

**MARKETS, STREET STALLS AND BUSKERS**

**Procedure 1.2.1**

Policy No. and title	1.2	Lands Under Kempsey Shire Council Jurisdiction Policy
Procedure	1.2.1	Markets, Street Stalls and Buskers
Version	1	
Date Adopted	14 May 2012	

---

**1 INTRODUCTION**

Kempsey Shire Council is committed to enhancing urban life and to encourage activities that contribute to the life and vitality of residents and visitors.

There are several benefits from allowing markets, streets stalls, and buskers on council owned property. This includes revitalisation of the area, enhancing social interaction, preventing vandalism and other forms of street crime as a result of the causal surveillance. The overall benefit is the enhancement of the Shire's image and lifestyle.

**2 PURPOSE**

The purpose of this procedure is to provide uniform guidelines to approve or reject applications and issue permits for markets, street stalls or buskers for use of land under council's jurisdiction, and in accordance with the fees and charges as approved by Council on an annual basis.

**3 OBJECTIVES**

- To manage the demand for use of public spaces.
- To support local economic development and commercial vitality.
- To ensure that any activities are compatible with other community uses of public space.
- To ensure that any activities enhance the shopping offer, mix and experience for residents and visitors.
- To ensure that pedestrians and other forms of traffic are not unduly obstructed by any activities.
- To minimise the public liability and risk management concerns.

**4 SCOPE**

This procedure addresses markets, street stalls and buskers in all public places within the Local Government Area under the care, control and management of Kempsey Shire Council.

This procedure does not apply to annual shows, events or festivals.

## 5 DEFINITIONS

**Busker** – An entertainer who provides impromptu performances for the public by playing a musical instrument, dancing, singing, clowning or juggling, reciting, miming, or doing other acts of a similar nature in public places.

**Commercial Market** – any market operated within Council owned or controlled land, where a commercial operator receives or shares in the financial benefits of the market operation.

**Community Market** – any market operated within Council owned or controlled land, where the revenue raised is distributed to the community for community benefit.

**Council** – Kempsey Shire Council

**Dangerous materials and implements** – materials and implements that pose risk, hazard or uncertain outcomes for people. Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public or public property. Dangerous implements include knives, spears, swords, spikes and sharp implements of any kind that pose a threat of harm to the general public.

**Designated sites** – specified sites within restricted areas where busking can occur under defined conditions.

**Fee** – The fees adopted by Council for the issue of a licence or permit to operate.

**Licence and/or Permit Holder** – the person/organisation to whom a licence/permit to operate has been issued.

**Market** – a temporary outlet for the sale of craft or goods to the public, and

- a) operates regularly on no more than one day each week
- b) does not require the erection of permanent structures.

**Pavement Art** – defined as chalk drawings rendered directly onto the pavement, or renderings done in other materials on removable surfaces such as canvas or plastic, laid out on the pavement. Busking may include pavement art.

**Performance** – musical dramatic or other entertainment substantially involving musical, theatrical or circus performance skills.

**Restricted areas** – specified areas within the shire that have had restrictions placed on busking activities.

**Soliciting Funds** – the act of asking, begging, seeking or requesting money or goods from members of the public.

**Stall Holder** – the person/s or organisation to whom a site is issued by the Licence Holder.

**Street Stall** – A stall or table set up to raise funds by selling produce or raffle tickets.

**Circle Acts** – structured performances requiring the audience to stop and watch or participate in the performance. The approximate duration is 20 – 40 minutes.

**Walk-by Acts** – spontaneous performances where the audience is not required to stop and watch.

## 6 GUIDELINES

### 6.1 Markets

#### 6.1.1 'One Off' and/or short term Outdoor Market operations' Permit

- a) A 'one off' and/or short term outdoor market operation permit application can be lodged for consideration by Council for any public place.
- b) Assessment will occur on a case-by-case basis and will be guided by principles within this policy.
- c) An approved permit that includes standard and site specific operating conditions is required before operations can commence.
- d) Any fundraising activities require the appropriate Authority to Fundraise from the Charities Office, with such Authority being provided with any application for permit.
- e) A fee will be charged for outdoor market activities as determined in Councils fees and charges policy.
- f) Applications must be submitted at least four (4) weeks prior to the proposed activity to allow sufficient time for assessment.

#### 6.1.2 Selection Criteria for 'One-Off' and/or short term Outdoor Market Operations

- a) Market activities are not in direct competition with businesses near the location unless written approval is provided by the Business Owner.
- b) Market activities add value to the community and/or event and do not negatively impact upon the area.
- c) Market activities do not clash with neighbouring existing approved regular markets or businesses.
- d) Public liability insurance to the value of \$20 million is obtained, current and covers all stall holders.
- e) Any other relevant certificates and/or licenses associated with the market activity are obtained and current.
- f) Market structures proposed are temporary, consistent in design and appearance and of high quality.

#### 6.1.3 Regular Outdoor Market Operations (e.g. daily, weekly, monthly) Licence

- a) Application for Market Licence

The Licence Holder will be required to provide a management strategy as part of their proposal that includes but is not limited to:

- Traffic Management Plan
- Risk Management Plan
- Public Liability Insurance
- Litter and Waste Minimisation Plan
- Site Plan including Stall Layout
- General Operations Plan
- Marketing, Branding and Communication Plan
- Financial report.

The approved Licence Holder/market management will be required to update and submit their management plan each year and provide an annual report on the outcome of the management strategy and market operations during the term of the license.

b) Market Location(s)

Locations identified for regular Outdoor Market Operations under the policy (subject to Council approval)

- Clyde Street Mall
- South West Rocks Reserve
- Crescent Head Reserve

*Council may alter or add to the list from time to time during the life of this policy.*

c) Market Licence

Licenses may be issued to Market Management for market operations in the identified locations;

- for up to a term of up to 5 yrs (*reviewed annually and terminated if Market Management is not complying with the conditions of consent*).
- for operation between the hours of 8.00am to 6.00pm (8.00am to 7.00pm during summer daylight saving period). *Each licence will stipulate the hours between which the market may operate. No noise is to be generated before 7.00am on the day(s) of the market.*
- for between 1 – 7 days per week, or monthly.

An approved Development Application will be required for each market operation.

Council will determine the above for each license assisted by the market style and location proposed and the guiding principles and criteria in this policy.

d) Rides, Devices and Animals

Market Management will require written permission from council before allowing or issuing any market space for mechanical rides, animal rides or inflatable devices.

There is to be a limit of one type of activity per location i.e. one animal ride or one jumping castle. No increase in numbers is permitted without the consent of Council.

e) Number and type of staff holder

The number of stalls will be determined by Council based on the space available in the identified locations and ensure that pedestrian access is not impeded.

Licences for Market operations will contain the following provisions:

- Market Management will be required to give priority to locally grown, home produced or crafted, recycled, fair trade, eco, organic and environmentally friendly goods and services.
- Market Management will be required to provide a minimum of 1% of their daily operating space at no charge to registered charities and/or local community groups and organisations for the purpose of fundraising.

- The type and mix of stalls must not be in direct competition with neighbouring businesses in the immediate vicinity unless written approval is provided by the Business Owner. Council reserves the right to request the removal or change in the goods for sale should there be an obvious conflict with nearby retailers.

*Council will determine the above a conditions consent with this policy for each license proposal. Council's decision is final.*

f) Noise control and amplification

Market Management will be required to manage the impact of any noise generated as a result of market operations including the amplification of sound or music.

Market Management will be required to ensure noise levels from market equipment or stall holder equipment is to be no more than 5 decibels dB(A) above the normal background noise levels at or around the market site.

g) Environmental considerations

Market Management will be responsible for ensuring prepared food and 'drinks' are provided in re-useable or recyclable containers.

The use or sale of plastic bags, balloons or polystyrene products will be strictly prohibited for the dispensing of packaging of sold goods by outdoor market stallholders.

Market Management will be responsible for ensuring that stallholders' eating utensils, serviettes, and stirrers are single use and compostable.

Market Management will be responsible for ensuring nothing enters or has the potential to enter stormwater drains and that any waste water is disposed of correctly into sewerage drain as directed by Council officers.

h) Fees

An annual license fee will be payable for the duration of the license term. The current outdoor seating rates for commercial areas will be used as the benchmark in determining the rate to be applied to regular and one-off markets with a variation applied if the market is operated for the benefit of a charitable or not for profit organisation.

A fee may be charged for electrical power usage and any extraordinary cleaning charges or litter disposal required as a result of the market operations.

Invoices will be issued on a monthly basis in advance.

A bank guarantee and/or bond will be payable for approved licenses.

i) Market Maintenance

Market Management will be required to be responsible for reinstating the condition of the market site grounds immediately after each market to the satisfaction of Council Officers or the controlling authority of the ground.

Market Management will be responsible for ensuring that stall holders are strictly controlled in their use of Council space and equipment, vehicle movements, stall erection and public safety.

Any additional maintenance costs incurred by Council in relation to the Council owned or controlled land as a direct result of the Market must be reimbursed by the Market operator. Such maintenance items include but are not limited to: -

- rubbish removal
- cleaning of toilets
- ground rehabilitation
- damage to fencing, barricades, signs etc.

j) Council authority and inspection

All markets will be subject to regular inspections by Council officers to ensure compliance with the provision and conditions of the issued licence and all other relevant government legislation including Occupation, Health and Safety. In addition;

All food products will be required to be stored, prepared and packaged for sale in strict accordance with the requirements of the NSW Food Act 2003, Food Regulation 2010, and the Food Standards Code.

Market management will be responsible for ensuring adequate fire equipment including but not limited to a chemical fire extinguisher and fire blanket.

Market management will be responsible for ensuring any stall holder whose trading requires the use of cooking must be in possession of a fire blanket and adequate ground cover to ensure there is not damage to Council property.

Market management will be required to act immediately on instructions and/or requirements issued by Council officers and ensure stall holders do likewise.

**6.1.4 Allocation process for regular market operations**

- a) Identified market site locations will be allocated through an expression of interest and/or tender process. This process ensures equity, transparency and to 'contest the market' and compliance with Councils procurement policy and processes.
- b) Proposals will be submitted addressing set criteria and conditions.
- c) A selection panel will assess the proposals and recommend successful operators to Council for consideration.
- d) A permit/license agreement will be issued to approved operators.

### 6.1.5 Selection criteria for regular market operations

- a) Demonstrated experience and capability to perform the service/s including:

Demonstrated expertise and experience in the successful provision of the specified services, or similar services. Applicants must provide details of same or similar services provided and details of referees who can attest to the applicants' performance.

Human resource structure, responsibilities, availability, capacity, skills and experience, particularly in relation to key staff for the purposes of this agreement.

Capacity to perform and deliver service/s within specification.

Quality management systems are in place including food handling and storage, waste minimisation practices and customer service.

Quality OH&S and risk management systems and Public Liability insurance in place.

Applicant's current commitments, capacity and availability to undertake the service for the term specified.

- b) Demonstrated financial viability and value for money including:

Financial viability and capacity to perform the agreement.

Marketing and advertising capacity to actively promote outdoor markets to local community incorporating Council branding and logo.

- c) Service/s is fit for purpose and the environment and meets community and visitor needs including:

Type of service/s to be provided supplements existing services and enhances the variety of goods available.

- d) Market stalls are visually appealing, fit for purpose and impact minimally on the area.
- e) Demonstrated understanding of the Kempsey community, its needs and social values.
- f) A percentage of stalls are allocated for use at discounted rates for local community organisations and if applicable, at no charge to not for profit charities.

### 6.1.6 Guiding principles and conditions for market operations

- a) Types of market stalls suitable

- Fresh foods, goods and flowers
- Cooked foods
- Designer and unique goods
- Specialist niche market goods e.g. antiques, designers, collectables
- Arts and crafts
- Fair trade goods

- Tourist goods
- Community based stalls including bric-a-brac and raising funds for registered charities, community and sporting groups.

*Council may alter, restrict or add to the list from time to time during the life of this policy.*

b) Types of market stalls not suitable

- Mass produced imported goods
- Products sourced from 'unfair' trade labour operators
- Illegal, toxic or counterfeit goods.

c) Trading days and times

- Markets may operate between 8.00am to 6.00pm (8.00am to 7.00pm during summer daylight savings period) and up to seven days per week dependent on the site selected and approved Development Consent.

d) Size of Market Operation

- The number of stalls will be determined by the site selected
- Pedestrian flow must not be impeded.

e) Traffic Management/Parking

The market operation must not;

- Negatively impact on the area
- Cause a significant increase in traffic and congestion.

The market operation must;

- Promote public transport
- Parking alternatives that do not negatively impact upon residential areas.

f) Marketing

- No bill posters, stickers and/or market material are permitted on public property without Council approval.

g) Structures/Facilities

- Market structures are to be consistent in size and style
- Market structures must be visually appealing and in good working order at all times.

h) Health and Environment

- Packaging must be recyclable or compostable
- The market area must be litter free at all times
- Appropriate waste and recycle bins are to be provided to each stall holder
- Sun protection must be provided to stall holders.

### **6.1.7 Termination**

The Council reserves the right to terminate the permit and/or the license agreement if the operator is in breach of the permit and/or



agreement conditions and this policy by the provision of one month's written notice.

## **6.2 STREET STALLS**

The number of fundraising street stalls will be managed by Council to avoid an oversupply in a particular town at any one time. This will also assist groups to be successful in their fundraising.

### **6.2.1 Street Stall Location(s)**

- a) Street stalls must only be set up in areas where the stallholder has approval from the adjoining owner or occupier.
- b) A street stall shall be located to ensure that a minimum of 1.8 metres width from the kerb line of the footpath is available for pedestrian traffic.

### **6.2.2 Fees**

The current outdoor seating rates for commercial areas will be used as the benchmark in determining the rate to be applied with a variation applied if the street stall is operated for the benefit of a charitable or not for profit organisation.

### **6.2.3 Guiding principles and conditions for street stall operations**

- a) All food products will be required to be stored, prepared and packaged for sale in strict accordance with the requirements of the NSW Food Act 2003, Food Regulation 2010 and Food Standards Code.
- b) Collectors for charitable collections shall wear appropriate identification indicating the organisation they represent and must make documentation available for inspection at any time.
- c) No amplified speech or noise is to be used at any time.
- d) Prior to an application being processed Public Liability insurance to the value of \$20 million is obtained, current and covers the stall holders.

## **6.3 Busking**

### **6.3.1 Permits**

Buskers performing within the Kempsey Shire must have the approval of Kempsey Shire Council to do so. Applications must be made on the approved form which is available on Council's website or by contacting Kempsey Shire Council directly. Busking permits are issued for a period of 3 or 12 months.

There are two permit types;

- *Special Busking Approval – applicable to busking performances which involve the use of 'DANGEROUS MATERIALS OR IMPLEMENTS'.*
- *Standard Busking Approval – applicable to busking performances which DO NOT involve the use of 'DANGEROUS MATERIALS OR IMPLEMENTS'.*

**Refer to section 5 for the definition of 'dangerous materials and implements'.**

The following information must be provided when applying for a STANDARD BUSKING APPROVAL:

- a) One of the following forms of Proof of Identity:
  - A current drivers license
  - A student identity/proof of age card
  - A current passport
- b) If the applicant is under the age of 18 years old a parent or guardian is required to complete a consent form.

The following information must be provided in addition to the above when applying for a SPECIAL BUSKING APPROVAL:

- a) A current First Aid Certificate
- b) Evidence of holding relevant licenses/certificates, i.e. pyrotechnics certificate.
- c) Evidence of holding public liability insurance to the value of \$20 million.

Applicants must agree and adhere to the conditions of holding a busking approval; any fees applicable under Councils Fees must be paid upon lodgement of the busking permit application to Kempsey Shire Council. No refund of fees paid is available. Any request to waive fees for charitable organisations must be made to the General Manager.

### **6.3.2 Standard Busking Permit Conditions**

- a) Buskers must display their approval in a prominent, highly visible position in the busking site at all times during their acts.
- b) Buskers must not interfere with pedestrian flow or public amenities or cause obstruction to traders, delivery or emergency vehicles, including by way of encouraging audience formation in such a manner as to cause such interference.
- c) There must be a minimum two metre pedestrian corridor. In maintaining this corridor the busker must take into consideration other obstructions on the footpath so that a continuous corridor is maintained at all times.
- d) Buskers must keep the site in use clean and ensure that their use of the site does not pose a threat to public safety.
- e) The distance between buskers performing shall be a minimum of 30 metres.
- f) Buskers may receive voluntary donations from the audience but may not solicit funds. An exception to this applies to CIRCLE ACTS, who may invite donations at the conclusion of the performance.
- g) Buskers may sell recordings consisting of the buskers own work but they are not permitted to offer other goods and services for sale, display, demonstrate or advertise goods for sale or associate themselves with such advertising in conjunction with their performance.
- h) Buskers may not perform in front of or beside Bank Automatic Teller Machines, or within 10 metres of any public telephone, street intersection or pedestrian crossing.
- i) Buskers may not perform during SPECIAL EVENTS, unless busking forms part of that event.
- j) Buskers may not use public seating/benches while performing.
- k) Council reserves the right to prohibit the use of any area while public works are in progress.
- l) Council may at any time request a busker to cease busking if the officer is of the opinion that the performance is causing public

- inconvenience, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.
- m) In the event of Council receiving complaints regarding the performance of any busker, Council reserves the right to withdraw its consent and upon being so directed by any Authorised Officer of the Council the busker shall immediately vacate the site.
  - n) The busker must ensure the public property is not damaged in the course of the performance.
  - o) Ensure the health and safety of the audience witnessing the performance.
  - p) The applicant must comply with any other conditions placed in their Approval Permit by Council.
  - q) Busking may include pavement art. Any proposed material to be used in carrying out pavement art must not be capable of leaving any permanent mark or residue on the pavement.

### **6.3.3 Special Busking Permit Conditions**

- a) The busker is responsible for defining the performance space to be used by establishing a physical boundary of at least 2 metres between the performance area and audience. This may be done using either a roped or chained off area or chalk line (if the surface to be drawn upon is not of a porous material such as granite and sandstone and if the line is drawn is water-soluble and removed once the busker has completed the act).
- b) The busker must include a Work Cover approved Fire Blanket in their performance kits that is kept visible and accessible throughout the performance where flammable liquids are used during the performance.
- c) Council enforces a limit of the use of flammable fuels to kerosene, firewater or scented lamp oils (e.g. citronella) only. No other fuels will be permitted.
- d) Flammable liquids must be stored and transported under the Code of Practice in accordance with section 7 of the Australian Dangerous Goods Code i.e. portable plastic containers of no greater than a 5 litre capacity.
- e) All containers must be conspicuously marked with the following;
  - "HIGHLY FLAMMABLE", in capital letters on both sides of the container
  - "Class 3 Flammable Liquid"
  - Name of the liquid in the container.
- f) The dripping of any flammable fuel on the ground should be avoided at all costs. It is the responsibility of all buskers to ensure any drip stains are immediately cleaned up with a towel.
- g) If using dangerous implements in a performance, as defined under the Dangerous Goods Act, Clauses 14, 31, 239, 240, 242 and 248, covering the use and packaging of prohibited items, all edges on metal implements must be blunted and rendered non-dangerous. An implement is determined blunt if it is incapable of piercing human skin when pressure is applied directly to its edge or point against human skin.

### **6.3.4 Public Liability**

Council will not accept liability for any acts or omission of buskers whether or not they hold a Council issued approval. By issuing Approvals to buskers, council does not assume any responsibility for any public liability claims made against buskers, nor does the issue of an Approval imply that the busker is independently insured for public liability.

### **6.3.5 Location**

Permission to busk shall generally be restricted to the following designated sites except for special events in which case approval may be granted for other sites.

Site 1 Kempsey Mall Eastern Side 2 sites

Site 2 Kempsey Mall Western Side 3 sites:

- Opposite the entrance to the mall
- Opposite the entrance to the Credit Union
- Opposite to the toilets (west of Festival Supermarket)

### **6.3.6 Time Limit**

Busking is permitted between the hours of 10.00am and 5.00pm seven days per week (Eastern Standard Time) and 10.00am and 7.00pm seven days per week during the summer daylight savings period.

Permission to busk shall be subject to a time limit of two (2) hours on any one designated site per day; however the performances must be of a maximum of one hour duration and a minimum of 30 minutes between performances.

### **6.3.7 Noise**

Generally noise shall be kept at a reasonable level so as not to cause a public nuisance. Council reserves the right to modify or revoke any busking Approval if the performance results in offensive noise, within the terms of the Protection of the Environment Operations Act 1997. Further, Council Rangers and Police Officers are empowered under provisions of the Local Government Act 1993 and the Protection of Environment Operations Act 1997, to require the immediate cessation of any performance that results in excessive or offensive noise.

### **6.3.8 Register**

Details of busking applicants issued with permits will be entered into a register of approvals granted by Kempsey Shire Council pursuant to section 113 of the Local Government Act. The register of approvals will include the name and address of the person or persons to whom the approval is granted under section 113(2) and 113(5).

## **VARIATION**

Council reserves the right to review, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.

**KEMPSEY SHIRE COUNCIL**

Civic Centre, 22 Tozer Street, Kempsey 2440  
 PO Box 3078, West Kempsey 2440  
 Phone 02 6566 3200 Fax 02 6566 3205  
 Web: www.kempsey.nsw.gov.au Email: ksc@kempsey.nsw.gov.au



**Busking Permit Application**

**About this form**

You may use this form to apply for a permit to busk within the Kempsey Shire Council Local Government Area. If you use **dangerous materials** in your act, you must also attend a Safety Review audition. If you are **under 18 years of age** your parent or guardian must complete and sign Part 6 of this form before you can obtain a permit. **Each member of a group act** must submit a separate application. Group permits are not available.

**How to complete this form**

1. Ensure that all fields have been filled out correctly
2. Please note that fields on this form marked with an \* are mandatory and must be completed before submitting the application.
3. Once completed, you must submit this form in person. Please refer to the Lodgement details section for further information.

**Part 1: Application Details**

Title*	Given Name/s*	Family Name*
<input type="text"/>	<input type="text"/>	<input type="text"/>

Residential Address*
<input type="text"/>

Postal Address (if different from above)
<input type="text"/>

**Note: Before this application can be lodged at least one of the points of contact below must be supplied\***

Business Number	Mobile Number	Fax Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

Email Address*
<input type="text"/>

Would you like to be contacted by Email about promotions, Festivals, busking policy changes and performance opportunities?  Yes  No

**Part 2: Permit Details**

Please indicate the type of permit required:  Quarterly Permit  Annual Permit

Are you renewing a permit or applying for a new permit?  New Permit  Renewal

**Part 3: Sale of merchandise**

Do you intend to sell CDs or DVDs related to your performance?  Yes  No

If yes, please read and sign the declaration below.

**I declare that any CDs or DVDs which I sell will only contain My own, original material** Signature

<input type="text"/>
----------------------

**Office Use Only**

Receiving Officer	Date application received	Date permit issued
<input type="text"/>	<input type="text"/>	<input type="text"/>
Kempsey Shire Council Busking Permit Number		
<input type="text"/>		

#### Part 4: Performance Details

Please select the type of performance by ticking the applicable box/es below

<input type="checkbox"/> Vocals	<input type="checkbox"/> Pavement art (chalk only)	<input type="checkbox"/> Dance	<input type="checkbox"/> One man band
<input type="checkbox"/> Contortionist	<input type="checkbox"/> Juggling (non-dangerous implements)	<input type="checkbox"/> Comedy	<input type="checkbox"/> Mime/Statue
<input type="checkbox"/> Instrumental > Please specify which instrument(s) you will play			

Dangerous Act > Please note, you will need to pass a Safety Review before a licence can be issued. Bookings for reviews can be made at Customer First Centre, 22 Tozer Street, West Kempsey. Telephone 6566 3200

Other > Please specify the type of performance

Performance Description

Will your performance be amplified?  Yes  No (if yes, please note only battery powered amplifiers are allowed)

#### Part 5: Preferred performance locations (note - locations cannot be reserved - question for survey purposes only)

Location 1

Location 2

#### Part 6: Parental/Guardian Consent Details (if applicant is under 18)

I (please print name)		
Of (please print address)		
Hereby consent to my child/ward (please print name)		
Performing as a busker in the Kempsey Shire Council Local Government Area.		
I understand that:		
1. the Kempsey Shire Council provides no supervision of Buskers under the age of 18 years; and		
2. buskers under the age of 18 are subject to the Kempsey Shire Council Busking Policy.		
*Parent/Guardian Name (please print)	* Parent/Guardian Signature	Date

#### Part 7: Proof of Identity

You must provide Council with proof of your identity, and proof of identity of your parent/guardian if you are under 18 years. Please tick the item/s below which you will provide as proof of identity.

	You	Your Parent/Guardian (where applicable)		You	Your Parent/Guardian (where applicable)
Proof of Age Card	<input type="checkbox"/>	<input type="checkbox"/>	Current Passport	<input type="checkbox"/>	<input type="checkbox"/>
Drivers Licence – provide details below	<input type="checkbox"/>	<input type="checkbox"/>	Student ID Card ≠	<input type="checkbox"/>	<input type="checkbox"/>

Drivers Licence – provide details below   Student ID Card #    
 Drivers Licence Number (you) Drivers Licence Number (Parent/Guardian)

--	--

Please Note: Documents that are not in English, such as overseas Drivers' Licences, must be accompanied by a full English translation of the document.  
 #Only Student ID Cards from major institutions will be accepted, at the discretion of the receiving officer.

**Part 8: Busker's Declaration**

I, the undersigned, declare as follows (please tick all boxes to indicate that you have read each point):

- I will display my Kempsey Shire Council Permit to Busk in a prominent position close to where I am performing at all times
- I will make my Permit available for inspection by an authorized officer of Council upon request and follow any lawful direction issued by that officer.
- I will not transfer this Permit to any other person.
- I agree that this Permit does not give me sole use or reservation of a site.
- I will use designated sites in restricted areas in accordance with the conditions attached to their use and contained in the Kempsey Shire Council Market, Street Stalls and Busking Procedure 2011.
- I will not create a threat to public safety, whether real or perceived.
- I will notify the Kempsey Shire Council if my personal details or my performance changes to include the use of any dangerous implements not specifically listed in the "Assessment of Competency in Dangerous Performance" section of this form (if applicable).
- I have received and read the Kempsey Shire Council Markets, Street Stalls and Busking Policy (last issued ..... ) and agree to be bound by the conditions contained in the Policy.

Applicant Name*	Applicant Signature*	Date*

**Part 9: Lodgement Details**

You must lodge the completed application by attending Council with your application form and any supporting documents. If the requirements for a busking permit are met, a photograph will be taken for the purposes of issuing a busking permit. You can obtain a busking permit from any of the following locations.

**IN PERSON:** Customer First Centre,  
 Kempsey Shire Council  
 22 Tozer Street  
 West Kempsey 2440  
 Monday – Friday 8.30am – 4.30pm

**What now:**  
 A Council Officer will discuss your application at the time you attend Council and a permit will be issued if the requirements for a busking permit are met. If you need to book a safety review for a special busking permit, please contact Customer First in person or by phone.

For further information regarding your application please contact us by:

**TELEPHONE:** (02) 6566 3200 or visit our **WEBSITE:** [www.kempsey.nsw.gov.au](http://www.kempsey.nsw.gov.au)

**Part 10: Privacy & Personal Information Protection Notice**

**Purpose of Collection:** For assessment of eligibility for a permit to busk in the Kempsey Shire Council Local Government Area  
**Intended recipients:** Council staff and approved contractors of Kempsey Shire Area.  
**Supply:** A completed application is required to apply to conduct busking activities in Kempsey Shire Areal.  
**Access/Correction:** Council staff or Government Information (Public Access) requests.  
**Storage:** Council's record management systems and Archives.

**Office Use Only – Assessment of Competency in Dangerous Performance**

Date Assessed \_\_\_\_\_ Location \_\_\_\_\_

Council Assessor (print name) \_\_\_\_\_ Busking Peer Assessor (print name) \_\_\_\_\_

Description of Act reviewed \_\_\_\_\_

**Please provide details of Implements/materials used in busking performance below.**

Implements/Materials Used	Competence Rating			
	Satisfactory	<input type="checkbox"/>	Unsatisfactory	<input type="checkbox"/>
1.	Satisfactory	<input type="checkbox"/>	Unsatisfactory	<input type="checkbox"/>
2.	Satisfactory	<input type="checkbox"/>	Unsatisfactory	<input type="checkbox"/>
3.	Satisfactory	<input type="checkbox"/>	Unsatisfactory	<input type="checkbox"/>
4.	Satisfactory	<input type="checkbox"/>	Unsatisfactory	<input type="checkbox"/>

**Knowledge of Use of Dangerous Materials and Implements in Busking Code of Practice**

Satisfactory  Unsatisfactory

Comments \_\_\_\_\_

**Equipment Check**

Satisfactory  Unsatisfactory

Comments \_\_\_\_\_

**Assessor's declarations**

We, the undersigned, hereby agree that the following application (print name of applicant) \_\_\_\_\_

has been assessed by us on (insert date) \_\_\_\_\_ and possesses / does not possess  
**(cross out whichever is not applicable)**  
the appropriate skills and knowledge in the use of the dangerous materials or equipment listed on this form to obtain a Special Busking Permit to perform with the specified materials/ equipment in the City of Sydney Local Government Area.

Council Cultural Assessor Signature _____	Busking Peer Assessor Signature _____
---	---------------------------------------

**Application Approved**  **Application Refused**  (Please state reason(s) in comment box below)

Comments/Reason(s) for decision \_\_\_\_\_