

## CONDITIONS FOR STREET PERFORMING E.G. BUSKING

The Trading in Public Places Bylaw requires a permit to carry out street performance such as busking. This document sets out permit conditions.

Contact us to apply for a permit.

### PURPOSE

Street trading adds to Dunedin's character, vibrancy and visitor experience. The Trading in Public Places Bylaw and conditions aim to ensure public places are safe, lively and attractive, while allowing people to move around safely and easily.

### GENERAL

The Dunedin City Council may approve a permit based on but not limited to the following conditions and considerations. Permits may be granted only for property which the Council controls. All permit holders must also comply with relevant legislation and bylaws including the Health and Safety at Work Act and the Dunedin City District Plan (2GP).

### DEFINITION

**"Busking"** means to play music or perform entertainment in a public place, usually for money.

**"Footpath art"** means temporary images or drawings created either directly on to the pavement or on removable surfaces such as, but not limited to, paper or plastic, laid out on the pavement but does not include any advertising in any form on the footpath.

**"Pedestrian access"** means a minimum width of unobstructed access for pedestrians must be maintained as follows: 3m in the central business district zone of the 2GP and 1.5m in all other areas.

**"Public place"** means an area that is of a public nature, is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. It includes any road, street, footpath, court, alley, lane, park, recreation ground, sports field, reserve, beach, pedestrian mall, cycle track, accessway, squares and carparks. Reserves and beaches are also governed by the Reserves Act and the Reserves and Beaches Bylaw.

**"Street performing"** means the provision of entertainment on or in a public place, and includes but is not limited to, playing an instrument, singing, dancing, juggling, mime, puppetry, performance art, conjuring, acrobatics, recitation, undertaking artworks and performing other acts of theatrical or visual forms. It does not include advertising or promotion in any form.

#### 1. CONDITIONS

- 1.1. Anyone performing in a public place must hold a current Dunedin City Council Street Performing Permit (except those performing as part of an "organised event").
- 1.2. The permit must be prominently displayed at the performing site at all times.
- 1.3. Performance on private property is allowed only with the property owner/tenant's permission.
- 1.4. Quiet acts (e.g. mime) may be performed at any time as long as the performer has a permit and meets all street performance conditions.

- 1.5. Street performers may re-locate to another site after the maximum 60 minutes, but the new site must be at least 30 m from the previous site.
- 1.6. No street performer may operate within 30 m of any other performer.
- 1.7. No busking may be undertaken between the hours of 10pm and 8am the following morning.
- 1.8. The maximum number of street performers in any one group is four unless the council provides a specific exemption.
- 1.9. A street performance permit will not be issued to anyone under the age of 14 years without the consent of a parent or guardian. Proof of age may be requested. A parent or guardian must accompany anyone under the age of 14 years while performing.
- 1.10. When organised events are held, street performers must be at least 500 m away unless they have been invited to perform at the event.
- 1.11. Street performers must
  - 1.11.1. not create excessive or unreasonable noise (see Resource Management Act 1991). Sound equipment, such as amplifiers, is not allowed.
  - 1.11.2. behave professionally and respectfully e.g. not use swear words.
  - 1.11.3. perform for a maximum of 60 minutes on any one site.
  - 1.11.4. have permission from a retailer if they wish to perform outside their business.
  - 1.11.5. ensure pedestrian access is maintained in public places and that they, and their audience, do not block doorways, bus stops, fire escapes or roads.
  - 1.11.6. not operate within 6 m of a road intersection.
  - 1.11.7. take all practicable steps to keep themselves and the public safe.
  - 1.11.8. keep the site clean and tidy.
  - 1.11.9. comply with all other relevant Council rules and bylaws.
  - 1.11.10. adhere to any site-specific rules such as for bookable performance sites.
- 1.12. Street performers may place a container for donations at their site or ask for donations. Performers must not ask for money in a way that is likely to make people feel uncomfortable.
- 1.13. Street performance permits are valid for a maximum of one year.

## **FOOTPATH ART**

### **Conditions**

1.1. Artists must have their permit on them at all times and it must be available for inspection by any authorised officer or police officer on request.

Use materials that can be easily washed off with water and non-toxic/organic soap without leaving any residue.

Materials used must not be slippery or create a public hazard.

The site must be kept clean, tidy and safe at all times.

Permit holders must make sure that pedestrian access is maintained in public places at all times and that they, and their audience, do not block footpaths, doorways, bus stops, fire escapes or roads.

Make sure the site and equipment does not get in the way of footpath users or prevent access to nearby premises.

Commercial advertising or work we decide is offensive is not permitted in footpath art and must be removed immediately.

No works of art or any other products are to be offered for sale at the site. If you want to sell things, you must obtain a separate mobile shop trading permit.

You may accept donations, but you must not pressure people into giving you money.

DCC has the right to remove footpath art.

Any costs related to damage, loss or injury caused by the permit holder, or any person working on their behalf, are to be paid by the permit holder.

If necessary, the Council will take legal steps to recover costs incurred as a result of this permit.

### **Considerations**

You will need to provide certain information as part of your permit application. This includes:

- 1.1.1. how you propose to maintain and remove art
- 1.1.2. location of the proposed site
- 1.1.3. how you will prepare the site and what the work involves
- 1.1.4. aspects of the artwork including content and its suitability for the audience and its location.

We will let you know if there is other information we need.

## **2. ENFORCEMENT**

- 2.1. A Council warranted officer will respond to any complaints about performers. If performers don't comply with permit conditions their permit may be cancelled.

## **3. RIGHT OF REVIEW**

- 3.1. Any applicant who is dissatisfied with a Council decision made in relation to the applicant under these conditions may appeal the decision under the terms stated in the Trading in Public Places Bylaw.

## **4. LIABILITY**

- 4.1. Street performers are responsible for all claims made against them for personal injury or property damage.

*Explanatory note: If you wish to perform in the Octagon, book online here:*  
<https://eservices.dunedin.govt.nz/facilities/facility/octagon>