

Busking Guidelines



Document Control

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

RESPONSIBLE GENERAL MANAGER	General Manager Community Strengthening
DOCUMENT OWNER	Manager Arts Events and Libraries
APPROVED/ADOPTED BY	General Manager on 19 May 2025 Community Strengthening
SIGNATURE	
APPROVAL DATE (In addition state effective if different)	Effective from 19/05/2025
REVIEW DATE	30/04/2029
CM REF AND VERSION	25/91152 v#2
VERSION HISTORY	These Guidelines Replaces Version TRIM 13/122324
RELEVANT POLICY	Refer Kingston Community Local Law

1. Purpose

The Busking Guidelines outlines the process and conditions of busking activity across the municipality of Kingston. The guidelines are to be used in association with the Kingston Community Local Law and in conjunction with the Busking Permit and application form.

2. Scope

These Guidelines are an incorporated document in the Kingston Community Local Law. Any amendment to these Guidelines must comply with the provisions in the *Local Government Act 2020* (Vic) relating to amendment of local laws.

These Guidelines apply to buskers, traders, residents, and visitors.

3. Busking guideline

Under the Kingston City Council Community Local Law, a permit is required to undertaking busking on a road or on Council land.

3.1.

In the City of Kingston, busking refers to:

- activities which include a musical instrument and/or singing
- conjuring, juggling, mime, mimicry, puppetry
- dance, performance art, recitation, and other appropriate theatrical and visual forms

It may also include activities such as drawing any message, picture or representation on a pavement, paper, or canvas surface.

- Acts with dangerous goods (includes the use of substances that are flammable, toxic or use hazardous implements such as swords, knives, and whips).
- Acts which include animals.

The activities listed below are not covered by this busking permit:

- vendors of any kind – including glow sticks, flowers, jewellery, and other merchandise sellers;
- charity collectors and promoters;
- touting or spruiking;
- political rallying;
- religious spruiking;
- tarot card reading, palmistry, and fortune telling;
- massage, chiropractic treatment or any other physical manipulation;
- artists selling prefabricated work – pavement artists must be actively engaged in producing their artistic medium and not simply selling displayed goods;
- temporary tattoo applications and face painting; and
- begging (begging is illegal under the *Summary Offences Act 1966* (Vic) and enforcement is the responsibility of the Victoria Police).

4. Permit procedure

Applications for a busking permit are online and issued for a 12-month period.

Application forms are available at:

- City of Kingston's website at www.kingston.vic.gov.au
- Kingston Arts' website at www.kingstonarts.com.au

Applications for a busking permit are reviewed by Community Arts & Culture Coordinator prior to them being issued by the relevant delegated officer.

No fee is required for busking permits.

Permits are non-transferable and apply only to the nominated holder.

If a permit has been obtained, buskers are required to always display their permit when carrying out busking activities.

The busking permit may be suspended, cancelled or revoked if the busker is in breach of the conditions of permit.

Information collected

Applicants are required to provide:

- Name and contact information
- An overview of their intended busking activity

- Proposed locations and times
- Parent/Guardian consent (if the busker is under 16 years of age)
- Copy of their current public liability insurance

Public Liability Insurance

Buskers are required to hold their own public liability insurance for the life of the permit (twelve months).

In the instance where a busker does not hold public liability insurance, they can apply to be covered under Council's insurance within the permit application form.

A fee is charge for this coverage prior to the permit being issued.

Busking in the City of Kingston is applicable within all public spaces on Council Land.

Any site may become temporarily unavailable due to an organised special event. Buskers must follow the direction of City of Kingston Officers if a site becomes unavailable either temporarily or permanently.

In the case of an organised event, buskers should not attempt to associate themselves with that event unless otherwise advised or invited by an event organiser.

Busking on privately owned land such as the Forecourt steps at Mordialloc Shopping Centre, Aspendale Gardens, or Southland Shopping Centre requires permissions form relevant landowners and are not covered by the Busking Permit.

The following locations are prohibited for buskers wishing to perform in the City of Kingston:

- directly in front of shop doorways during business hours, businesses, dining areas and cafes, bus stops, fire escapes, roads, residential doorways, and Automatic Teller Machines;
- within ten (10) metres of any intersection, pedestrian crossing, traffic signal or public telephone booths unless otherwise designated;
- private property (particularly where access and safety are considerations i.e. train stations, kindergartens, schools and hospitals);
- outside accommodation hotels and motels;
- outside, adjacent to or on the grounds of places of worship, religious, and memorial sites; and
- narrow streets and footpaths with inadequate pedestrian capacity and against the building line.

In the situation where a trader directly commissions an artist for a fee to perform outside them premises, performers are required to adhere to the Footpath Activities Policy.

5. Permit conditions

Buskers can only perform between 9.00am to 9.00pm throughout the week.

Pavement Artists are permitted to remain in one location for a day.

Up to a maximum of four (4) buskers can apply under the one permit.

Buskers can only perform for a maximum of two (2) hours per day at any one location. Buskers are encouraged to take breaks. At the end of the two (2) hour maximum for that location, the busker

must move to another location (at least more than four building frontages away) and not return to that location again that day.

In the instance where there are two buskers performing in the same location, sound performers must be at least 30 metres from the other sound performer.

Activity should operate at a level:

- so that a passer-by would not have to strain their voice to be heard above the sound;
- it is not readily audible over other background noise when a person is more than two standard building frontages from the source of sound; and
- in line with the Environmental Protection Authority's (EPA) Guidelines, which sets the maximum noise limit for noise sensitive areas at 65DB, Kingston Authorised Officers will allow for an additional 10 decibels of background noise making the maximum noise level 75DB.

Amplification that does not actually cause, or threaten to cause, disruption at locations is allowed via the use of portable battery-operated amplifiers only. Main voltage amplification is strictly prohibited.

The sound levels from a performance shall at no time disrupt business trading including retail and dining establishments, affect workplace performance or detract from public amenity, unless in the case where an artist has been commissioned by the business.

Buskers generating sound need to consider other buskers who may not use sound. Buskers who generate sound are expected to negotiate appropriate distances with silent or quieter artists such as pavement artists, statue acts and magicians.

If the noise output has generated complaints and is determined to be intrusive, City of Kingston Authorised Officers will assess appropriate noise levels via decibel readers in line with Environmental Protection Authority's (EPA) Guidelines.

The busker must cease performance immediately. Repeated excessive noise may result in the cancellation of a permit.

Pavement Art must be applied with biodegradable, non-permanent and non-slippery chalk and easily washable. Works can be no larger than one square metre and not explicit in nature, depict racist imagery or reflect any activities that are not covered under this busking permit.

There is no warranty for pavement art being removed by Council Officers or any other third parties, particularly overnight as part of Council's maintenance schedule. Permit holders must ensure that the site is not stained with any material, chemical or other residue.

Buskers are responsible for always ensuring pedestrian flow and public amenity. They must ensure free and safe access for pedestrians along any pathways or thoroughfares near the performance site and leave 1.5 metres of footpath for use by pedestrians. Buskers must publicly announce and direct crowds either before and/or during the performance to maintain essential access clearances as indicated above.

Buskers must work to ensure that, neither themselves nor their audience, pedestrians or the public are put at risk at any time during their performance. Buskers must accept responsibility for any impact that their performance may have on other city services and activities.

Wheelchair access around a site must be always maintained. To enable unobstructed access and safety for people who are blind or have low vision, performing against the building line is not permitted.

Buskers must keep the site clean while they are working, ensure that their use of the site does not pose a threat to public safety and that the site is left in the condition that it was found.

In the interests of creating and maintaining a lively, safe and entertaining community environment, the City of Kingston encourages self-regulation of busking activities. The Guidelines encourage buskers to work co-operatively and take responsibility for managing performance spaces and to solve disputes and complaints at a local level.

Following a complaint or a report of a breach of permit conditions or any requirements under the Busking Guidelines, the Community Arts and Culture Coordinator will contact the busker to seek options for rectification.

If, after all reasonable steps have been taken to rectify a complaint, and complaints or report of breaches still continue to be reported, an Authorised Council Officer or any member of the Victoria Police, may direct that a busker cease or relocate to another site, if the officer is of the opinion that the performance is:

- in breach of these guidelines;
- displaying unacceptable behaviours;
- loud or intrusive;
- excessively repetitive;
- causing public inconvenience; or
- likely to cause harm to the public or property.

The busker must immediately comply with such a request which may also result in suspension or cancellation of the permit. Failure to comply with such a request is a breach of Council's Local Law and may result in a penalty notice being issued.

In addition, Authorised Council Officers or any member of the Victoria Police may direct that a busker cease, if the Officer is of the opinion that the busker is displaying unacceptable behaviours:

- illicit, aggressive, abusive, offensive or hostile behaviour;
- use of obscene expletives;
- unwillingness to cooperate with retailers, residents, other buskers; Authorised Council Officers and any members of Victoria Police;
- personal attacks or insults;
- hostility; and
- threats of physical violence.

6. Responsibility

The areas or positions responsible for defined tasks in implementing, maintaining and approving these procedures / guidelines.

Position/Team	Responsibility
Community Arts	Review and administration of busking permit applications
Head of Creative Activities Manager, Arts Events and Libraries Local Laws	Approval of busking permits Delegated Authority to issue busking permit Enforcement of busking permit conditions

7. Related Documents and Resources

- Kingston Community Local Law
- Arts and Cultural Strategy 2018 - 2022
- Public Art Strategy 2023-2028
- Footpath Activities Policy