Busking Approval Card.
- 5.3** Central Coast Council strongly recommends that all Buskers under the age of 18 be accompanied by a parent, guardian or other appropriate adult at all times while busking. The granting of a Busking Approval Card to a person under the age of 18 does not constitute the condoning by Central Coast Council of that person busking without appropriate adult supervision in any area or at any time permitted by the Busking Guidelines.

6. Cost of Busking Approval Cards

- 6.1** Busking Approval Cards are issued for a twelve (12) month term in accordance with the fees listed in Council's annual fees and charges.
- 6.2** Fees are payable at the time of submitting an application
- 6.3** Busking Approval Cards are not transferable or refundable

7. Insurance

- 7.1** Buskers with a current approval card and who comply with the conditions and requirements for busking contained in these guidelines are covered in accordance with terms, conditions, exclusions and limits of Central Coast Council's uninsured stall holders, buskers, performers, artists and entertainers Public Liability Insurance policy.
- 7.2** The policy is limited to \$20 million for any one occurrence, and the Busker is responsible for the first \$1,000 of each and every property loss claim, under current arrangements. The policy does not cover loss or damage to the personal items of the Busker.

8. Register

- 8.1** The *Local Government Act 1993* requires Council to keep a register of people approved to busk in the Local Government Area and this information is to be made available for public inspection at the office of the Council on request.
- 8.2** The accessible information includes the Busker's name, address, duration of the approval, description of what has been approved and whether the approval has been revoked or modified.

9. Renewal of Busking Approval Cards

- 9.1** Standard Busking Approval Cards should be renewed before the expiry date.

- 9.2** Buskers cannot perform with an expired Busking Approval Card and fines may be issued where unauthorised or expired cards are used

10. Lost or Stolen Busking Approval Cards

- 10.1** Buskers must contact Council on 1300 463 954 to report a lost or stolen Busking Approval Card and arrange a replacement.

11. Non -Acceptable Acts

- 11.1** Offering for sale or the provision of goods or services or one-on-one consultation for money, fee or reward are not considered to be busking under the terms of these guidelines. Subject to Clause 19 and 20 the sale of CDs and DVDs ancillary to a busking performance is permissible.
- 11.2** The following activities are considered dangerous and will not be approved: the use by Buskers of knives, swords (including theatrical knives and swords), or any activity involving the use of fire, saws, swords, spears, knives, bicycles and similar implements. **Applicants who have their own public liability insurance may be eligible to apply for a special use Busking Approval Card.*
- 11.3** The following acts are not considered as busking and will not be issued a Busking Approval Card - balloon sculptors, tarot card/palm/fortune readers, aerosol artists, face painting artists, masseurs.
- 11.4** Central Coast Council does not permit any performance which involves an animal, reptile or bird and Busking Approval Cards will not be issued for such performances
- 11.5** A Busker who is supported by an assistance animal (as defined by section 5 of the Companion Animals Act 1998) may deliver a performance whilst accompanied by that assistance animal. The assistance animal must not form part of the performance.

12. Group Acts

- 12.1** Groups are limited to a maximum of five (5) members to reduce conflict with pedestrian activity, except when the NSW Public Health Order has restrictions in place prohibiting gatherings for performers.
- 12.2** Each member of a busking group must hold a current Busking Approval Card.

13. Display of Busking Approval Cards

- 13.1** Buskers must display their Busking Approval Cards in a prominent, highly visible position in the busking site at all times during their acts. Display of Busking Approval Cards

14. Public Amenity and Pedestrian and Vehicle Access

- 14.1** Buskers must not undertake any act that could be considered as causing a public nuisance, including excessive noise (as defined under Protection of the Environment Operations Act 1997) and/or the use of offensive or discriminatory language or behaviour
- 14.2** Buskers must not unreasonably interfere with pedestrian flow or public amenities or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause such interference.
- 14.3** Buskers must not interfere in any way with an approved event or activity
- 14.4** Buskers must make provision for clear and accessible pathways of travel for people with disabilities ensuring sufficient clear footpath access with one (1) metre recommended as a minimum. In maintaining this corridor, the Busker must take into consideration other public obstructions on the footpath or public egress (i.e., outdoor dining areas, public seats, beach flags, power poles etc.) so that a continuous corridor is maintained parallel to the roadway, and walkway.
- 14.5** Buskers should be aware that the building line may be used for navigation by people with vision impairment.
- 14.6** Buskers may not perform whilst special events or other Council authorised bookings are in progress unless negotiated with the event organiser.

15 Hours

- 15.1** Holders of Busking Approval Cards may busk on community land within the Central Coast Council Local Government Area between 9am- 9pm, Monday – Sunday or as otherwise set out on the Busking Approval Card

16. Duration

- 16.1** Buskers may perform on approved community land for the period as set out on the Busking Approval Card.
- Maximum of 8 hours for pavement art in accordance with clause 21.
 - Maximum of 2 hours in the same location applies for all other acts.

17. Behaviour

- 17.1** Buskers must not undertake any act that could be considered a public nuisance such as the use of excessive noise, offensive language or anti-social behaviour.
- 17.2** The use of political, religious, racial, sexually explicit or homophobic material that may be deemed unduly persuasive, offensive or discriminatory is strictly prohibited as determined by the NSW Anti-Discrimination Act 1977.
- 17.3** Buskers must comply with directions issued by any Authorised Persons including relevant Council Officers and members of the Police, Ambulance, Fire and any other Emergency Services.

- 17.5** Buskers must take all reasonable precautions to ensure the health and safety of the audience witnessing the performance.
- 17.6** Buskers must take all reasonable precautions to ensure the health and safety of the audience witnessing the performance
- 17.7** Buskers must take all reasonable precautions to ensure the health and safety of the audience witnessing the performance
- 17.8** Buskers must ensure that public property is not damaged in the course of the performance.

18. Cleanliness

- 18.1** Buskers must keep the site clean while they are working, remove any rubbish at the completion of the act, and ensure that their use of the site does not pose a threat to public safety, or the natural environment.

19. Amplification

- 19.1** Buskers may only use amplification that is battery operated. Mains voltage amplification and amplification powered by a generator is prohibited.
- 19.2** Buskers must keep all speakers and amplifiers within one (1) metre of their performance
- 19.3** Buskers must not have exposed or unsecured speaker or electrical cables on the ground.
- 19.4** Excessive amplification as defined under Protection of the Environment Operations Act 1997 is not permitted. Loud acts may be asked to lower their volume or cease busking. Council reserves the right to impose a decibel limit on amplified sound.
- 19.5** Where a complaint has been received about excessive noise, level of noise amplification, music of a percussive or repetitive nature, or excessive duration of an act, particularly in relation to the proximity of that act to a place of work or residence, and the complaint is deemed to be justified, a Busker may be directed by Authorised Persons to cease busking.

20. Soliciting of Funds

- 20.1** Buskers may receive a monetary appreciation from the audience for their performance but may not solicit funds in a way which is likely to cause any discomfort to any individual

21. Advertising/Selling

- 21.1** Subject to clause 20 of these Guidelines, Buskers cannot offer goods and services for sale; display, demonstrate or advertise goods or services or associate themselves with such advertising in conjunction with their performance.

- 21.2** Buskers are permitted one sign advertising their own original CD and/or act. The sign must be no greater than a standard A4 card and displayed in a way that doesn't create a trip hazard. It is recommended the sign be attached to the Busker's collection receptacle.

22. CD's and DVD's

- 22.1** The sale of CDs and DVDs ancillary to a busking performance is permissible in all areas within the Central Coast Local Government Area, subject to clauses 20.2, 20.3 and 20.4 of these Guidelines.
- 22.2** The CDs or DVDs must contain original material of the Busker. Only one item for sale is allowed on display and a maximum of fifty items can be available for sale at any given time.
- 22.3** The sale of CDs or DVDs may only occur as a complement to the Busker's performance and should not dominate the time a Busker occupies a site.
- 22.4** Buskers cannot delegate the sale of their CDs and DVDs to another person.

23. Pavement Art

Buskers who are utilising pavement (chalk) art as a form of entertainment may only do so where:

- 23.1** The material used is removable by water, does not leave a residue, complies with the NSW Environmental Planning and Assessment Act 1979 and is approved at the time of the Busking Application.
- 23.2** The surface is of a non-porous material, such as bitumen and concrete. Prohibited surfaces include sandstone, granite and other porous surfaces currently used in some pavements, pathways and walkways. All locations must be approved at the time of the Busking Application.
- 23.3** Buskers may choose to draw onto a large removable surface (such as canvas or plastic) at least 2m x 2m laid on the pavement
- 23.4** Individual renditions of the artists' work may not be offered for sale or sold to the public.
- 23.5** Any proposed material to be used in carrying out pavement art must not be slippery (whether wet or dry) and must not cause a public hazard.
- 23.6** The site is used for no more than eight (8) hours.
- 23.7** The workspace to be used is to be clearly defined and artist's tools and personal belongings must be kept within this area.
- 23.8** Buskers must be conscious of public safety and accessibility at all times.

24. Legal Obligations and Cancellation

- 24.1** Buskers shall comply with all relevant laws, regulations and policies and lawful directions of Authorised Persons. The holding of a Busking Approval Card will not constitute a defence where a Busker has committed an offence.

- 24.2** Busking Approval Cards may be revoked or modified where Buskers breach any laws or any of the conditions listed in these Guidelines, specifically those listed in Appendix 1.
- 24.3** Central Coast Council may, in certain circumstances, revoke or modify approvals or issue an on the spot fine if the card holder fails to comply with the requirements and conditions of the Busking Approval Card, in accordance with the Local Government Act 1993.

25. Monitoring

- 25.1** Authorised Persons can prohibit use of community land while Council or other approved works are in progress, or while a special event is in progress. It is possible that restrictions on Busking may be imposed during such occasions as New Year’s Eve, Australia Day, Anzac Day or other events.
- 25.2** Council will monitor compliance and if necessary, take action such as moving on unauthorised or non-complying Buskers, issuing fines or revoking Busking Approval Cards for the term of the approval.

26. Busking Areas Covered

- 26.1** These Guidelines cover the Central Coast Local Government Area only, with defined busking procedures included in Appendix 2.
- 26.2** If busking in front of a business, Buskers must introduce themselves to the owners and inform them of their presence on the day.
- 26.3** If a location is already taken, please move on to the next allocation.

27. References

Related Legislation & Standards

- Anti-Discrimination Act 1977
- Companion Animals Act 1998
- Local Government Act 1993
- Protection of the Environment Operations Act 1997

Related Policies and Procedures

- Central Coast Council Busking Policy – 2018

28. Guideline Definitions

Act	means the <i>Local Government Act 1993</i> (NSW)
Council	means Central Coast Council

29. Guideline Administration

Business Group	Community and Recreation Services
Responsible Officer	Section Manager Placemaking and Events
Associated Procedure (if any, reference document(s) number(s))	N/A
Guideline Review Date	
File Number / Document Number	D15817922
Relevant Legislation (reference specific sections)	<p>Related Legislation & Standards</p> <p>Local Government Act 1993 (NSW)</p> <p>Local Government (General) Regulations 2005 (NSW)</p> <ul style="list-style-type: none"> • Anti-Discrimination Act 1977 • Companion Animals Act 1998 • Local Government Act 1993 • Protection of the Environment Operations Act 1997
Relevant desired outcome or objectives as per Council's Delivery Program	<p>Theme 4: Responsible</p> <p>Goal B: Creativity, connection and local identity</p> <p>B-A2: Celebrate and continue to create opportunities for inclusion where all people feel welcome and participate in community life.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Information and Records Management Policy (D14025241) ▪ Council's Code of Conduct

30. Guideline Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
CCC055	Authorise Applications for a Busking Permit	Customer Service Officer Section Manager Placemaking and Events Unit Manager Community and Culture

31. Guideline History

Revision	Date Approved / Authority	Description Of Changes
1	26 March 2018 Item 4.4 Minute Number 205/18	New Guideline Adopted
2	25 June 2020 CEO Memo Approved D14047856	Allocated a policy number. Updated format, paragraph numbering and headings to the 2020 accessible CCC template. Minor clarifications to Definitions section. Inserted standard heading 'Compliance, monitoring and review' (to refer to breaches, Busking Guidelines and standard paragraphs on policy review and recordkeeping).
3	February 2023	Reviewed – No Changes

Appendices

32.1 Breach of Guidelines

Busking Approval Cards may be revoked or modified in circumstances where Buskers:

- Are deemed by Central Coast Council to be causing a nuisance
- Cause excessive noise as defined under the Protection of the Environment Operations Act 1997
- Do not keep their site safe and clean whilst working
- Cause obstruction to pedestrians or vehicular traffic and entrances to shops or buildings
- Interfere in any way with an approved entertainment or activity without permission
- Sell or offer for sale any articles or commodity with the exception of any product (e.g. CD's, DVD's) of the Buskers own work
- Use dangerous implements or materials as part of a performance
- Consume alcohol or any drugs of intoxication
- Perform near the entry to retail outlets without the prior approval of affected shop or property owners

Council and other Authorised Persons reserve the right to prohibit use of community land while Council or other works are in progress, or while a special event is in progress. The use of community land for busking activities will be monitored by Council Officers and continued use will be subject to their approval.

32.2 Central Coast Council Busking Procedure

Guideline Summary

Please Do:

- Time: Entertainment is permitted between 9am and 9pm Monday to Sunday.
- Perform: Busk at a considerate volume, only using amplification which is battery operated. All speakers and amplifiers must be kept within 1 metre of their performance. Buskers must inform any shop owners close by of their presence on the day. Central Coast Council will not tolerate excessive noise.
- Move: An entertainer can perform for up to two hours at a time in one location. Pavement art has a maximum of 8 hours applied.
- Stop: Busking and entertainment will need to stop if requested by an Authorised Person.
- Busking Approval Card: Display your card in a visible location at all times.

Please Don't:

- Location: You must not stand, sit, or spread out your equipment so as to cause an obstruction of the highway (footpath), entrances or exists to shops and other premises.
- Collecting: You must not actively collect money, but you may have a receptacle into which you can accept donations.
- Selling: You are only permitted to sell CD's or DVD's which contain your own original material. Only one item for sale is allowed on display, and a maximum of fifty items can be made available for sale at any given time. This sale should complement your performance and not dominate your site. All other goods and services for sale are strictly prohibited.
- Performance: Buskers must not cause alarm, distress or offence, or perform in a manner which may be considered dangerous to yourself or the general public.