



WAVERLEY
COUNCIL

Trial Street Performance Policy and Guidelines

Policy owner	Arts, Culture and Events
Approved by	
Date approved	
Commencement date	
TRIM Reference	A21/0076
Next revision date	
Relevant legislation/codes	<ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Anti-Discrimination Act 1977</i> • <i>Companion Animals Act 1998</i> • <i>Occupational Health and Safety Act 2000</i> • <i>Protection of the Environment Operations Act 1997</i> • <i>Liquor Amendment (Night-time Economy) Act 2020</i>
Related policies/procedures/guidelines	<ul style="list-style-type: none"> • Waverley Pricing Policy Fees and Charges • Waverley Council Community Strategic Plan • Waverley Council Arts and Culture Plan 2021-2026 • Bondi Junction Mall Code and Markets Policy • Bondi Junction Evening Culture and Entertainment Strategy 2018 - 2028 • 24 Hour Economy – NSW Government – September 2020 • The Sydney Busking Code
Related forms	Street Performance Application Form Street performance Parental Consent Form

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Section A: Street Performance Policy

1. Policy Objectives

The objectives of this policy are to:

- Provide a framework to manage the use of public space for street performance during the trial of new performance zones (and performance policy updates) from October 17 to December 31, 2022.
- Encourage street performance to enhance the vibrancy of public spaces
- Attract the community and visitors alike to engage in community life.

2. Definitions

<i>Amplification</i>	The process of increasing the volume of sound using speakers or amplifiers. In this policy, small battery-powered speakers are permissible only.
<i>Busking</i>	Performing in a public space for an audience in exchange for money offered voluntarily. Busking is referred to as 'street performance' in this policy to include all forms of performances.
<i>Dangerous Implement</i>	Any object that, because of the way it is used or its design or construction, poses a risk, hazard or a potential risk or hazard to the safety or welfare of a member of the public or any person handling the object. This term includes knives, spears, swords, chain saws, spikes, flammable materials and sharp implements.
<i>Group Acts</i>	Performance conducted by more than one individual. In this policy, group acts are limited to four (4) people.
<i>Pavement Art</i>	Temporary drawings applied directly onto the pavement or applied onto a large removable surface (such as canvas or plastic) laid on the pavement. Pavement art does not include any good or service for sale. Pavement art can be a form of busking.
<i>Soliciting of Funds</i>	The act of asking, begging, seeking or requesting money or goods from members of the public.
<i>Street Performance</i>	An entertainment event that substantially involves the demonstration of an artistic skill including playing a musical instrument, theatre, dancing, singing, clowning, juggling or other similar performance skills.
<i>Street performer</i>	A person who entertains in a public place by playing a musical instrument, dancing, singing, clowning, juggling, art making or performing acts of a similar nature with the intention of receiving funds from members of the public.

3. Scope

This policy identifies the conditions that apply to all street performers undertaking performances within Waverley during the Street Performance Trial Period from October 17 to December 31, 2022. Performances are only permitted within designated areas with an approved licence and are subject to the conditions outlined in this Policy and Guidelines.

4. Policy Content

Eligibility

Busking is referred to as street performance in this policy to include all forms of performances undertaken in public spaces. Street performance is broadly defined as an entertainment event that substantially involves the demonstration of an artistic skill including playing a musical instrument, theatre, dancing, singing, clowning, juggling or other similar performance skills.

Street performance is only permitted in designated areas with a Council issued licence.

Council will assess applications against the Assessment Criteria in Section B: Street Performance Guidelines and advise applicants of the result of their application.

Street Performance Zones

Designated and Non-designated areas

The following areas have been identified as designated zones for street performance in the Local Government Area. See Street Performance Zone Maps in Section 6 of the Street Performance Guidelines.

Designated Area	Street Performance Zone
Bondi Junction - Oxford Street Mall	<ol style="list-style-type: none"> (East) Bronte Road (Centre) Rowe Street (West) Newland Street
Bondi Junction - Waverley Street Mall	<ol style="list-style-type: none"> (Centre) Waverley Street Mall – Acoustic site (South) Brisbane Street Plaza
Bondi Beach	<ol style="list-style-type: none"> Park area immediately to the south of the Outdoor Fitness Gym Triangular Path Intersection – Bondi Park opposite Roscoe Street Paved semi-circle adjacent to Bondi Park opposite Hall Street Corner of Hall Street and Jacques Avenue (west) Roscoe Street west of Gould Street – under sculpture installation (adjacent to Police Station)
Bondi Road	<ol style="list-style-type: none"> Between Park Parade and Denham Street

Assessment Criteria

Applicants must comply with the Assessment Criteria and Terms and Conditions specified in Section B: Street Performance Guidelines.

Acceptable Acts

Street Performance licences are only issued for acceptable individual and group acts.

Unacceptable Acts

Unacceptable acts include:

- acts that cause a nuisance or obstructing pedestrian or vehicle traffic and entrances to shops or buildings
- excessively loud performances
- selling or offering for sale any articles, commodity, or services apart from the street performer's own original material.
- vilification of community members, including, but not limited to, racial, sexual, gender or disability discrimination.

Street performers who undertake unacceptable acts may have their licence revoked.

Waverley Council does not approve licences for performances that involve:

- animals
- alcohol
- fire or flammable liquids
- dangerous implements or materials, including fire and knives.

Licences

Licences are granted for a 3-month period covering October 17 to December 31, 2022. 30 licences are available for this trial period.

Applications are accepted online only via the Waverley Council website: https://www.waverley.nsw.gov.au/business/regulations_and_permits/busking

Successful applicants will pick up their licence (with valid identification) from the Customer Service Centre in Spring Street Bondi Junction.

Licences require renewal after the trial period has ended. Applications will not automatically be renewed and will be assessed annually according to the assessment criteria.

Street performers are required to have a public liability insurance policy that covers entertainers and/or street performers for up to \$20 million for any one loss.

Performers under the age of 16 must have their application signed by parent or guardian.

Register

Details of approved licences are held on a register in accordance with section 113(2) of the Local Government Act 1993. The information recorded includes:

- Name of the person to whom the licence is granted
- Type of performance

- Details of amplification equipment (if any).

This register will be publicly available, in accordance with section 113(5) of the Local Government Act 1993.

Profile image, address and other contact details will not be publicly available.

Monitoring

Council regularly monitors licences holders for quality assurance and to ensure street performers are operating in accordance with licence conditions.

Council officers may request a performer to cease performing at any time if the performance is deemed to be causing inconvenience or offence to the public; or likely to cause harm to the public or property.

Authorised Persons and event organisers can prohibit the use of an area for performances. The reasons for this restriction may include, for example, while Council or other approved works are in progress, or while a special event is in progress.

Responsibilities

Officers monitor and respond to public enquiries or complaints in relation to a street performance. Authorised Council officers will enforce the terms and conditions of any approvals to ensure performers are compliant in the Waverley Local Government Area.

Section B: Street Performance Guidelines

1. Assessment Criteria

Acts

Acceptable Acts

Individual Acts

A solo or individual performer may apply for an individual act and is only permitted to perform solo.

Group Acts

Group acts are limited to a maximum of four (4) individuals. Each member must be included in the application. Licences may be issued for larger groups at the discretion of the Council.

Unacceptable Acts

Waverley Council does not approve licences for performances that involve:

- Animals
- Alcohol
- Fire or flammable liquids
- Dangerous implements or materials, including fire and knives

Insurance

All street performers are required to have their own public liability insurance policy that covers entertainers and/or street performers for up to \$20 million for any one loss.

A copy of the certificate of currency will be required to be submitted with the application to Council.

2. Licences

Hours and Duration

Street performance licence holders may perform in designated zones only between the times of 9am - 9pm, Monday – Sunday.

Performers may perform for a maximum period of 2 hours concurrently in any one zone. Performers must leave the zone for at least an hour before a second performance.

Approval

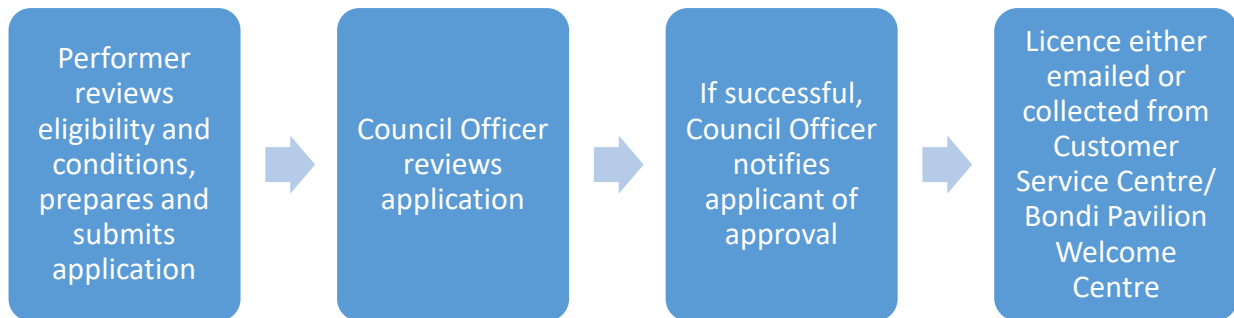
Successful applicants will be notified by email that their licence has been issued and will be requested to collect it from the Customer Service Centre.

If more than one street performer forms part of a group, each member of the group must hold a current Street Performance Licence, and this must be clearly displayed during their performance.

Council may revoke a current Street Performance Licence if a licence holder is found to be consistently in breach of licence terms and conditions.

Note: A Street Performance licence does not allow street performances to take place in privately owned Shopping Centres or retail spaces. Separate approval must be sought directly from the Shopping Centre or retail management.

3. Licence Approval Process



4. Terms and Conditions

1. This specific Street Performance Trial Licence is granted for a 3-month period covering October 17 to December 31, 2022. 30 licences are available for this period.
2. Applications are accepted online only via the Waverley Council website: https://www.waverley.nsw.gov.au/business/regulations_and_permits/busking
3. Licences are non-transferable or refundable and apply only to the nominated holder.
4. Performers must display their licence in a prominent, highly visible position in the performance site always during their act. Licences must be produced on request by Council Rangers.
5. Performers are restricted to designated zones shown in the maps attached to this document (see Site Maps).
6. Performers may perform for a maximum period of 2 hours concurrently per zone. Performers must leave the zone for at least an hour before a second performance.
7. Performers may use small battery powered amplification only. Specification of any proposed amplification is to be provided in the application.
8. Performers under the age of 16 require adult supervision whilst busking and the application for a licence needs to be signed by a parent or guardian
9. Performers must keep the site they use clean while they are working. For street performance that includes pavement art, drawings must be removable by water and not leave a residue.

10. A performer 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.
11. Performers must comply immediately with any lawful direction given by the Police or Council Rangers.
12. Performers must not unreasonably interfere with pedestrian flow or public amenities, or cause obstruction to vehicles, or encouraging audience formation in a manner as to cause such interference
13. Performers may not operate closer than 5 metres from the door of premises open for business or perform within 5 metres of any street intersection or pedestrian crossing.
14. Licence holders must not obstruct a footpath, carriageway, entrance or exit of a building, footpath seating areas or other public or private thoroughfare.
15. The space occupied by the performer and all equipment should not exceed 2m².
16. Performers may not perform before 9am or after 9pm.
17. Performers may receive funds voluntarily from the audience but may not actively solicit funds.
18. Performers may not affix any material or mark/draw on any public property.
19. Performers may not perform within 5 metres of bank ATMs.
20. Performers may not offer goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising, except for their own original work.
21. The use of fire, knives, swords, chainsaws, or any other dangerous instrument is prohibited.
22. Performers may not deliberately upset any member of the public by their behaviour.
23. Performers must not consume alcohol or perform under the influence of alcohol or illegal drugs.
24. Performers may not use street furniture or the like as part of their performance.
25. Licence holders are only permitted to perform within Waverley Council designated Street Performance Zones identified in the Street Performance Policy and Guidelines Street Performance Zone Maps (section 6)
26. The Waverley Street Mall performance zone is for acoustic performances only. No amplification is allowed.
27. Any breach of these conditions will result in the busking permit being revoked. Council may revoke a permit at any time.

28. Waverley Council officers at certain times may temporarily deactivate Street Performance Zones. Reasons for this deactivation may include during building/street works or specific events.

5. Checklist

Submission Requirements

An applicant is required to submit the following information with every application for a street performance licence:

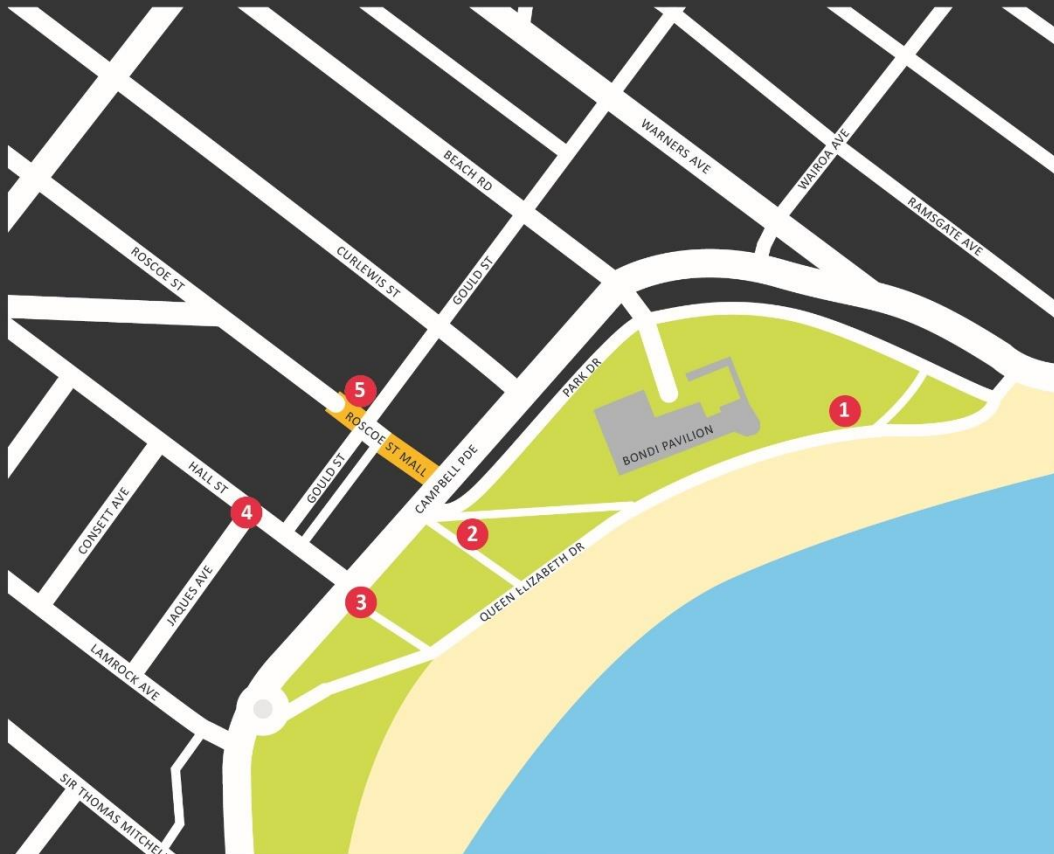
Document type	
A government issued proof of identity document that includes a profile image. This includes, current driver's licence, Proof of Age card, birth certificate or current passport. <i>Other forms of identification may be accepted on a case by case basis</i>	✓
Proof of public liability insurance for \$20 million	✓
Proof of parental consent for applicants under the age of 16 years	✓
Specification of any proposed amplification equipment is provided in the application	✓

6. Site Maps



Street Performance Zones

Bondi Beach



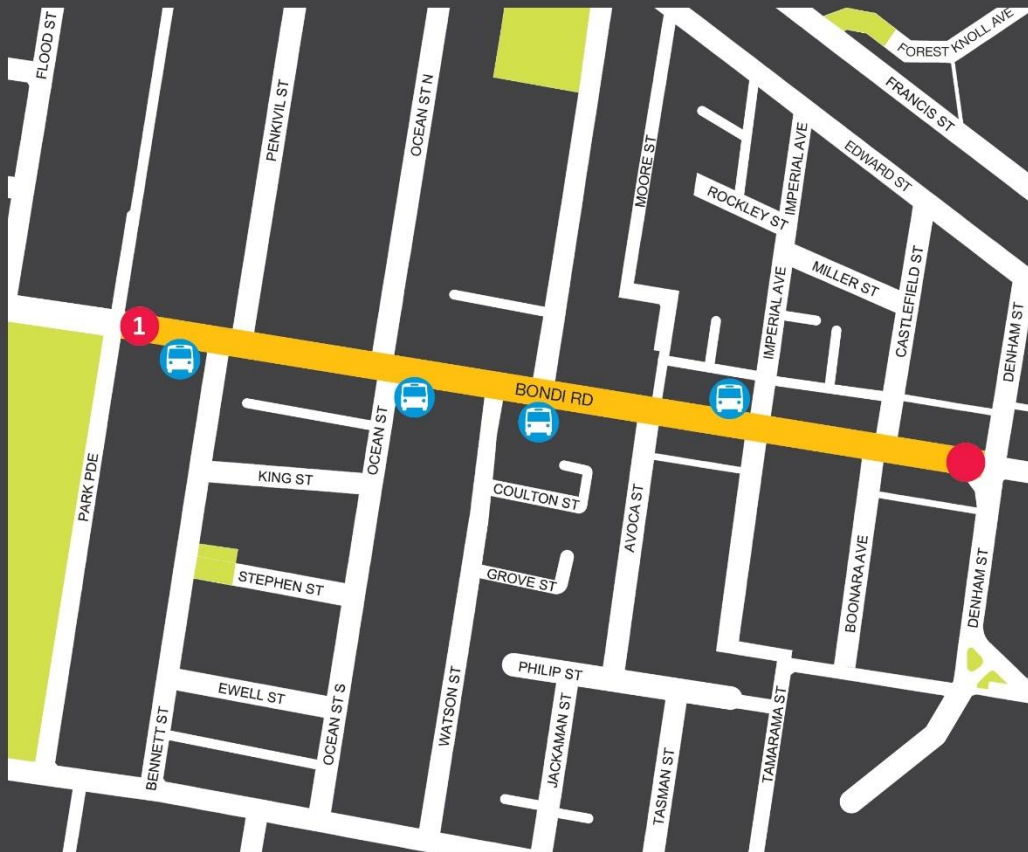
Bondi Beach Zones

1. Park area to the north of the children's play area
2. Triangular path intersection – Bondi Park opposite Roscoe Street
3. Paved semi-circle adjacent to Bondi Park opposite Hall Street
4. Corner of Hall Street and Jacques Avenue
5. Roscoe Street Mall – under sculpture installation, adjacent to Bondi Police Station



Street Performance Zones

Bondi Road



Bondi Road Zone

1. Between Park Pde and Denham St

