

BUSKING IN OUR CITY

Guidelines

BUSKING IN OUR CITY

Wyndham City encourages activation of our public spaces – music and public performance are a key part of this activity.

There are some things to consider when deciding to perform in public space; this document outlines your responsibilities as well as the local laws that apply to performing in a public space also known as busking.

What is Busking?

In the context of Wyndham City Council's Busking Guidelines a busker is considered to be a person performing in a public place who is:

- playing an instrument or multiple instruments both conventional or self-constructed performing music or other creative performance
- engaged in a dance routine
- engaged in other forms of public performance such as circus, street theatre, mime, statue or spoken word

These criteria apply whether the busker is accepting money or not. Buskers may sell copies of musical CDs of their own work.


Accepting money in exchange for merchandise or goods (other than musical CDs of the performers work) is **not** busking and is illegal

Busking Permit

You need a busking permit to perform in public space – this permit can be obtained by making an online application.

Performance groups (eg. small bands, troupes) may apply as a group.

For applicants under 16 years, contact details and a letter of consent from a guardian should also be provided.



The Application Process

Busking applications are taken via an online form. This form can be accessed by visiting <https://www.wyndham.vic.gov.au/form/arts-busking-in-our-city>

Once your complete application is received and approved a permit will be issued to you via email within 10 business days.

Applicants that are not approved will receive an email advising them of the outcome within 10 business days.

Please note a complete application includes one of the quality tests listed below, submitted at the time of application.

Quality

To ensure the success of busking and activation activity in Wyndham City, a quality test is applied to applications.


Applicants should provide at least one of the following for review by Wyndham City:

- A link to your music or performance on online
- A copy of a busking permit issued by City of Melbourne
- Testimonial from your music or performance teacher

Links and documents can be uploaded at the time of application or sent to busking@wyndham.vic.gov.au for review.

If none of these options are applicable you can make an appointment with Wyndham's Arts Officer to review your music or performance in person.

Please note it can take 2-4 weeks to secure an appointment time – please take this into consideration when choosing this option.



Busking in Werribee City Centre

Werribee City Centre has a number of spots suitable for busking. Buskers are not required to pre-book a spot or notify Council of their intent to busk in Wyndham. If a spot is already in use by another busker, permit holders may proceed to another available appropriate spot for busking.

Performances are limited to a total of two hours at a time at any one site. Buskers may return to the same site provided a one hour break has been allowed. Buskers are permitted to perform at the same site for only two sessions per day.

Buskers are required to carry their Wyndham City Council busking permit with them when busking in Wyndham and to be prepared to show their permit and Covid-safe plan if requested by an authorised officer.

Please refrain from placing speakers directly facing shops or at shop entrances.

Questions, comments or feedback regarding busking can be sent via email to busking@wyndham.vic.gov.au

Buskers wishing to access other public spaces in Werribee for performances or community activities should contact Vibrant City Centres by email werribeecitycentre@wyndham.vic.gov.au or by phone on 9742 0905


Busking in Point Cook Town Centre

Buskers wishing to busk in Point Cook Town Centre should report to the Point Cook Town Centre (Stocklands) Customer Service Desk prior to busking.

Buskers then leave their contact details with Stocklands staff and will need to show a current Busking Permit from Wyndham City Council.

Busking Elsewhere in Wyndham

Busking on privately owned or managed land should be negotiated directly with the owner or management. A busking permit from Wyndham City will still need to be obtained and displayed. Performers, individuals and private landowners can nominate potential Busking Spots can contact busking@wyndham.vic.gov.au to suggest a location.



Local Laws and Busking

Local Law 16 Section 64 outlines the responsibilities and expectations of buskers performing in Wyndham City.

Failure to comply with any of the conditions listed below will result in the busking permit being revoked and/or a fine.

Pedestrian Access and use of Footpaths

Buskers must always allow free access along pathways and must not position themselves opposite the entry or exit to businesses or against the building line. Buskers must accept responsibility for the impact their performance may have on other city services. Failure to do so is a breach of the conditions of permit. In the event of wet weather, buskers may not position themselves against the building line or under awnings.

General Area Times

Performances are limited to a total of two hours per day at any one site. Buskers may return to the same site provided a one hour break has been allowed. Buskers are permitted to perform at the same site for only two sessions per day.

General Area Sites

Busking is permitted in public spaces throughout the municipality where it is able to meet the criteria. There are some areas that are not appropriate for busking. They include, but are not limited to:

- within 15 metres from an intersection
- close to entrances or on steps of train stations
- directly outside the Civic Centre
- any residential area

If your permit location is outside of the approved zones, you must notify and obtain permission from any business owner who may be affected by your act/performance. If you fail to notify the surrounding businesses and you are deemed to be a nuisance or inappropriate, you may be instructed by an authorised officer to cease your activities and your permit may be cancelled.

Cooperation with Wyndham City Council Staff

Buskers must follow all instructions given by a Wyndham City Council Authorised Officer or Victoria Police.

Persons under 16 years of age

If the busker is under 16 then an adult parent or adult guardian must accompany the busker during the application process and when busking on site at all times.

Noise Levels

Acceptable noise level measures are 75 dBA L10, when measured for one minute at a distance of three metres from the source of sound; and 69 dBA L10, when measured for 1 minute at a distance of 6 metres from the source of sound.

Lost Permits

Buskers may not busk without a permit being displayed or carried. If a busking permit is lost, a new permit can be requested at Wyndham City Council.

Litter

It is the responsibility of the busker to ensure that the site is left in the condition that it was found in and that measures are put in place to ensure that all litter is removed, footpaths and paved areas are not left stained with any material, chemical or other stainable residue.

Covid-safe Busking

Outdoor performance is permitted under current DHHS guidelines.


All performers including sole traders operating a business must have their own COVIDSafe Plan that addresses infection control and management for their type of art/performance practice. These plans must comply with DHHS guidelines for COVIDSafe plans.

For advice and guidance on COVIDSafe plans, please refer to DHHS: coronavirus.vic.gov.au/covidsafe-plan

You can access [Wyndham's COVIDSafe Guidance for Busking](#).

Buskers must follow public health directions as advised by the Department of Health and Human Services. For further information about Victoria's current restrictions please refer to [DHHS](#).

If you require further assistance, please contact busking@wyndham.vic.gov.au



Cancellation of a Permit

Wyndham City Council may cancel, suspend or amend any permit at any time if:

- it is requested to do so by the permit-holder
- it considers that there has been:
 - material misstatement or concealment of fact in relation to the application for the permit
 - any material mistake in relation to the issue of the permit
 - any material change of circumstances which has occurred since the grant of the permit

Council may cancel or suspend a permit at any time if the Council is satisfied that there has been a substantial failure to comply with a:

- permit condition
- a Notice to Comply relating to the premises, item or activity to which the permit relates

Further Information

All general busking enquiries should be forwarded to the Arts and Culture Unit:

Email: busking@wyndham.vic.gov.au

Phone: 1300 023 411

The most up to date information can be found on the Wyndham City's website:

www.wyndham.vic.gov.au/busking