

Post 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 Local Approvals 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 needs to be reviewed and exhibited within 12 months after the election of Council.

The existing Policy and approach to managing busking was the result of extensive research and community consultation in 2017 and 2018. City staff reviewed the Policy and found it still fit-for-purpose, only requiring minor amendments for clarity and enforceability. Council approved an amended draft Policy for public exhibition in June 2025.

The Policy was exhibited for 42 days from 24 June to 5 August 2025 and received a small amount of feedback. The feedback mostly relates to buskers who are not adhering to the Policy, and dissatisfaction with compliance outcomes. The exhibited draft includes edits to strengthen enforceability of the Policy which will help address concerns raised. As such, this report recommends the draft Policy be adopted without changes.

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 was also exhibited with proposed changes to special busking pitches on George Street and Pitt Street Mall. These areas have significantly changed with increased pedestrianisation of the city centre and the proposed changes aim to better coordinate use of these areas for busking.

Some feedback regarding proposed changes to George Street and Pitt Street Mall suggested more clarity was needed. Edits have been made to the Busking Code to clarify that the Special Busking Sites in Pitt Street Mall and George Street between Alfred Street and Rawson Place will be the only busking sites for those locations. Additional information regarding safety around the light rail has been added. The Special Busking Site opposite Town Hall has been designated Low Impact only, to better manage safety near the light rail.

Recommendation

It is resolved that:

- (A) Council note the submissions received on the exhibited draft Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy, as shown in Attachment C to the subject report;
- (B) Council adopt the Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy (the Policy), as shown at Attachment A to the subject report;
- (C) 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; and
- (D) authority be delegated to the Chief Executive Officer to make amendments to the Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy and Sydney Busking Code, to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

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| Attachment A. | Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy |
| Attachment B. | Sydney Busking Code |
| Attachment C. | Engagement Report |

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 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 section 19 of the policy. For clarity and enforceability, some edits have been recommended in the revised Policy at Attachment A. 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.
 12. The draft Policy and the Busking Code were placed on public exhibition for 42 days. During this time, buskers and the community were invited to provide feedback on the Policy.
 13. A notification email was sent to all registered buskers who have provided the City with an email address on 26 June 2025.
 14. Feedback was accepted through the Sydney Your Say website by written response or by completing a survey. A total of 13 submissions were received and the Sydney Your Say page was visited 283 times. An option to have a conversation with relevant staff was provided but not taken up. Four respondents are buskers and 8 are residents. One submission was received from the operator of the Sydney Light Rail.
 15. The written submissions largely relate to non-compliance by specific busking acts. These submissions can be taken as general feedback and noted for follow-up with the buskers if required.

16. One submission was received from a company, Transdev, the agency responsible for the delivery of light rail. Their submission requested some additional safety considerations regarding busking adjacent light rail on George Street. These suggestions have been incorporated into the Busking Code and the details outlined in the table below.
17. The following table outlines key engagement findings and the City's response:

Comments	City of Sydney Response
Non-compliant buskers are impacting other buskers on Pitt Street Mall.	This feedback is noted and City Rangers will continue to monitor for compliance.
There are people holding signs in Pitt Street Mall for private business, taking up space for people busking.	Spruiking activity is not a type of busking. If Spruikers are placing items in the mall that are obstructing or impeding movement City Rangers will respond.
Regular protests are impacting buskers.	Protests or Public assemblies, whether approved or not, are the responsibility of NSW Police. This feedback is noted.
Suggests one spot on Pitt Street Mall near the Mid City Centre for 'circle shows' and one for musical buskers.	The middle pitch in Pitt Street Mall will be available to both musical acts and "circle acts". All acts will share this space, with a maximum 1 hour performance time per act per day. City staff will continue to monitor Special Busking Site arrangements for Pitt Street Mall and accept feedback from buskers on an ongoing basis.
Suggests the implementation of an online booking system for Special Busking Sites.	The feedback is noted.
Suggests that all acts should be able to perform on the Pitt Street Mall Special Busking Sites.	The proposed changes to Special Busking Sites in Pitt Street Mall are intended to better balance busking activity and its impacts on neighbouring businesses. City staff monitor the use of Special Busking Sites and accept feedback from buskers on an ongoing basis.
Supports the cultural value of busking however has issues with noise impacting private properties.	The proposed changes to the Policy are intended to clarify and strengthen enforcement measures related to high volume performances and acts over-staying the maximum performance time and hours.

Comments	City of Sydney Response
Request for specific guidance about safety around the light rail track.	Actioned. Information in the Busking Code updated, directing buskers to ensure their audiences gather a safe 2m distance from the light rail tracks.
Request for the Special Busking Site outside Town Hall (corner Park and George Streets) to be for Low Impact acts only.	Actioned. Given there is limited space for larger group acts and circus performers to safely manage their audience in this location, it has been updated to Low Impact only. High Impact acts may perform diagonally across the road on the QVB forecourt, and other, more open areas along George St.

18. Some submissions suggest comprehensive changes to the wording of the policy to propose alternative compliance measures regarding excessive noise. These issues are already addressed in the Policy and are managed through enforcement of the policy by the City's Rangers.
19. As changes to the Busking Code are implemented, City Rangers will undertake proactive patrols of Pitt Street Mall and George Street to ensure buskers are aware of the new arrangements for these Special Busking Sites.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

20. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision 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, more respectful appreciation of place and cultural identity.

Organisational Impact

21. The Policy requires no changes to be made to how busking is currently managed and resourced.

Risks

22. The Policy requires 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.
23. 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.
24. 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

25. 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.
26. The introduction of Special Busking Sites on George Street and amendments to sites in Pitt Street Mall have been identified in response to community feedback regarding sound conflicts and crowding in busy thoroughfares. These changes address location-based impacts while maintaining busking activities across these two important public domain areas.

Financial Implications

27. The Policy requires no changes to the currently budgeted resources for managing busking.
28. Adoption and implementation of the post-exhibition policy is accounted for within the existing operational budget.

Relevant Legislation

29. Local Government Act 1993.

Critical Dates / Time Frames

30. In accordance with section 165(4) of the Local Government Act 1993, the Policy was reviewed and proposed for adoption within 12 months after the election of Council.

Public Consultation

31. The draft policy was placed on public exhibition for 42 days from 24 June until 5 August 2025.
32. The Policy is the result of extensive research, consultation and engagement with buskers and the broader community undertaken in 2017 and 2018.

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