

16 June 2025

At the conclusion of the Environment and Climate Change
Committee

Cultural, Creative and Nightlife Committee

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Public Exhibition - Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy**
- 4. Grants and Sponsorship - Cultural Grants**

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To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Confirmation of Minutes

Minutes of the following meetings of the Cultural, Creative and Nightlife Committee are submitted for confirmation:

Meeting of 5 May 2025

Item 2.**Statement of Ethical Obligations**

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

Public Exhibition - Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy

File No: X112445.004

Summary

The Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy (the Policy) has 2 purposes.

1. It outlines the criteria by which the practice of Aboriginal and Torres Strait Islander culture may take place in public places without an approval from the City.
2. It outlines the criteria and conditions for receiving an approval to busk (a Busking Permit).

The Policy is a Local Approvals Policy under section 68 of the Local Government Act 1993. In accordance with section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for that election, unless the Council revokes it sooner.

The existing Policy and approach to managing busking was the result of extensive research and community consultation in 2017 and 2018. City staff have reviewed the Policy and consider it still fit-for-purpose, only requiring minor amendments for clarity and enforceability.

This report recommends the current Policy be exhibited for public consultation with only minor changes. Details of those changes are outlined in this report and Attachment A.

The Policy is accompanied by the Sydney Busking Code, a guidance document developed in consultation with buskers to explain, in plain English, the rules for busking and how best to busk, as well as the management systems for popular high-traffic busking locations.

The Busking Code has been updated with changes to special busking pitches on George Street and Pitt Street. These areas have significantly changed with increased pedestrianisation of the city centre and the new Special Busking sites aim to better coordinate use of these areas.

Community feedback to the Policy and the Busking Code may inform further amendments, which can be reported with a post-exhibition Policy later in the year.

Recommendation

It is resolved that:

- (A) Council approve for public exhibition the draft Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy (the Policy), as shown at Attachment A to the subject report;
- (B) Council note the amended Sydney Busking Code, as shown at Attachment B to the subject report, to be published as a guidance document to accompany the Policy;
- (C) Council note that the draft Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy, including any recommended changes, will be reported to Council for consideration following the exhibition period; and
- (D) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy.

Attachments

- Attachment A.** Draft Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy
- Attachment B.** Sydney Busking Code (amended)

Background

1. The Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy (the Policy) is a Local Approvals Policy under section 68 of the Local Government Act 1993 (the Act).
2. Section 68 of the Act outlines a requirement to seek approval from the local government authority to perform an entertainment or play a musical instrument or sing for a fee or reward on community land.
3. The practice of Aboriginal and Torres Strait Islander cultures, outdoors and in public places, can be both an entertainment and an economic activity, but it is primarily the practice of a cultural right, as articulated in Article 11 of the United Nations Declaration on the Rights of Indigenous People. For this reason, the City does not require Aboriginal and/or Torres Strait Islander people wishing to practice Aboriginal and/or Torres Strait Islander culture in public and on community land to seek approval.
4. To exclude the practice of Aboriginal and Torres Strait Islander culture from requiring approval under section 68 of the Act, Part One of the Policy outlines criteria by which Cultural Practice may be undertaken without approval. The criteria set expectations for the safe and fair management of Cultural Practice in balance with the needs of other users of public space.
5. Part Two of the Policy outlines the criteria for an approval to busk, the types of approvals (Busking Permits) available and the conditions that apply to each permit.
6. Part Three of the Policy outlines guidelines and other matters relating to the management of busking activity.
7. This policy and the City's approach to regulating busking is underpinned by the following principles:
 - (a) Sydney has a strong tradition of busking and buskers contribute to a sense of place and the character of the city.
 - (b) Buskers make an important contribution to the cultural life of the city and help build a social city. They create connections between strangers and bring spontaneity to the everyday, and in doing so they help reduce isolation and build community cohesion.
 - (c) Buskers contribute to the tourist experience of Sydney and drive foot-traffic and commerce in business districts.
 - (d) Busking is a legitimate means for professional artists and performers to make income.
 - (e) Busking is a legitimate means for hobbyists, amateur performers, enthusiasts or anyone to express themselves creatively in the public domain.
 - (f) Busking is an important part of the ecology of the creative industries. It provides a training ground for emerging artists and self-determined work opportunities for established artists. Busking assists with developing new audiences for live music and performance by exposing people to the creative life of Sydney and new avenues for creative participation.

- (g) Other users of public space, residents, business owners and workers in the city have a right to quietly enjoy the city's open spaces and to not be subjected to extended high volume or repetitive performances audible within their homes or places of work, or to be exposed to unsafe or offensive behaviour.
 - (h) Regulation of busking activity should expect nothing more or less of buskers than any other person or group of people using shared public space.
- 8. The current Policy is the result of extensive research and community consultation undertaken in 2017 and 2018. The consultation revealed broad support for busking in Sydney but noted the previous approach to managing busking in Sydney was complex and overly focused on rules and exclusions - "what not to do" - rather than actively guiding buskers on how to busk well and in harmony with the community, nearby businesses and other buskers. As a result, the Sydney Busking Code was established which provides practical guidance to buskers on "how best to busk" in Sydney.
- 9. The Sydney Busking Code also outlines the management systems for popular, high-traffic busking sites. Since the last review, George Street in the CBD has changed significantly with a number of new open spaces and extended pedestrianised areas. Staff have observed how busking activity has organically organised along George Street. It is now time to formalise these George Street pitches. The draft updated Sydney Busking Code outlines the proposed operations for these sites, for exhibition and feedback.
- 10. The Policy outlines three categories of Busking Permit, each with criteria and definitions. The categories are Low Impact, High Impact, and Extended Duration, and each permit type is assigned conditions.
- 11. Processes for monitoring compliance with Permit conditions are outlined in the policy. For clarity and enforceability, some edits have been recommended in the draft at Attachment A:
 - (a) The clause was revised from the Local Government Act 1993 in accordance with section 109 and rewritten in simpler, clearer language to ensure better understanding. The updated version now clearly outlines the specific reasons and conditions under which the City has the authority to suspend, modify, or cancel a permit. This change was made to improve transparency and help permit holders understand their responsibilities, as well as the consequences of non-compliance or changes in circumstances.
- 12. If approved, the amended draft Policy and the Busking Code will be placed on public exhibition for 42 days. During this time, buskers and the community will be invited to provide feedback on the draft.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

13. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' aspirations and priorities for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 3 - Public places for all - busking makes a notable contribution to a vibrant city centre, and bustling retail centres. Busking helps contribute to the human experience of visiting the city centre to shop, socialise and be entertained. By enabling Cultural Practice across our local area, we increase our communities' connections to Aboriginal and Torres Strait Islander peoples and heritage in our public places.
 - (b) Direction 8 - A thriving cultural life - busking is an important part of the music ecosystem, providing professional development and economic opportunities for musicians. Consultation for this Policy revealed many professional musicians supplement their gig income with busking.
 - (c) Support for the authentic, unregulated practice of Aboriginal and Torres Strait Islander Culture in public places facilitates a right of First Nations people to practice and share their cultural traditions and encourages all residents and visitors to Sydney to engage in contemporary expressions of First Nations culture, for a richer, deeper appreciation of place and cultural identity.

Organisational Impact

14. The Policy review has recommended no changes to how the management of busking is currently resourced.

Risks

15. The Policy review has recommended no changes to the management of busking that would increase the risks already associated with busking and Aboriginal and Torres Strait Islander cultural practice. These risks are assessed in balance with the considerable benefits that both of these activities generate for the city. The Policy and the Sydney Busking Code are designed to manage those risks.
16. The introduction of Special Busking Sites on George Street and amendments to sites in Pitt Street Mall will reduce risks associated with busking in these increasingly busy areas with very high foot-traffic.
17. This approach is within the City's risk appetite which states:
 - (a) We are committed to conducting our activities in full compliance with applicable laws, regulations and relevant industry standards.
 - (b) We have a cautious to open appetite for our strategic, community development, urban planning and creative functions and services.

- (c) We acknowledge that achieving a risk-free environment is not feasible, especially in the public domain. We therefore aim to minimise health, safety and wellbeing risks within our organisation and in the public domain as far as reasonably practicable and in keeping with our legal obligations.

Social / Cultural / Community

- 18. A comprehensive review of the City's approach to busking was recommended in an action in the City's Live Music and Performance Action Plan, 2014. This action initiated the comprehensive review undertaken in 2017 and 2018. This report recommends the continuation of the approach established at that time.
- 19. The introduction of Special Busking Sites on George Street and amendments to sites in Pitt Street Mall have been identified in reflection to community feedback regarding conflicts due to noise and crowd impacts. These changes address location-based impacts while maintaining busking activities across these two important public domain areas.

Financial Implications

- 20. The Policy review recommends no changes to the currently budgeted resources for managing busking.
- 21. Public exhibition of the draft policy and associated community consultation is accounted for within the existing operational budget.

Relevant Legislation

- 22. Local Government Act 1993.

Critical Dates / Time Frames

- 23. If approved, the Policy will be placed on public exhibition for 42 days in accordance with the requirements in the Act. Feedback will be reviewed and any recommended amendments will be reported to Council for adoption prior to September 2025.

Public Consultation

24. If approved, the draft policy will be placed on public exhibition for 42 days. Consultation will include surveys, written submissions and online forums with City staff.
25. The Policy is the result of extensive research, consultation and engagement with buskers and the broader community in 2017 and 2018.

KATE DEACON

Executive Director Strategic Development and Engagement

Lisa Colley, Manager Cultural Strategy

Attachment A

Draft Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy
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Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy

Acknowledgement

All buskers and cultural practitioners in the ~~Council of the~~ City of Sydney perform on Gadigal Land. Gadigal people of the Eora nation, and other First Nations Australians, are custodians of one of the world's oldest continuing cultures, a culture that is practiced, expressed and shared through a tradition of dance, song and storytelling.

Purpose

This policy applies to all buskers and cultural practitioners performing in the City of Sydney.

This policy outlines the criteria for receiving:

- an exemption from approval for practicing Aboriginal and Torres Strait Islander culture; or
- an approval to busk, including the conditions of the approval and regulations that apply to busking in the City of Sydney.

This policy aims to support and promote busking culture in Sydney, in balance with the expectations and needs of all users of public space.

The City of Sydney plays two roles in relation to busking:

1. As a creative city that strives to support cultural activity and participation, the City of Sydney supports busking and the contribution buskers make to the city's character and cultural industries.
2. As the governance authority that regulates the use of public space to ensure the safety, amenity and harmonious enjoyment of these spaces for all, the City of Sydney must establish the rules and a regulatory framework for busking on public land.

This policy aims to consider both these responsibilities in equal measure. It was established in consultation with buskers, businesses, residents and visitors to the City of Sydney and members of the Aboriginal and Torres Strait Islander community. It draws upon learnings from the world's best busking cities.

Scope

This is a Local Approvals Policy under the *Local Government Act 1993 NSW*. It relates to activities under section 68 Part D items 2, 4, 5 and 6 and Part E item 2 insofar as those activities relate to the particular activity of busking or cultural practice.

This policy applies to the City of Sydney local government area. It does not cover areas where the City is not the regulatory authority for these activities, such as:

- areas managed by Placemaking NSW, including Darling Harbour, Circular Quay, the Rocks, Barangaroo and the Goods Line
- areas managed by Transport for NSW including the rail network
- the Sydney Opera House forecourt.
- the Botanic Gardens, Centennial Park and Moore Park.

Part 1 of this policy sets out the circumstances where an approval is not required.

Part 2 of this policy outlines the criteria for giving or refusing an approval to busk.

Part 3 of this policy outlines other matters regarding the regulation of busking.

Principles

This policy and the City of Sydney's approach to regulating busking is underpinned by the following principles:

- Sydney has a strong tradition of busking and buskers contribute to a sense of place and the character of the city.
- Buskers make an important contribution to the cultural life of the city and help build a social city, they create connections between strangers and bring spontaneity to the everyday, in doing so they help reduce isolation and build community cohesion.
- Buskers contribute to the tourist experience of Sydney and drive foot-traffic and commerce in business districts.
- Busking is a legitimate means for professional artists and performers to make income.
- Busking is a legitimate means for hobbyists, amateur performers, enthusiasts or anyone to express themselves creatively in the public domain.
- Busking is an important part of the ecology of the creative industries. It provides a training ground for emerging artists and self-determined work opportunities for established artists. Busking assists with developing new audiences for live music and performance by exposing people to the creative life of Sydney and new avenues for creative participation.
- The practice of Aboriginal and Torres Strait Islander Cultural Heritage is a unique and important activity that takes place in the public domain. It has a fundamental purpose of maintaining connection to culture for Aboriginal and Torres Strait Islander people. For this reason, it is considered to be a distinct activity and is not included in the City's definition of busking.
- Regulation of busking activity should expect nothing more or less of buskers than any other person or group of people using shared public space.
- Other users of public space, residents, business owners and workers in the city have a right to quietly enjoy the city's open spaces and to not be subjected to extended high volume or repetitive performances audible within their homes or places of work, or to be exposed to unsafe or offensive behaviour.

Definitions

Term	Meaning
Aboriginal and/or Torres Strait Islander person	A person of Aboriginal or Torres Strait Islander descent who identifies as Aboriginal or Torres Strait Islander and is accepted as such by the community in which they live.
Aboriginal and/or Torres Strait Islander Heritage	The intangible and tangible aspects of the whole body of cultural practices, resources and knowledge systems developed, nurtured and refined by Aboriginal and Torres Strait Islander people and passed on by them as part of expressing their cultural identity. This heritage is a living one, it continues to develop, and includes items which may be created in the future.
Aboriginal and/or Torres Strait Islander Cultural Practitioner (“cultural practitioner”)	An Aboriginal and/or Torres Strait Islander person expressing Aboriginal and/or Torres Strait Islander Cultural Heritage, including knowledge and cultural expression such as songs, stories, dances, performing arts and creating artistic works.
Act	The performance or artwork that a busker is making. Can be interchangeable with performance.
Animal	Any bird, fish, insect, reptile or animal other than a human.
Authorised Person	An appropriately delegated employee of the City of Sydney or NSW Police
Busker	Someone performing or creating an artwork in a public place with the intention of entertaining the public for financial reward, but does not include an Aboriginal and/or Torres Strait Islander cultural practitioner.
Busking Permit	<i>An official approval granted by the City of Sydney Council that allows an individual to perform music, art or other approved forms of entertainment in public spaces.</i>
Busking Pitch	A site or location where buskers and cultural practitioners perform. Also referred to as a <i>pitch</i> .
City of Sydney	Refers to both the Council of the City of Sydney and the Local Government Area of Sydney. Also referred to as The City. The lower case ‘city’ refers to the place known as Sydney.
Higher Risk Activities	Activities that can be reasonably considered to pose a risk or hazard to the safety or welfare of a member of the public or the person undertaking the activity. This includes performing at heights, acrobatics, the use of live flames or items such as knives, swords, chainsaws and other sharp objects, mallets, chains or other items swung or thrown in the air.
Outdoor Event Approval	A permit issued by the City to use public land for the purpose of an event, promotion or public gathering.
The <u>Sydney Busking Code</u> (Busking Code)	A document which outlines the etiquette expected of buskers and the systems by which Special Busking Sites are shared and managed by the busking community.

Part 1

Exempt from approvals – the practice of Aboriginal and Torres Strait Islander cultures

The City of Sydney respects and celebrates Aboriginal and Torres Strait Islander cultural heritage. ~~The City~~ **We** recognise that practicing culture is vital to maintaining personal identity and connection to culture for Aboriginal and Torres Strait Islander people, as well as sharing cultural knowledge with the community and visitors to Sydney.

The practice of Aboriginal and Torres Strait Islander cultures, outdoors and in public places, can be both an entertainment and an economic activity, but it is primarily the practice of a cultural right, as articulated in Article 11 of the United Nations Declaration on the Rights of Indigenous People. For this reason, Aboriginal and/or Torres Strait Islander people wishing to practice Aboriginal and/or Torres Strait Islander culture in public and on community land are not required to apply for an approval in the circumstances outlined below.

Further information regarding cultural practice can be found in our protocols for the practice of Aboriginal and Torres Strait Islander culture in public places.

The following criteria apply to this exemption:

1. Application

This exemption applies to the practice of Aboriginal and/or Torres Strait Islander cultural heritage (“cultural practice”) by an Aboriginal and/or Torres Strait Islander person.

2. Times and Durations

Cultural practice does not require an approval or a permit:

- i. between the hours of 6am and 10pm
- ii. if taking place for no more than two hours per location per day per individual or group.

3. Locations

Sites for practicing culture must not be established in a location that is likely to block access to an entry or exit of a building (including any fire exit), street, laneway or carpark or within 100 meters of a busker or within 100 meters of an approved outdoor event.

4. Safety

~~A minimum one metre~~ **An adequate** perimeter for pedestrian flow must be maintained around any site for practicing culture. Any fire or other higher risk activities that may cause harm to any member of the public must remain within the site and surrounding perimeter.

5. **Insurance**

Cultural Practitioners are required to maintain adequate Public Liability Insurance coverage for their public activities. Cultural Practitioners may either:

- i. Obtain their own insurance policy and coverage, or
- ii. Register for free cover under the City's Community Engagement Liability Insurance policy by completing a registration form at any City of Sydney customer service centre. Refer to Part 3, Item 16 of this policy for more information about the cover.

6. **Queuing**

When a busker or another cultural practitioner is already occupying a site, a queue system should be introduced whereby each person or group awaits the completion of the previous performance and then takes their turn.

Cultural Practitioners using Special Busking Sites, as outlined in Part 3 of this policy, must follow the rules of that Special Busking Site.

7. **Sales**

Cultural practitioners may receive donations from the public and proceeds from the sale of artworks. The sale of artwork must be secondary and only in addition to the practice of Aboriginal and/or Torres Strait Islander Cultural Heritage.

8. **Compliance with laws and directions**

Cultural practitioners shall comply with all relevant laws, regulations and policies and the lawful directions of Authorised Persons. Authorised persons may restrict any public space from use for practicing culture during special events, emergencies or as circumstance may require.

Part 2

Busking approvals

All people wishing to busk in the City must obtain an approval (**Busking Permit**) to busk in accordance with section 68 of the *Local Government Act 1993 NSW*. The following criteria apply to approvals to busk:

9. Busking Acts

- 9.1. Busking Acts are categorised by the amount of space and time they occupy in a public place, and the volume and type of sound they are likely to generate.

Busking Acts will fall into one of the following categories:

i. Low Impact

Low Impact Acts have a small footprint in public space and have sound that is easily managed. A Low Impact Act is defined by meeting all of the following criteria:

- a. does not need more than 2m² performance space
- b. does not involve Higher Risk Activities
- c. does not use instruments that are naturally loud, even without amplification, including drums of any kind, bagpipes and brass instruments

Examples of Low Impact Acts may include solo musicians or small musical groups, magicians, puppeteers and other solo performers.

ii. High Impact

High Impact Acts have a large footprint in public space and/or have sound that is harder to manage and/or incorporate activities and equipment that may pose a greater risk to the busker or their audience. A High Impact Act is defined by any one or more of the following criteria:

- a. needs more than 2m² performance space
- b. actively encourages an audience to gather, wait and watch
- c. involves Higher Risk Activities
- d. uses instruments that are naturally loud even without amplification including drums of any kind, bagpipes and brass instruments, involves amplification or
- e. features 5 or more performers.

Examples of High Impact Acts may include dance groups, acrobats and circus acts, drummers, bagpipe and trumpet players.

iii. Extended Duration

An Extended Duration Act has a low impact in terms of the space it requires or the volume of sound it generates, however requires a longer period of time to be performed. An Extended Duration Act is defined by all of the following criteria:

- a. the artwork or performance is made continuously and evolves over a period of more than two hours
- b. the artwork or performance is quiet, non-musical and non-amplified
- c. the artwork or performance does not significantly restrict access or use of the public space in which it is created

Examples of Extended Duration Acts may include pavement art, chalk art, durational performance art and human statues.

9.2. The following Acts will not be approved for a Busking Permit in Sydney.

- i. Acts which involve the use of live flames, unless and only if specifically approved in a suitable location outlined in the Sydney Busking Code.
- ii. Acts which involve handing out plastic or paper items that may have an adverse impact on parks, waterways, bird life or marine life, such as balloon sculpting.
- iii. Acts which incorporate any animal, with the exception of a certified assistance animal (as defined by section 5 of the Companion Animals Act 1998) who is supporting the performer but is not a feature of the performance.
- iv. Acts which offer or provide a one-to-one service for a fee such as fortune telling, portrait painting, massage or any other therapeutic service.

10. Permits

10.1. All buskers (or people wishing to undertake busking) within the City of Sydney must obtain a Busking Permit and must agree to comply with the terms and conditions of the Permit and this Policy.

10.2. The City of Sydney issues three types of Busking Permit:

- i. Low Impact Busking Permit, for Low Impact Acts
- ii. High Impact Busking Permit, for High Impact Acts
- iii. Extended Duration Busking Permit, for Extended Duration Acts.

10.3. Low Impact and Extended Duration Busking Permits may be approved by a Customer Service officer of the City of Sydney at the time of application.

10.4. Buskers applying for a High Impact Busking Permit may be required to complete an assessment of their act before a Permit can be issued. An applicant may be requested to attend an onsite assessment, or, at the discretion of ~~an Authorised Person~~, **City Staff**, an assessment may be undertaken remotely via video call or by submitting a recent video.

10.5. Buskers who have previously completed an assessment can renew their High Impact Busking Permit without attending another assessment if:

- i. they have been assessed in the previous two years
- ii. their previous permit is current or expired less than six months prior
- iii. their act has not significantly changed since it was approved, and

- iv. they have not received a formal warning or penalty since their last permit was issued.

- 10.6. All members of a group act are required to obtain a permit.
- 10.7. Proof of identity is required with an application for a Busking Permit.
- 10.8. Valid and current telephone **and** email contact details are required with an application for a Busking Permit.
- 10.9. Proof of parental consent is required for applicants under the age of 18.
- 10.10. Buskers are required to pay a service fee for a Busking Permit. The fees are published annually in the City's register of fees and charges.
- 10.11. If a **Busker** wishes to perform a combination of Low Impact, High Impact and Extended Duration acts from time to time they may apply for multiple permits at an Assessment.

11. Act Assessment

- 11.1. Any Busker whose act meets the High Impact Act criteria (as outlined in section 9.1. ii. of this policy) may be required to undertake an assessment of their act prior to a Busking Permit being approved.
- 11.2. Assessments are conducted by City Staff and may include an in person onsite assessment of the act in a public space, or may be conducted remotely by video call or by providing a recent and comprehensive video recording of the proposed performance.
- 11.3. The purpose of the assessment is to identify that:
 - i. the busking act can be performed safely and measures are in place to mitigate any potential risks to the performer(s) or public
 - ii. the sound generated by the performance is being monitored and controlled by the performer(s) as best as it can be.
- 11.4. The outcome of an assessment will confirm whether the busking act is approved for a High Impact Busking Permit.
- 11.5. At an assessment, a busking act may be assessed as low impact and offered a Low Impact Busking Permit if the busker can demonstrate that the performance does not meet the criteria of a High Impact Act.
- 11.6. If a busking act is not approved for a Permit, City Staff will provide the applicant with feedback as to why they have not been approved.
- 11.7. If, at an assessment, a busking act is not approved for a Permit, they may arrange to attend another assessment on another day to illustrate appropriate revisions have been made to their act.
- 11.8. The artistic quality of the act or any subjective appraisal of the talent or skill of the performer(s) is not an assessment criteria.

Part 3

Other Matters

Guidelines

The following guidelines apply to busking acts in the City of Sydney.

These guidelines for busking are complemented by the Sydney Busking Code which outlines expected etiquette for street performers, guidance on managing volume and public safety, and the booking and queuing systems that apply to high-traffic Special Busking Sites (see paragraph 15 below) in Sydney.

12. Busking Permits

- 12.1. Buskers must have a valid permit clearly displayed on their person or pitch when busking.
- 12.2. Permits can be issued for a period of one month, three months or twelve months.
- 12.3. Permits are not transferable or refundable.

13. Busking Times

- 13.1. Except where otherwise permitted under the Sydney Busking Code, holders of a Busking Permit may perform:
 - i. 8am – 10pm Sunday to Thursday
 - ii. 8am – midnight Friday and Saturday
- 13.2. Subject to compliance with the Sydney Busking Code:
 - i. Low Impact buskers may busk for up to two hours in any one location per day.
 - ii. High Impact buskers may busk for up to one hour in any one location per day.
 - iii. Extended Duration buskers may busk for up to 8 hours in any one location per day.
- 13.3. Where a site is established as a Special Busking Site under the Sydney Busking Code the times and durations set out in the Sydney Busking Code must be complied with at all times.
- 13.4. Low and Extended duration Buskers who have performed the maximum time in a location on one day may move their performance to another location at least 100 metres from their previous pitch.
- 13.5. High Impact Buskers who have performed the maximum time in a location on one day may move their performance to another location at least 200 metres from their previous pitch
- 13.6. Buskers under the age of 15 must be supervised by an adult whenever busking.

14. Busking Pitches

- 14.1. Buskers with a valid City of Sydney Busking Permit may busk in any public place or footpath under City management with enough open space for their performance to be conducted safely, and a further 2 metres on at least two sides of their performance area for safe pedestrian flow.
- 14.2. No busking is permitted within 5 metres of a traffic intersection, pedestrian crossing or light rail unless specified as a special busking site
- 14.3. No busking activity permitted along George Street, Sydney unless specified as a special busking site in the Busking Code.
- 14.4. High Impact buskers conducting Higher Risk Activities must visually demarcate their performance area with a rope or similar boundary placed on the ground.
- 14.5. Busking is restricted to one performance per site at any one time.
- 14.6. Buskers must not busk within 100 meters of another busker (unless busking on a Special Busking Site with multiple busking pitches within 100 metres of each other).
- 14.7. A busking site must not be established where the act or their audience is likely to block or hinder access to an entry or exit of any building (including any fire exit), street, laneway, carpark, public transport node or pedestrian thoroughfare.
- 14.8. ~~Authorised persons~~ **City staff** may restrict any public space from use for busking during special events, emergencies or as circumstance may require.

15. Special Busking Sites

- 15.1. Some areas in the city are recognised busking locations and have specific, defined busking pitches. These pitches experience high pedestrian traffic and can provide buskers with a very visible performance space and big crowds. In order to provide equitable access to these high-value busking locations for a diverse range of buskers, these Special Busking Sites have certain additional conditions. These conditions are determined by the City and are outlined in the Sydney Busking Code.
- 15.2. Buskers need to familiarise themselves with the locations and conditions of Special Busking Sites in the Busking Code prior to conducting any activities under a Busking Permit.
- 15.3. Temporary Special Busking Sites are occasionally established in association with festivals and events at the discretion of the City and the event owners. Busking permits are not valid within an approved event site. Busking activities are permitted by request and approval within such sites with conditions of performances provided where applicable.
- 15.4. The City ~~reserves the right to~~ **may** establish new Special Busking Sites or amend ~~any~~ existing Special Busking Sites ~~at any~~ from time to time where ~~deemed~~ necessary.

16. Insurance

- 16.1. As long as the busker complies with the conditions of their permit, holders of a Busking Permit are covered for public liability under the City of Sydney's Community Engagement Liability Insurance policy.

- 16.2. The City's policy is limited to \$10 million for any one loss and the busker is responsible for the first \$500 of each and every loss (the excess). This coverage and excess may be subject to change over time. Current details of the liability insurance policy will be made available to buskers on receipt of their permit.
- 16.3. Buskers may prefer to obtain their own public liability insurance. If a busker is covered by their own or any other public liability insurance policy, they will be considered covered by that policy for their busking activities and not the City's Community Engagement Liability Insurance policy.

17. Sales

- 17.1. Buskers may sell their own original music or video recordings, artwork or merchandise as a complement to their performance.
- 17.2. The sale of music, video, artwork or merchandise must not be delegated to another person and must not dominate the time a busker is occupying a busking pitch.
- 17.3. The primary purpose of busking is to perform an act or to make an artwork for the entertainment of the public, any sales of any products must be secondary to this purpose and directly related to the approved busker and their busking act.

18. Other matters

- 18.1. Buskers with a valid permit may perform in any public place under the care and control of the City of Sydney in accordance with the Local Government Act and any other applicable law, this policy and the Busking Code.
- 18.2. Buskers are responsible for their impact on their environment and should take all necessary precautions and actions to limit any risks or hazards they may pose to the public.
- 18.3. Busking acts must not cause a public disturbance or nuisance, whether by the volume or nature of the sound they produce, or the physical impact of the act on other people, property or public space. If a busker is directed to stop or modify their act by any Authorised Person, they must do so immediately.
- 18.4. Where a public space is being used by an event, a retail promotion or public gathering with an outdoor event approval issued by the City of Sydney, buskers must not busk within at least 100 metres of such an event or activity. This includes areas established for the safe dispersal of crowds at major events such as New Year's Eve and Vivid Sydney.
- 18.5. Buskers must comply with all relevant laws, regulations and policies and lawful directions of Authorised Persons. The holding of a busking permit will not constitute a defence where a busker has committed an offence.
- 18.6. The use of political, religious, racist, sexist, sexually explicit, homophobic or transphobic material that may be deemed offensive or discriminatory is prohibited as determined by the Anti-Discrimination Act 1977 (NSW).
- 18.7. Buskers must adhere to the Code of Conduct in the Sydney Busking Code.

19. Suspensions, Modifications, Cancellations and Penalties

- 19.1. In accordance with section 109 of the *Local Government Act 1993* NSW, busking permits may be revoked or modified:

- i. If the permit was obtained by fraud, misrepresentation or concealment of facts;
- ii. for any cause arising after the granting of the permit which, had it arisen before the permit was granted, would have caused the council not to have granted the permit (or not to have granted it in the same terms);
- iii. for any failure to comply with a requirement made by or under the Local Government Act 1993 NSW relating to the subject of the permit;
- iv. for any failure to comply with a condition of the permit.

- 19.2. A modification may take the form of the imposition of an additional condition or the variation or rescission of a condition to which the permit is subject.
- 19.3. A Busker holding a Low Impact Busking Permit who receives multiple complaints about their act or is repeatedly observed playing at excessive volume or is regularly causing a disturbance to foot-traffic in pedestrian zones may be required to attend an assessment and may have their permit re-issued as a High Impact Busking Permit.
- 19.4. A busker must provide the City of Sydney with a valid means of contact as a condition of their Busking Permit. A permit may be suspended if the City is repeatedly unable to contact a busker using the details provided.
- 19.5. Pursuant to sections 109, 110 and 627 of the Local Government Act 1993, City of Sydney may, in certain circumstances, revoke or modify permits or issue an on the spot fine if the permit holder fails to comply with the requirements and conditions of the permit.
- 19.6. A Penalty Infringement Notice may also be issued if a person failed to obtain a valid permit under section 626 of the Local Government Act 1993 NSW.
- 19.7. In accordance with section 110 of the Local Government Act 1993 before revoking or modifying the permit, the City will:
- i. give written notice to a busker of its intention to revoke or modify their permit. The notice must contain the reasons for revocation. A copy of the notice should also be served to each person who is likely to be disadvantaged by the revocation or modification; and
 - ii. give the permit holder the opportunity to meet with Council officers to show cause why the approval should not be revoked.
- 19.8. A revocation or modification takes effect on the date of service of the notice of the revocation or modification or a later date specified in the notice.

20. **Responsibilities**

- 20.1. The implementation of this policy is the responsibility of the Venues Management team of the City of Sydney. Officers monitor and respond to public enquiries or complaints in relation to buskers, manage day to day operations in relation to busking and ~~make recommendations~~ **to the content of** the Busking Code.
- 20.2. The issuing of Busking Permits and maintaining a register of buskers is the responsibility of the Customer Service team of the City of Sydney.
- 20.3. The City's Rangers will enforce the Busking Policy and adherence of the Busking Code to ensure buskers are compliant with the conditions of their permit.

Consultation

This policy was placed on public exhibition from XX to XX 2025.

References

Laws and Standards
Local Government Act 1993
Anti-Discrimination Act 1977
Children and Young Persons (Care and Protection) Act 1998
Companion Animals Act 1998
Work Health and Safety Act 2011
United Nations Declaration on the Rights of Indigenous Peoples
Policies and Procedures
Creative City Cultural Policy and Action Plan 2014 – 2024 Cultural Strategy 2025 - 2035
Live Music and Performance Action Plan 2014
Eora Journey Economic Development Plan 2016
City of Sydney Event Guidelines 2024
Sydney Busking Code

Review period

This policy will be reviewed within one year of the commencement of a newly elected council.

Approval Status

Council approved this policy on.

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	13 May 2019	Approved by Council	2019/428176
Reviewed	21 November 2022	Approved by Council	2019/428152
Reviewed	[] t 2025 <i>Simplified language in clause 19</i> <i>Minor grammar edits</i>		
Commence Review Date	[Governance to populate]		
Approval Due Date			

Ownership and approval

Responsibility	Role
Author	Manager, Cultural Strategy
Owner	Manager, Venue Management
Endorser	City of Sydney Executive
Approver	City of Sydney Council

Attachment B

Sydney Busking Code (amended)

Sydney Busking Code



Contents

The Basics	3
Where to busk	4
Making and managing your pitch	5
Volume	6
Content of your act	7
Sales	8
Special Busking Sites	9
Code of Conduct	15
For more information	16

The Basics

In Sydney, busking acts are grouped in three categories. Each category has its own set of performance conditions. ***Busking activities are approved under the Local Government Act, which provides the legal framework for regulating public performances within designated local areas. All individuals engaging in busking are expected to adhere the established busking code, which sets out standards for conduct, performance, locations, hours and noise levels. The purposes of the code is to ensure that busking remains a safe, respectful, and enjoyable activity for both performers and the public.***

Low Impact Act

If your act does not:

- Need more than 2m² performance space
- Require an audience to gather, wait and watch
- Include “naturally loud” instruments such as drums, bagpipes, pan pipes or brass instruments, does not involve amplification
- Include higher risk activities like acrobatics or juggling sharp objects

You have a Low Impact act and may busk for up to 2 hours per location per day.

Extended duration Act

If your act:

- Is quiet, non-amplified and non-musical, and
- Involves creating a work of art continuously over a long period of time such as pavement art or durational performance art

You have an Extended Duration act. As long as your pitch isn't restricting other people from using the area around you, you can perform for up to 8 hours per location per day.

High Impact Act

If your act:

- Needs more than 2m² performance space;
- Encourages an audience to gather, wait and watch;
- Uses “naturally loud instruments such as drums, bagpipes, pan pipes or brass instruments, involves amplification
- Includes higher risk activities like acrobatics or juggling
- Features 5 or more performers

You have a High Impact act and may busk for up to 1 hour per location per day.

You'll need to speak to the City of Sydney about an act assessments before you can get a permit to busk. High Impact acts often need more space, hence there are less places where they can perform. Keeping acts to 1 hour duration provides more performers with access to limited larger performance spaces and breaks up the impact of louder acts on our neighbours.

Where to busk

You can establish a busking pitch on any public land in Sydney that meets these criteria:

- There is enough open space for you to conduct your performance plus a further two metres for pedestrian flow on at least to sides of your pitch
- The site is not being used by an approved event or gathering
- You are at least 100 metres from another busker or an approved event or gathering, **or special busking site**
- Your pitch and audience does not block access **within 5m** to the entry or exit of any building, street, carpark or thoroughfare
- If the location is a Special Busking Site with set pitches and a booking or queuing system, you observe the conditions of the site (see Special Busking Sites on Page **9 12**)

Making and managing your pitch

The pitch is your stage – keep it looking clean, well laid-out and professionally put together.

Minimise clutter or any unnecessary items that might be a trip hazard.

For Low Impact Acts, keep your equipment near to you and encourage your audience to gather close.

For High Impact Acts, consider laying a rope on the ground to show the audience where you want them to gather.

You want them as close as they can be, while still safely outside your performance area.

Equipment and infrastructure must not be left unattended at any time. Infrastructure left unattended at a pitch is not accepted as an approved queuing system.

For Pavement Artists, use chalk that is entirely removable by water or draw onto a removeable canvas placed over the pavement. Make sure there are no slip hazards and no trip hazards by taping down any edges.

Volume

Performing too loudly can negatively affect neighbouring homes and businesses and drive your audience away.

Buskers who play too loudly earn less money as crowds keep a distance from the performance. Pushing your audience away with high volume also adds to congestion and crowding in pedestrian zones, so people are less likely to hang around and watch your performance.

Ensuring that your performance cannot be heard at 50 metres from your pitch is essential. Busking Pitches can be 100 metres apart, and the sound of your act should not affect another busker's performance.

The following are guides to help you monitor if your act is at the right volume. Be aware that an authorised person from Council or Police can tell you to lower your volume or stop performing at any time and you must follow their instruction.

- If you cannot hear any background noise during your performance, you are playing too loud
- If your audience is gathering more than 3 metres from you, you are playing too loud
- If you can see that your audience is shouting to speak to each other, turn it down
- If your performance can be heard 50 metres from your pitch, you're playing too loud. Get a friend or fellow busker to walk 50-60 paces from your performance and see if they can still hear you. If they can, turn it down
- If you find that no one is paying you any tips, try reducing your volume and see if people become more comfortable approaching you
- If somebody living or working in a building near you complains that they can hear your performance over their own conversation, you are playing too loud. Remember, you can reach a compromise but you could have your permit reviewed if you refuse to turn your volume down when directed by the Police or the City

Content of your act

Sydney buskers are ambassadors for the cultural life of the City and values we celebrate: diversity, generosity, respect and inclusion.

Buskers do not tease, humiliate or harass anyone. Sydney buskers are some of the best in the world. We have innovative, original, expertly performed acts. ~~We have~~ **You must** have a varied repertoire and never repeat the same material during a set. If you do not have enough content to fill your time at a pitch without repeating anything, then trim your set to the amount of material you have and move to another pitch.

Sales

The sale of a busker's own music, video, artwork or merchandise is encouraged, but it has to be supplementary to your performance. You can't spruik your products or get someone else to sell them on your behalf. You are at a busking pitch to busk, not to conduct a market stall, and if somebody happens to approach you to buy your music or mech, it's a bonus.

Special Busking Sites

Special Busking Sites have additional conditions or operating systems. **All Special Busking Sites are limited to 11am – 10pm, 7 days a week.**



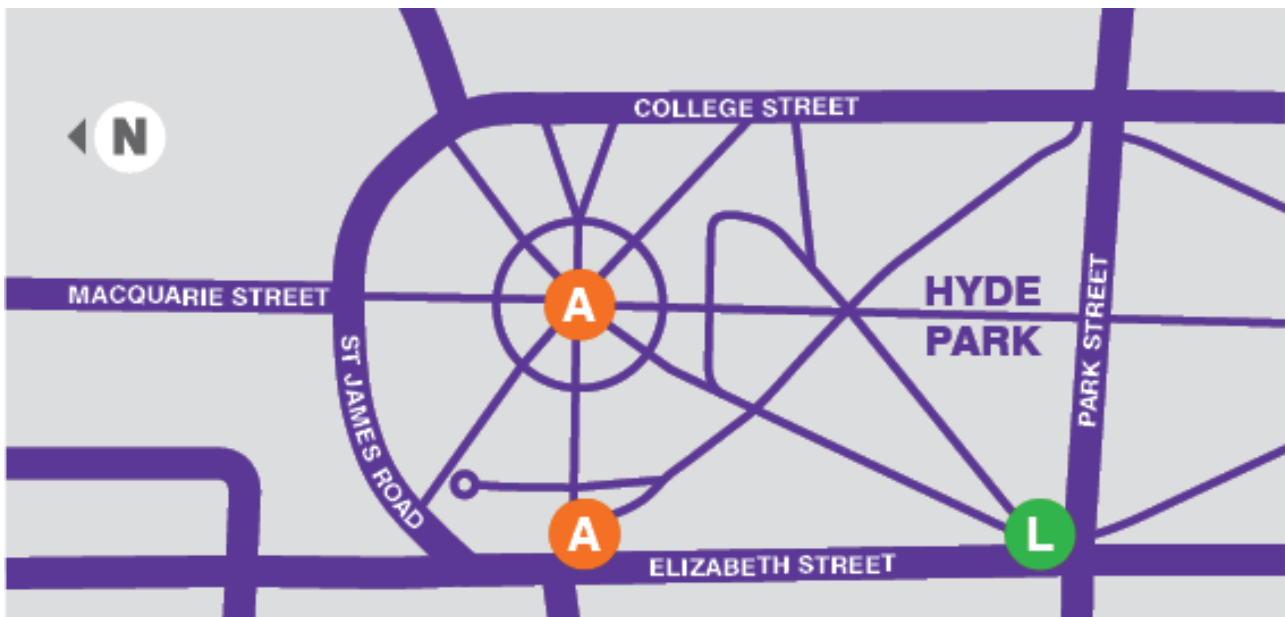
Martin Place

There is one pitch in Martin Place on the Eastern side of the Pitt Street Intersection, facing Pitt Street. All acts are limited to 1 hour duration.



Hyde Park

There are three busking pitches in Hyde Park North. One the paved area facing Market Street, adjacent the St James Station entrance. On the paved area surrounding Archibald Fountain. One Low Impact pitch by the monument on the corner of Elizabeth and Park Streets.



QVB Forecourt

The Southern forecourt of the QVB may be occupied by one Extended Duration Act and either one Low Impact Act or one High Impact Act at any one time.



Pitt Street Mall

There are three pitches in Pitt Street Mall.

North, near the King Street intersection. Middle, half way between North and South pitches, near Mid City Centre. South, near the Market Street intersection under the Westfield sky bridge. The North and South pitches are for Low Impact and High Impact Acts only. Buskers may perform in the North and South pitches for a maximum of one hour, per pitch, per day. The Middle Pitch is available for Extended Duration Acts and Circle (Physical Theatre) Acts. The Middle Pitch is allocated on a first-in basis. No acts incorporating fire allowed. Busking is limited to 11am–10pm, 7 days a week. Amplified sound must be effectively managed due to the close proximity of residents and businesses.

The Central pitch (outside MidCity entry), is for Low and High Impact acts only

The North (near King Street) and South (near Market Street) pitches are for extended duration acts only.

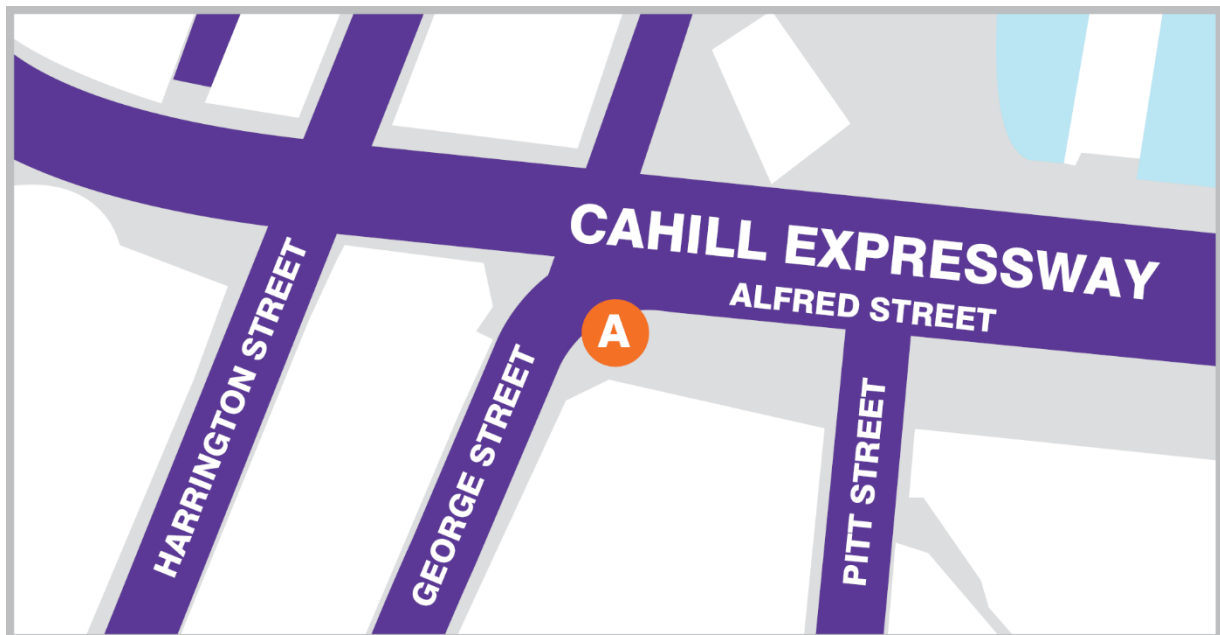
All pitches are allocated on a first-in basis.

No acts incorporating fire allowed.



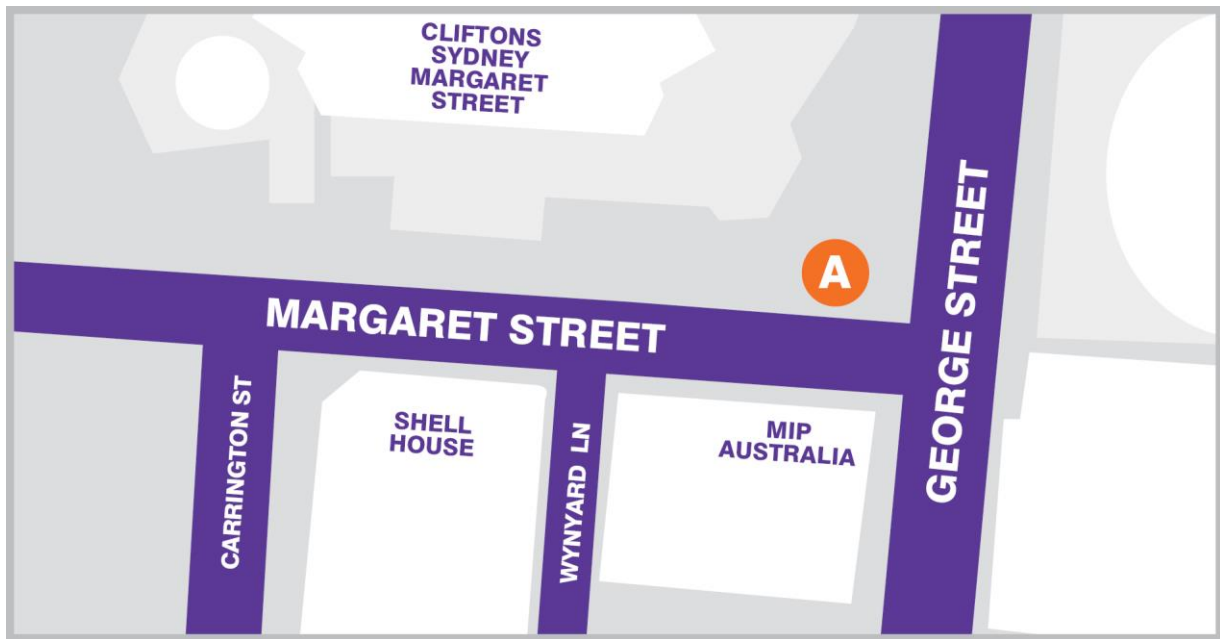
Herald Square

On the corner of George and Alfred Streets. This pitch is available for all permit holders.



Margaret Street

Between George Street and Wynyard Lane, the pedestrianised area. This pitch is available for all permit holders.



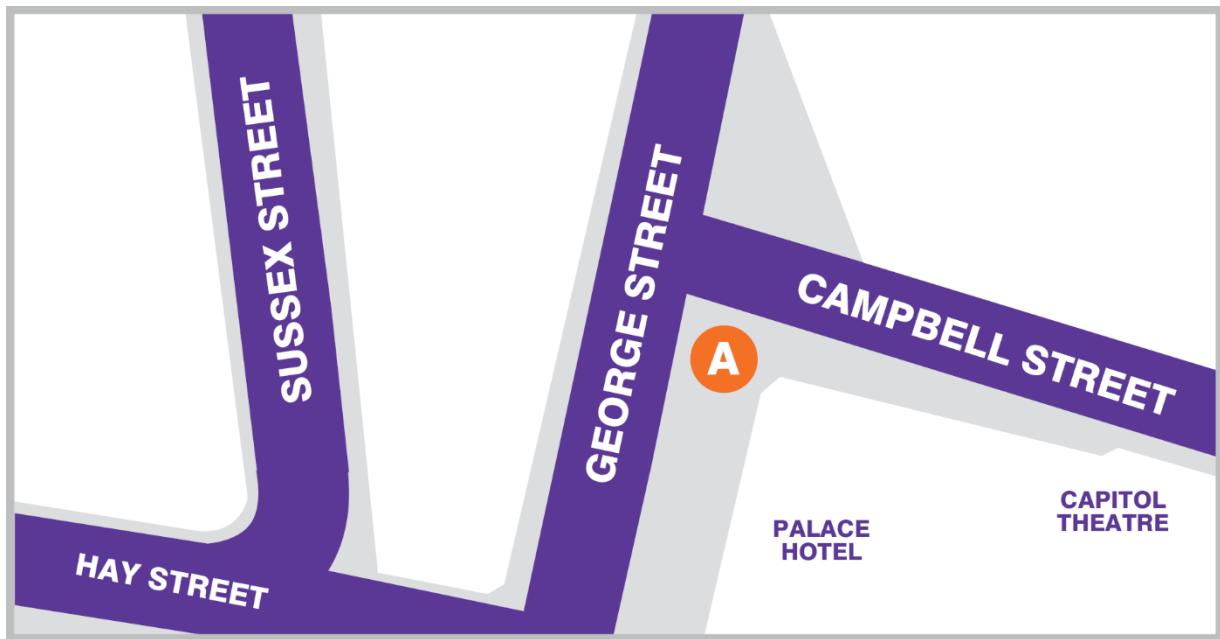
Regimental Square

One pitch for Low Impact Permit holders only, at the intersection of **George Street and Wynyard Street**, in front of the memorial.



Campbell Street

There is one pitch available for any act at the intersection of George and Campbell Streets. This pitch is available for Low and High Impact permit holders only.



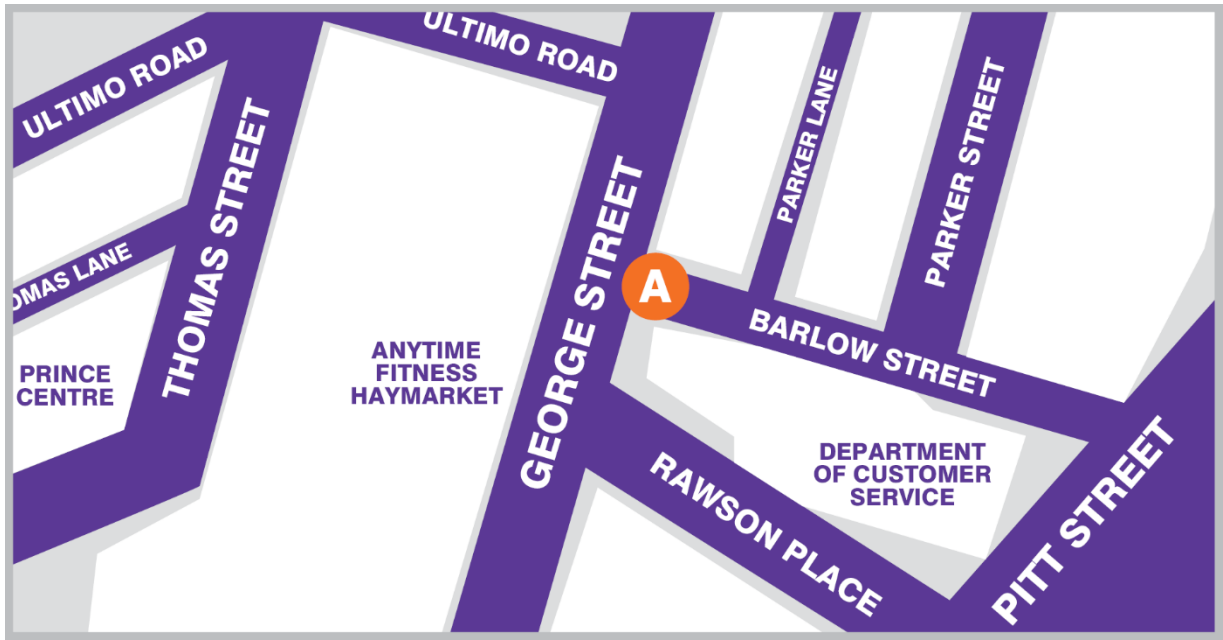
Town Hall

One busking pitch available at the Intersection of George and Park Street. This pitch is available for Low and High Impact permit holders only.



Barlow Street

One pitch available for any busking act at the corner of Barlow and George Streets. This pitch is available for all permit holders.



Code of Conduct

1. **We look out for each other.** Welcome newcomers and keep fellow buskers in check if they're over-stepping the expectations and obligations of buskers in Sydney.
2. **We have a right** and an opportunity to actively engage in monitoring and improving busking regulations and busking culture in Sydney.
3. **We work in cooperation with each other,** Local Government and the police to manage any issues that arise from a busker's performance or behaviour. We understand that the way we conduct ourselves may affect the reputation and livelihood of all buskers in Sydney.
4. **We are ambassadors,** for the cultural life of Sydney and its diverse, harmonious communities.
5. **We perform in public places,** to contribute something positive to those spaces. If our performance is having a negative effect on anybody, we do our best to remedy it.

For more information

For permit enquiries or to report busking issues, please contact City of Sydney Customer Service on **(02) 9265 9333** or **council@cityofsydney.nsw.gov.au**

Buskers wanting more information about the rules for busking in the City of Sydney can email **busking@cityofsydney.nsw.gov.au**

city.sydney/busking

Item 4.

Grants and Sponsorship – Cultural Grants

Document to Follow