

ATTACHMENT A

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BUSKING IN THE CITY OF SYDNEY
DISCUSSION PAPER



Sydney2030/Green/Global/Connected

CITY OF SYDNEY  

Discussion Paper : Busking in the City of Sydney

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1. Executive summary

This discussion paper asks you to think about busking in the City of Sydney area. Is it a good thing? What are the downsides? Would you like to see more of it? Can the City improve the experience of busking for buskers and the broader community alike? Can we provide more opportunities for public performance in the heart of our city? Are there enough opportunities for musicians and performers to ply their trade? And how can we balance the needs of buskers, residents and businesses and workers?

Busking and street performance are a key part of Sydney's cultural life. Busking is a profession, as well as an egalitarian form of cultural expression. Buskers contribute to the cultural, social and economic fabric of the city in a number of ways. They improve the amenity of Sydney's public space and entertain visitors to the city centre and broader local government area. Surveys of residents and visitors to central Sydney suggest buskers are popular within the community and good for business.

However, if not adequately supported within a clear policy framework, street performers also have the potential to negatively impact residents, visitors, workers and businesses in the inner city. The City is committed to supporting busking in a way that balances the needs of the community. There is strong support for busking and street performance within current City of Sydney policy frameworks, such as the City's provision of public liability insurance, and a sound rationale for extending and enriching that support in order to meet the City's strategic priorities.

This discussion paper summarises background research, both in the City of Sydney and internationally, and puts forward questions for public discussion. The paper covers a broad range of areas of discussion:

Busking in the City

- Value and contribution – what is the value of busking, what contribution does it make?
- Permits – costs and processes for getting a permit
- Busking locations – where busking can occur and navigating different landowner
- Policy and Guidelines – the current City of Sydney Policy and Guidelines
- Program management – how the City manages and supports busking currently
- Regulatory strategy – strategies for monitoring busking impacts and compliance
- Noise management – managing noise impacts of busking

High value busking locations

- Access to high value busking locations – managing access to and impacts of high value locations
- Audition and curation – investigation of busker audition or curation
- Pitt Street trial – recent projects in relation to busking on Pitt Street Mall

Busking development and promotion

- Developing new busking locations – investigating the development of new or unused pitches
- Cross jurisdictional projects – opportunities for government agencies to collaborate
- Busking events – dedicated busking events and integrating busking into broader events
- Busking skills development – projects that increase the skills and promotion of buskers

- Innovative projects – investigating new ideas for supporting busking

Get involved

The City encourages buskers, residents, workers, visitors and business owners to contribute their views on busking generally, the topics covered in this paper, or any other relevant topic. The prompt questions provided in the paper are suggestions only, and respondents are encouraged to provide additional or different feedback.

Participate in the City's online forum:
<http://sydneyyoursay.com.au/XXXX>

Email written submissions to:
livemusic@cityofsydney.nsw.gov.au

Post written submissions to:
Strategy Advisor – Live Music and Performance
City of Sydney
PO Box 1591
Sydney NSW 2001

Delivery submissions in person to our One Stop Shop or Neighbourhood Service Centres:

- Level 2, 456 Kent Street, Sydney
- 186 Glebe Point Road, Glebe
- 100 Joynton Avenue, Green Square
- 50-52 Darlinghurst Road, Kings Cross
- 158 Redfern Street, Redfern

Next Steps

Feedback received throughout the consultation period will inform revision of the current busking framework in the City of Sydney, as well as future work to support busking.

2. Introduction

In April 2014 the City of Sydney adopted its Live Music and Performance Action Plan. Within this, the City committed to reviewing its busking policy to identify ways to simplify the busking framework, explore opportunities to support and promote buskers to the general public, retail operators, landowners and event producers. This commitment arose from discussions of the Taskforce and was affirmed throughout the consultation period.

A key focus of the review is ensuring that busking continues to be a viable activity for the full range of performers who participate in it. However, in the City's role as both an enabler and a regulator, this work must be done in a way that balances the needs of the entire community. In some cases, busking can impact negatively on residents, businesses and workers, and the City is compelled to find ways to manage those impacts.

Busking, like many cultural activities, is affected by a range of overlapping policy areas. While the City considers it to be an area of cultural policy, it is also relevant to areas such as economic policy, place making, urban design, and environmental health. This discussion paper takes into account the broad range of activities that can affect busking and its viability. However, its main focus is on recognising the cultural value of busking and street performance, to Sydneysiders and the performers themselves.

This discussion paper summarises preliminary background research undertaken by the City of Sydney and researchers from Deakin University. The paper discusses the City of Sydney and international examples, and puts forward questions for public discussion. Research includes a review of Australian and international literature, including recent research conducted by Wollongong University academics Julia

Quilter and Luke McNamara into the legal regulation of busking.

Research also included interviews with stakeholders and performers, and previous research gathered by the City to inform other related projects, including the extensive Residents Wellbeing Surveys of 2011 and 2015, a quantitative survey of audiences, businesses and residents in the Pitt Street Mall by Woolcott Engagement and Research, and interviews with buskers and City of Sydney staff.

3. The value of busking

Busking is a cultural expression and creative profession. The art and craft of public performance is at least as old as human civilisation, and certainly as old as the human city. Public performance was common in ancient times and was a feature of medieval life. In modern times, the phenomenon of artists playing for the public in return for small coins became widespread in major European cities by the 15th century.¹

Busking in the City of Sydney area has both local and international impacts. It is local because it is immediate and often face-to-face. It is, by definition, temporary and ephemeral. It is also international: Sydney is a world city visited by itinerant buskers who regularly travel between major centres.

However, the labour conditions of busking are precarious and insecure. Buskers pursue an immediate and physical connection with audiences in an increasingly digital and virtual global economy.

Recent research has examined the practice and value of busking in the urban environment in greater detail. Major cities around the world have also begun to realise the value and importance of busking, and conduct research and formulate policies to enhance it.

In assessing the relevant literature as it relates to public performance in Sydney, we will briefly describe the available literature on busking, on contemporary culture in Australia broadly, in municipal governments more specifically, and finally in the City of Sydney itself.

Significant recent research on busking in Australia has been carried out by University of Wollongong researchers Julia Quilter and Luke McNamara. They discovered that: “for a large number of the buskers, street performance is a major (and for some, primary)

source of income.” Quilter and McNamara argue that for these buskers, “street performance is much more like a job than a hobby.”² They report that buskers generally find the permit application process straightforward and that Sydney and Melbourne’s guidelines assist buskers to resolve competitive tensions and encourage a positive group spirit.

Cities and busking

Cities have long been the sites of artistic ferment. Citizens and residents have always made art and debated politics in the streets. As noted above, busking and public performance has always been an integral part of city life.

Currently, cultural policy is often controversial and the safety and the liveability of Sydney’s streets are subject to intense political debate. Residents of Sydney are well aware of the heated public debate about Sydney’s recent alcohol restrictions, including recent measures regarding liquor licensing – commonly known as ‘the lockouts’. The debate has focused attention on the importance of street-level culture and Sydney’s night-time economy of bars, nightclubs and cultural venues.

Busking should occupy an important position in debates about Sydney’s street culture. It is broadly accepted that street performance can provide improvements in the quality of night-time street cultures through activation of otherwise mundane city environments and through increased passive surveillance. But public performers are also working on the streets, and require safety in the same way as other citizens. The impacts of busking on businesses and residents can also be negative, if not well supported. Cultural policy is complex, and affects different people in different ways.

Cultural value

“Value in busking must be forged anew with every performance in conjunction with the unpredictable conditions of public space and the treacherous moods of the people who share it.”³

One way of thinking about busking is by thinking about its cultural value – both economic and non-economic. In the United Kingdom, the Warwick Commission on the Future of Cultural Value recently completed an extensive report into the issue.⁴ Among other findings, the report identified that the ‘powerful cocktail of public good and commercial return’ that culture represents is under-recognised and that efforts must be made to increase and diversify investment in culture. Busking and public performance is clearly a cultural practice, and as such contributes to the cultural value of our city.

The University of Sydney’s Joseph Williams points to the immediate and unpredictable nature of busking. He writes that every performance is unique and that a connection between performer and audience must be “forged anew.”

In her 2006 book *City Publics*, the urban theorist Sophie Watson talks of “the space of delight” that street culture can provide for residents and visitors to a city alike.

“[There is] a space of delight which encapsulates serendipitous encounters and meanderings: sitting, watching, being, chatting in spaces that may be planned, designed and monumental, but more often may be barely visible to the inattentive eye, on the margins of planned space, or even imagined.”⁵

Busking is a form of street-level culture that can richly reward people in the urban environment. It, too, can be a “space of delight.”

4. Busking in the City of Sydney

The City of Sydney's approach to culture

The City of Sydney has a wide-range of policies and programs that support and regulate culture in the city. Our overarching cultural policy is described in *Creative City: Cultural Policy and Action Plan 2014 – 2024*⁶ And our *Live Music and Performance Action Plan* specifically supports live music and performance. Both policy documents state that the City will undertake “a review of the City of Sydney Busking Policy to identify ways to simplify the busking framework and provide opportunities to support and promote buskers to the general public, retail operators, land owners and event producers.”⁷

The *Creative City* policy also implicitly endorses busking in a number of ways. Busking and public performance can help Sydney achieve several of Creative City's strategic priorities.

The City of Sydney's approach to managing and supporting busking

There is strong support for busking and street performance within current City of Sydney policy frameworks, and a sound rationale for extending and enriching that support in order to meet the City's strategic priorities.

Busking connects to larger questions about Sydney's urban planning and its everyday street life. Business development, state government policy and transport infrastructure and increasing urban density all affect the activities of buskers and public performers.

A key finding of the background research for this paper was that there may be an opportunity to strengthen the

resourcing of administration of busking and street performance within the City of Sydney.

Managing the busking program requires a range City of Sydney officers from across the organisation. These officers work closely with buskers to inform them of their responsibilities and to resolve complaints or disputes that may concern access to busking locations, noise levels and the frequency of their performances. This involves a significant workload for the staff responsible and is currently undertaken alongside a range of other, broader duties.

The number of noise complaints received by the City of Sydney has declined in recent years. The process of reviewing the busking policy and guidelines will attempt to identify what the reasons for this are, and aim to further reduce these complaints.

Background research for this paper identified a significant lack of research and data regarding busking. Subjects such as average busker income, economic or cultural value of busking and comparisons of government support of busking are key areas of research that warrant discussion. The City hopes to use the consultation process that underpins this policy review to uncover further data about busking in Sydney.

To develop a clearer understanding of how the City's approach to regulating busking compared with other cities, a regulatory matrix has been assembled around key issues and regulatory or administrative mechanisms that address them (page 11). The matrix suggests that the City's current approach is a relatively flexible and supportive one.

Busking in Sydney: fast facts

Buskers working across an average week	500
Licensed buskers	1,500
Satisfaction with busking and street performance	76%

Land ownership in the City of Sydney Local Government Area

The City of Sydney is only able to directly permit or regulate busking on land it controls. The City of Sydney's local government area extends from Sydney Harbour at Rushcutters Bay, to Glebe and Annandale in the west, from Sydney Park and Rosebery in the south to Centennial Park and Paddington in the east.

Not all publicly accessible land contained in this area is under care or control of the City of Sydney. There are many areas of land suitable for busking that are owned or managed by other government agencies, as well as land owned by private landowners. Examples include Circular Quay, The Rocks and Darling Harbour (managed by Property NSW), Barangaroo (managed by the Barangaroo Development Authority), train stations and pedestrian tunnels (managed by Sydney Trains). Some authorities and landowners have processes and permit systems in place for busking, some do not. Buskers who want to busk across all of the inner city

area generally will need to abide by whatever rules are in place for each particular area of the City. This increases both the real and perceived complexity of what is required of buskers in Sydney.

Community attitudes to busking and public performance

“I love the buskers in Newtown – they add a lovely atmosphere of community to the streets.”

Available evidence from audience surveys suggests that Sydney residents and visitors want to see more busking in the inner city.

Data from the City of Sydney Residents Wellbeing Survey shows that Sydney-siders embrace public creativity. Of the more than 7,000 residents surveyed in 2015, 52% were either satisfied or very satisfied with creative expression in the public domain.

Residents identified busking as one of the main examples of interesting and stimulating culture or creativity in their local community. One respondent reported: “I have seen a lot of talented buskers—particularly singers—and hope that there will be more in the future.” Another respondent referred to busking as an accessible form of entertainment: “I would like to see more ‘unregulated’ cultural activities—buskers, impromptu performance, creative spaces and ‘bottom-up’ cultural events that aren't planned or showcased as festivals.”

However, noise was a negative for some residents. One respondent reported that: “Frequently, walking down Pitt Street mall, we have to yell to have conversations. I love buskers but the fact that one busker can draw out more than half of the mall is very irritating.” This feedback broadly reflects one the key threats to the sustainability of busking, which is discussed further on page 16.

Aside from these noise issues, respondents generally reported that they enjoyed the spontaneous and egalitarian nature of busking, and they appreciated the way it activates public spaces.

Comments from the 2015 Residents Wellbeing Survey:

“I love the buskers in Newtown - they add a lovely atmosphere of community to the streets.”

“I love walking around the local area with my young children (5&7) and stumbling across the vast array of cultural and creative experiences in our streets ...”

“[I] would like a CBD that is more focused on pedestrians. While I enjoy buskers, the amplified volume of 'music' which some use is a form of pollution in public spaces.”

“I have seen a lot of talented buskers - particularly singers - and hope that there will be more in the future.”

“I would like City of Sydney to rid Pitt St Mall of the awful buskers.”

Satisfaction with public creativity in Sydney has grown in recent years. If we compare data from 2015 to the previous wellbeing survey from 2011, we can see that satisfaction is up by a total of 10 percentage points, from 42% to 52%.

Satisfaction with creative expression in the public domain, 2011-2015

Q: How satisfied are you with the range and quality of creative expression in the public domain such as art installations, murals, busking and street art? n=2395 (2011); n=7357 (2015).

SATISFACTION WITH PUBLIC CREATIVE EXPRESSION	2011, %	2015, %
Very satisfied / Satisfied	42	52
Neutral	39	30
Dissatisfied / Very dissatisfied	18	18

Source: City of Sydney residents wellbeing survey, 2015.

Similarly, a survey done to inform a pilot project in Pitt Street Mall identified the majority (76%) of visitors, residents and businesses were supportive or very supportive of busking. 81% of respondents agreed buskers create a pleasant environment. More detail on this study is in ‘Areas of Consideration’ in this report.

Busker attitudes to busking in the City of Sydney

‘I’ve met people from Korea who’ve flown here just to watch buskers, and I think that’s a really great thing. It’s not the most obvious thing but this could actually be tourism, and sometimes can actually be something that will bring people into the city.’

Researchers interviewed a number of working buskers in Sydney and found buskers generally support current arrangements. The buskers generally reported a good relationship with City rangers and cultural officers. They mostly supported policy decisions and were willing to abide by them. All were familiar with current policy and the reasons for certain restrictions.

However, these buskers would like better coordination between City of Sydney staff, more consistent monitoring of busking and greater contact between buskers and City of Sydney staff. Some would like a central person/role responsible for communication between buskers, rangers and the general public. Buskers believe street performance adds economic as well as cultural value to the City. They have a clear understanding of the local creative economy, including tourism and positive publicity.

There is strong support for a single busking permit for use across Sydney. Buskers believe this will encourage busking across the wider metropolitan area and relieve over-crowding in some locations in inner Sydney.

There is also strong support for a busking festival or other activations that promote busking in Sydney. Buskers that have travelled domestically and internationally note there are successful models overseas that could be applied to Sydney.

- = unconfirmed

	SYDNEY	ADELAIDE	MELBOURNE	PERTH	BRISBANE	LONDON	EDINBURGH	NEW YORK	NEW YORK SUBWAY	NASHVILLE	SAN FRANCISCO
Busking Policy / Guidelines?	Yes	Yes	Yes	No, covered by noise regulations	Yes-busking only regulated in specific pitches	By borough	No, good practice guide only		No, programmed	No	Optional Guidelines
Types of permits?	3: Standard, Special, ACAPTA	1: busking permit	4: General, Mall, Circle Act, Pavement Art	1: busking permit	2: standard and high-risk	-	No permits	Yes, based on location	No permit	Street vendors licence for sales	Permits are optional
Cost of permit?	\$13 for 3 months \$47 for 12 months	\$0	\$10 for 3 months \$20 for 12 months	\$24 per month	\$0	Mostly free, some boroughs charge	-	\$25 a month no amp, \$45 a day with amp	\$0	n/a	\$50 per month \$500 per year
Additional cost for selling products?	-	-	\$50	\$45 per month	No Sales	No Sales outside specific curated areas	-	-	-	\$25 for 10 days \$100 for a year	requires separate vendor permit
Length of permit?	3 month / 12 month	Daily or monthly	3 month / 12 month	no limit	3 months / 12 months	-	-	1 month	N/A	n/a	monthly or yearly
Sound / Volume limit?	Pitt St: 82db @ 3m, 76 db @6m	-	75db @3m, 69db @6m	72db @3m	75db @3m	amplification limits in some boroughs	"considerate volume"	-	No amplification	No amplification	-
Time restrictions?	Unrestricted sites: 2 hrs, Restricted: 1 hr, once per day	30 mins per 50m, each location once a day	General: 2 hrs Mall: 30 min Circle Acts : 60 min	30 mins per 50 metres, each location once per 2 hours	Allocated	-	one hour suggested	-	Yes, depends on site	-	3 hours (scheduled) 90 mins (unsched'd)
Separate rules for specific high-value pitches?	Yes	No	Yes	Yes	Yes	-	-	-	Yes	-	Permits only for key pitches
Proximity to other busker limits?	-	50m	30m	Busking only in approved pitches	Busking only regulated in specific pitches	-	50m suggested	-	Yes	-	-
Performers Curated or Auditioned?	No	No	For high-traffic areas and prime pitches	No	Yes, by audition only	-	-	-	Yes	-	No, but scheduled (with permit)
Instrument conditions or restrictions?	-	-	Bagpipes, drums and instruments that are "naturally loud" have restricted locations and times	-	-	-	-	-	-	No saxophones, no drums	-
Equipment restrictions?	Dangerous items subject to safety review	Dangerous items require permission	No amplification (trial)	No fire, no sharps	Amplification must be battery operated	-	-	-	No amplification	No seating No amplification	-
Other restrictions	ACAPTA permits need on PU	No handing out of leaflets, all sales items need approval	Buskers must attend a safety, amenity and performance review	No coarse language	No coarse language. Hi-risk acts need PLL.	No collecting \$ in CBD financial district	good practice guide recommendations	-	-	-	Permit holders scheduled and guaranteed access to key pitches. Non permit holders queue.

5. Areas for discussion

This section discusses busking challenges and opportunities in the City of Sydney area. Each topic includes questions the City would like your feedback on, but these questions are suggestions only.

We encourage buskers, residents, business and the broader community to provide us with their views on how we can support busking in our area.

Busking in the city

Value and contribution

The City of Sydney has a policy and guidelines for busking and internal policies and protocols for busking on City-managed land.

This policy:

- encourages activities that contribute to the colour and life of the city and provide opportunities for alternative voices to be heard through public performance.
- provides an equitable system of use for popular busking sites in the city among the buskers earning a living through their art form.
- identifies locations in the city suitable as busking sites.
- promotes public safety and amenity, the protection of property and to help ensure the safety of buskers.
- supports the rights of buskers to express themselves in an artistic manner.

It acknowledges that:

- Sydney has a strong tradition of busking and buskers contribute to a sense of place in the city of Sydney.
- Buskers make an important contribution to the cultural life of a city by reflecting styles, values and the issues of society at large.
- Buskers provide entertainment and thought provoking experiences to tourists and members of the general public.
- Busking is a valid means for artists and performers to make a living
- Busking should not unduly interfere with pedestrian traffic, the conduct of business, contribute to a lack of safety or disturb public amenity.

What is the value of busking and public performance?

Who does busking benefit, and how?

What are some of the negative aspects of busking and public performance?

Do you agree with the aims and acknowledgements of the current busking policy?

Permits

The policy requires all buskers to hold a valid permit that is relevant to their category of performance. The three types of permits include a Standard Busking Permit, a Special Busking Permit and an ACAPTA (Australian Circus and Physical Theatre Association) Accredited Busking Permit.

Currently, busking permits are available for 3 months (quarterly) or for 12 months (yearly). The 3 month permit is \$13. The 12 month permit is \$47. The cost of the

busking permit is intended to contribute to the overall costs of resourcing and regulating the busking program, as well as contribute to costs associated with covering buskers for public liability.

Are the current costs of City of Sydney busking permits reasonable?

What would be preferable – cheaper busking permits with less support for buskers and busking or more expensive busking permits for increased levels of service?

Currently applying for and receiving a busking permit must be done in person at either the City’s One Stop Shop at Town Hall House, or one of our Neighbourhood Service Centres. When applying, buskers have the opportunity to discuss which permit is suitable for them when they register with a customer service officer.

Would an online licensing process make busking more attractive and accessible for musicians and performers?

Busking locations

A City of Sydney busking permit allows buskers to perform anywhere on City managed land, as long as they abide by the busking policy, which is discussed further in the next section. There are some areas more suitable than others and some locations have particular conditions around their use – known as ‘Restricted Sites’. Buskers wishing to perform in the City-centre on non-City land must seek permission from the landowner. This can complicate the process of searching for a pitch, as

different landowners have different rules in place. For example, in Circular Quay, if a busker wishes to perform on the southern side of the Cahill Expressway, they must do so with a valid City of Sydney busking permit. If they wish to busk on the northern side, along the Circular Quay promenade, they must do so with a valid permit issued by the NSW Government agency Property NSW. These boundaries clarify responsibilities between government landowners, but are largely irrelevant to the average Sydneysider and significantly complicate busking in Sydney.

The City provides a map on its website explaining the different land owners. However, background research for this paper identifies a significant amount of support for the idea of a cross-jurisdictional permit that includes NSW Government landowners (such as Property NSW, Barangaroo Development Authority or Sydney Trains) in the City of Sydney local government area, as well as other local government agencies, such as Inner West Council or Parramatta City Council. Such a project would be complex to achieve, but could significantly simplify busking across jurisdictional boundaries.

Is developing a coordinated, cross-jurisdictional approach to busking licenses worth investigating with other local councils and the NSW Government?

If it were possible, how would such a project be coordinated, and who would coordinate it?

Are you aware of other examples of cross-jurisdictional busking permit systems?

Policy and guidelines

Once a permit is obtained buskers must adhere to the policy, which includes information on restricted busking areas, busking hours, noise levels and non-acceptable acts. In the interest of maintaining positive public spaces, a busker may have their permit revoked if they refuse to follow the busking policy. The policy and guidelines covers issues such as insurance, the sale of CDs and DVDs, acceptable types of performance (animals are not allowed), hours of performance, and the places where acts can and cannot perform.

While buskers may generally perform anywhere on City managed land, as long as they abide by the busking policy, there are a number of high-traffic sites, known as 'Restricted Sites' where particular conditions of use apply. These sites include Pitt Street Mall, Macquarie Place, Wynyard Park, Martin Place, Hyde Park, Taylor Square, Queen Victoria Building forecourt and outside Broadway Shopping Centre. Feedback received by the City highlights a perception that there are significant restrictions on where buskers can perform or that 'restricted sites' are the only locations busking is permitted, which suggests that better communication is needed.

Background research has determined that the current system generally works well and should be built on. The City of Sydney could do this by keeping the current regulatory framework, and improving it. It encourages street performers to ply their trade, provides a regulatory framework that helps balance the needs of buskers within their community as well as with residents, businesses and pedestrians.

Alternatively, there are opportunities for the City of Sydney to improve on current arrangements. For example, the City has received feedback that the policy could be made less complex and easier to understand, that busking as a policy and program area could be better resourced by the City of Sydney and that the City could improve the consistency of how busking is monitored and regulated.

Are the current busking policy and guidelines working well? If so, why? If not, why not?

How does the current policy and guidelines influence opportunities for musicians and performers to supplement or derive their whole income from busking?

How well does the current policy and guidelines balance the needs of buskers, residents, businesses and visitors?

How could future Policy and Guidelines be made easier to understand?

Program management

The City's support for busking generally focuses on the management of busking through permits and compliance monitoring. These activities alone require significant resources, in the form of staff receiving and processing permits, working one on one with buskers when issues arise, ranger monitoring and compliance enforcement, acoustic investigations, responding to community queries about busking and more.

The City will continue to undertake this work, however preliminary feedback from the community suggests there is room for both an increased focus on day to day

management of busking, as well as clearer communication with buskers and the broader community about how the City undertakes this work, who within the organisation can help with busking related questions, what the processes are for dealing with issues that arise and what repercussions are for continued breaches of the policy or guidelines.

There are examples of other local government authorities taking a shared approach to the day to day management of busking in their area. For example, the City of Melbourne employ one Busking Co-ordinator to oversee their program, a role that sits in the division of the organisation responsible for managing street trading. This role is supported by other staff where needed.

This role is responsible for overall program management, which is delivered in part through collaboration with the busking community. Buskers who have a permit to busk on the Bourke Street Mall (available to professional buskers only and chosen through audition) also designate a 'team leader' to manage programming for the mall on a weekly basis. This responsibility for this function was transitioned from the City of Melbourne to the buskers themselves, who meet weekly as a condition of their permit.

How well does the City manage busking overall? What could be improved?

How should the City resource the busking program?

How could the City work with buskers to better manage busking on a day to day basis?

Regulatory strategy

Regulation is the act of identifying a potentially problematic or risky activity and introducing conditions on the activity in order to reduce its actual or perceived harm. It also includes monitoring activities with approval and ensuring approval conditions are adhered to.

When consulting broadly it is generally agreed that some regulation of busking is required. It helps balance the needs of buskers with the broader public, as well as providing a framework for buskers to ply their trade.

In general, there are two main strategies for approaching the regulation of an activity:

- a. Contractual – an approach whereby a series of 'ground rules' are developed that must be followed in order for an activity to be allowed, or for an individual to be permitted to participate in an activity. A breach of the ground rules usually results in enforcement action, often in the form of a fine or removal of the approval for the activity.
- b. Responsive – an approach that focuses on developing the relationship between a regulator and the regulated, in order to determine the best course of action to address an issue. Priority is given to addressing a breach through discussion and mutual agreement, supported by a series of measures that increase in severity if the issue keeps occurring. It is often referred to as a 'pyramid approach' to regulation.

These two strategies are not mutually exclusive and in reality, the City's current approach to busking is a combination of both. There may be opportunity to better

clarify the City's regulatory approach to busking in a reviewed busking policy.

While the City invests significant time and resources into compliance monitoring across all of its areas of responsibility it is not able to detect every breach in every area and feedback from the community suggests that it is not clear how regulatory and enforcement decisions about busking are made.

This would suggest that the most practical and achievable approach to monitoring compliance would be for the City to focus on strengthening its relationships and communication with buskers in order to support its culture of self-monitoring and self-regulation, paired with an increased focus on addressing high risk or continuous situations quickly and firmly.

Such a focus could include a number of elements:

Code of conduct – Convert the existing busking guidelines into a 'Busking Code of Conduct'. Such codes are commonplace and could present a negotiated set of expected behaviours for both buskers (how they undertake their craft) and the City of Sydney (how regulatory decisions are made and applied). While performing many of the same functions as the current busking guidelines, compliance with which is a requirement of maintaining a busking permit, developing a Code of Conduct clearly identifies the document as a mutually agreed set of values and behaviours, as opposed to a purely 'top down' regulatory document.

Governance – providing a support framework to stakeholder-led working groups or reference committees focused on particular busking issues or locations.

Resourcing – increasing the City's ability to develop strong and continuing relationships with buskers, businesses and residents.

Is the City's approach to regulating busking (both generally and for specific incidences) clearly communicated in the current policy and guidelines?

What strategy should City of Sydney prioritise when addressing busking compliance issues?

Noise Management

While the management of busking covers a range of regulatory areas, such as the need to maintain paths of travel for people living with disability or controlling commercialisation of the public domain, noise remains the predominant regulatory issue that the City is compelled to address.

Noise is the primary source of complaints about buskers, and previous research identifies noise as the main community concern in relation to busking generally. Concerns regarding noise relate generally to volume, tone or repetition. Preliminary research to inform this paper has identified that noise complaints related to busking have generally been decreasing over recent years, within a context of generally increasing noise complaints over all. In 2015/2016 noise complaints arising from busking represent approximately 12% of noise complaints received, a figure roughly comparable with noise complaints received about barking dogs. This percentage is small in comparison to the primary cause of noise complaints, construction and public works.

Despite being one of the less prevalent noise issues that the City faces, the total number of noise complaints

received about busking each year is significant enough to warrant attention and in the long term will represent a risk to the ongoing sustainability of busking at certain locations. In order to ensure busking's place on the streets of Sydney, efforts to balance the needs of buskers, residents and businesses in respect to noise will be ongoing.

There are a range of options available to the City in managing noise. Examples of strategies employed in other cities include:

- Inclusion of decibel limits or maximum levels of amplification (overall, or for specific locations) within a Code of Conduct or as a condition of permit (Melbourne, Adelaide, Brisbane, London, New Orleans)
- Full or partial limiting of amplification equipment either overall or in certain locations (Brisbane, New York Subway)
- Limiting the use of certain instruments or certain types of instruments (Melbourne, Nashville)
- Providing incentives to buskers that choose to not amplify their performance through lower costs or longer permit periods (New York)

Irrespective of the options employed, the introduction of noise management conditions will all require an increased focus on compliance monitoring by both the City and within the busking community itself.

Do you agree that noise is the primary issue that threatens the ongoing viability of busking?

What is your experience of busking, in relation to noise?

What approach should the City take for managing busking noise?

What strategies have you seen for managing noise in other cities?

High value busking locations

There are a range of locations in the City of Sydney local government area that attract high volumes of people and as such are considered attractive and high value to buskers. These locations, such as Pitt Street Mall and Martin Place, represent significant income and exposure opportunities for buskers.

These sites also bring a number of challenges such as management of foot traffic, sound and acoustic impacts and impacts on local businesses and residents. It is also important that the City identifies systems that fairly manage access to these locations.

Access to high value busking locations

The current system for buskers wanting to use a high value pitch is a queue system - first come, first served. As there is no system beyond this for buskers to determine the order of performances, it generally requires them to stay at the pitch while they wait for their turn. While this seems to be acceptable to buskers using high value locations, it removes their ability to travel to other locations in the city while they await their turn at the

high value location, or requires to them find others to hold their place for them.

In other jurisdictions it is common practice for access to busking pitches to be managed through a busker-managed draw system for high-traffic locations. These systems are developed either organically among the busking community, or negotiated between the local government agency and buskers. Generally these systems involve arriving at the pitch at a certain time each day, putting your name in a hat, then determining the order of performances by draw.

Is a busker-managed draw system for high-traffic sites feasible and fair for all buskers?

What would the downsides be?

What other scheduling systems could the City investigate for managing high-traffic sites?

Audition and curation

Busking is inherently an egalitarian activity, indeed much of the cultural value and appeal of busking rests in its accessibility as a mode of artistic practice.

However, research undertaken in relation to Pitt Street Mall identified that 50% of respondents supported the idea of auditioning buskers for the mall, against 36% who disagreed with the idea. Respondents included visitors, businesses and residents.

There are a range of Australian and international examples of audition systems being introduced for highly contested or valued locations. The City of Melbourne auditions performers wanting to use the popular Bourke Street Mall, and all busking permits issued for locations regulated by the City of Brisbane are subject to audition, as are permits issued for busking in New York City's subway system.

Another popular example of where busking auditions have been used is the London Underground train network. Developed as part of the 'Busk in London' project, a limited number (around 300) of annual busking permits are made available to buskers wanting to perform in the underground. Auditions are judged by a panel of music industry experts and the busking locations themselves are sponsored by commercial corporations, such as Coca-Cola. Generally the program is well supported by the buskers and the broader community.

What is your view of requiring buskers to audition for high value busking locations?

If such a system existed, what should the audition criteria be?

Is an audition process for high value busking locations aligned with the purpose and philosophy of busking?

Pitt Street trial

In response to consistent and substantiated noise complaints about busking in Pitt Street Mall, the City

began work on a trial to improve the way in which the needs of buskers, residents and businesses were balanced in that area.

To provide a baseline of evidence from which to measure the success of the pilot, the City engaged Woolcott Research and Engagement to survey residents, visitors and businesses about busking in Pitt Street Mall. The majority of survey participants (76%) were generally supportive of busking and street performances. They were also in favour of busking and street performances within the Pitt Street Mall area (72%). Of all respondents, visitors and shoppers were the most supportive about busking in Pitt Street Mall. Residents were the least positive regarding all areas of feedback.

The Pitt St Mall survey showed that noise, amplification, repetitive content and crowding are the most significant issues relating to busking in Pitt Street Mall. More than half of the resident respondents (51%) are dissatisfied with current noise conditions, however respondents overall generally reported that they were satisfied with the quality of entertainment and believed busking contributes to a positive environment within Pitt Street Mall (81%).

Busking in Pitt Street Mall: Suggested changes

Q: What, if anything, would you change about busking or street performances held in Pitt St Mall? Source: Woolcott Research & Engagement survey, 2015. n=306

	SUGGESTED CHANGES TO BUSKING IN PITT ST MALL	%
1	Control the noise levels	25
2	More crowd control so that passers by aren't obstructed	18
3	Better quality performers/ maybe audition them	16
4	Rotate the acts	16
5	More diversity / types of performances	14
6	Have more of it	8
7	Have a designated busking area	6
8	Get rid of it	5
9	Get rid of child acts	4
10	Regulate / organise it more	4

The trial includes the introduction of a decibel limit for performers, limits on consecutive day use of individual busking locations along Pitt Street Mall, and a range of other measures.

Preliminary data suggests that the pilot is working, with noise complaints reduced on previous years. The City has also commissioned follow-up research to track changes in community attitudes to busking in Pitt Street Mall. The results of this research, along with the feedback received from the community in response to this discussion paper, will inform how the City proposes to manage busking in Pitt Street into the future.

Given its commitment to supporting opportunities for musicians and performers in Sydney and the community support for busking both generally and in Pitt Street specifically, the City is committed to ensuring that busking and public performance in Pitt Street continues.

To address noise and crowding issues at the site we are seeking feedback on how it should be managed as a busking site. Options could include:

- Making the Pitt Street trial a permanent arrangement, and continue to work one on one with individual performers as issues arise.
- Reducing the level of amplification permitted, or restrict the use of amplification equipment entirely
- Restrict certain instruments or types of instruments
- Introduce an audition process for performers
- Working with local music organisations and businesses to curate the program of public performance that occurs on Pitt Street Mall
- Introduce mandatory performance infrastructure – or location and equipment requirements – such as marked busking locations, stages or sound limited backline

Is the Pitt Street Trial working effectively to balance the needs of buskers, residents and businesses?

If not, why not?

How should busking in Pitt Street Mall be managed?

Busking Development and Promotion

As noted earlier, the City's support for busking generally focuses on the licensing and management of busking. Currently, it does little to actively promote busking, and is seeking feedback from buskers and the broader public about strategies for doing so.

The most typical strategy for government encouragement of cultural activity is funding. The City's grants and sponsorships program has directed financial support to busking related projects previously and organisations are able to apply for funding, however other types of policy support can include non-monetary resourcing, such as working on promotional strategies or reducing 'red-tape' barriers.

What would be the most helpful contribution the City could make to support the development of busking in the City of Sydney?

Developing new busking locations

Background research to inform the development of this paper suggests that there is significant opportunity for new busking locations to be developed not just on City of Sydney managed land, but also across the metropolitan area.

While the development of new busking locations would not necessarily reduce pressure on the highest value locations in the city centre, growing the number and diversity of locations across Sydney would provide more

opportunity for buskers to develop their craft incrementally, similar to the progression that in-venue acts experience in increasing capacity venues as their audience grows.

While the perception of busking is such that it allows anyone to set up anywhere, in reality the creation of new locations for busking is not always straightforward. The process of 'warming up' new busking pitches – especially those to be used by career buskers or circle acts – requires time. It also requires an opportunity to test the logistics of how the location can be used and by what sorts of buskers.

Particular urban design projects currently underway within the City of Sydney geographic area, such as the draft Cultural Ribbon Strategy, present a particular opportunity to develop new pitches in key locations. The Sydney Harbour nature and culture walk project plans the development of a harbour foreshore walk connecting key major cultural institutions, and specifically highlights the need to activate the public spaces along the walk route with live performance.

The City would like to investigate opportunities for new busking locations on land it controls, other land in its own local government area and further afield.

What locations in the City of Sydney could be tested as new busking locations?

What other landowners in the inner city should the City approach to discuss the idea of developing busking locations?

Should the City advocate and work with other local councils to develop new locations?

Cross jurisdictional projects

Separate to the question of developing a cross-jurisdiction permit is the opportunity for different government or regulatory agencies to work together to promote busking across the Sydney metropolitan area.

An international example of this is the 'Busk in London' program launched in 2015 as a more streamlined approach to improving street performances and their reception around the Greater London region. The program is a unification of London's 32 boroughs in an attempt to create a more supportive and efficient approach to busking while simultaneously supporting the needs of each local authority district.

Busk in London created the 'Buskers' Code' in order to simplify public understanding of policy terminology and increase cooperation and compliance. The Buskers' Code is communicated in a simple and straightforward way on the Busk in London website: buskinlondon.com

The Buskers' Code begins by outlining what busking is and then moves toward more specific information relating to busking pitches, conflict resolution and enforcement procedures. The site contains a link to an interactive map of all busking locations. Within the interactive map there are a specific set of guidelines and recommendations for what kind of acts are suitable for each location. For example, there is information regarding the times the pitch is available for performance and the type of queuing process required.

The Buskers' Code also outlines the most common complaints that street performers are likely to receive. Similarly to the City of Sydney, noise complaints and repetitive sounds are a recurring issue for busking within the Greater London region. The Buskers' Code focuses on minimising such complaints and resolving them without council intervention or law enforcement. The information advises that if an issue arises the complainant should refer the busker back to The Buskers' Code itself. Such a process draws attention to the necessity of having a shared 'code' and the way that it can assist both the busker and potential complainants when it comes to resolving issues.

While Busk in London is a simple website to use and outlines the majority of essential information to assist emergent buskers, many busking locations and districts still have individual requirements that are not communicated as clearly on their external websites. The only way to access specific requirements for private and publicly operated busking locations is by clicking on the pitch icon on the interactive map.

Busk in London also demonstrates a strong focus on privately organised events such as busking competitions and a system for booking buskers are artists for specific events.

Should the City investigate opportunities for cross-jurisdictional promotion of busking?

Busking events

Busking festivals are commonplace internationally and many buskers spend a proportion of their year travelling between such festivals. There are a number of busking or street arts festivals in Australian cities such as Cairns,

Coffs Harbour, Cooma, Fremantle, Belgrave and Canberra.

As the largest city in Australia, the development of a flagship Australian busking festival that fits into the international calendar of festivals could help lift the profile of both Sydney's buskers and busking in Sydney generally.

Similarly, there are opportunities to work with existing events to incorporate a formal busking stream into their program. For example, the City has been working with Vivid to help them establish a busking stream into their event plans, and have also trialled a similar approach for its own Sydney New Year's Eve event.

What festival related opportunities exist for busking in Sydney?

Have there been previous attempts to establish busking festivals in Sydney? If so, why were they not successful or continued?

Busking Skills Development

Section four of the City of Sydney live music and performance action plan identifies the City's role in assisting musicians and performers to develop their ability to refine their craft, connect with other practitioners, build audiences or identify more opportunities. While most of the commitments in the action plan focus on venue-based performance, it provides a logical basis for considering what could be done to support the professional development of musicians and performers in relation to busking. Such

work could include working with music industry peak organisations to run workshops and seminars, produce factsheets or other information resources.

While these opportunities exist for buskers and busking broadly, there may also be unique opportunities to support the development of Aboriginal and Torres Strait Islander Performers with targeted programs. As the world's oldest living culture, the land on which the City of Sydney is located has particular significance to Aboriginal and Torres Strait Islander communities. The City's recently released Eora Journey Economic Development Plan particularly identifies the City's interest in supporting career development for Aboriginal and Torres Strait Islander the community. Professional development opportunities for Aboriginal and Torres Strait Islander musicians and performers would be a contribution to this aim.

Should the City consider facilitating, initiating or funding professional development activities for buskers?

What busking focused skills development opportunities would be useful for musicians and performers?

What opportunities would be useful for Aboriginal and Torres Strait Islander musicians and performers specifically?

Innovative Projects

In recent years the City has increased its focus on working as a facilitator and enabler of community or industry developed products that solve cultural challenges. Examples have included seed funding provided to Art Money – an interest loan scheme focused on developing the contemporary music market – and Digital Art Pass – a project to connect students and young people with unsold ticket stock on theatre venues.

The areas of discussion included in this paper represent a preliminary survey of these challenges and opportunities. However there are a range of other challenges to be solved and opportunities capitalised on. The City is open to innovative ideas and projects that will help support buskers and busking in Sydney.

Should the City seek innovative proposals from the community, with the view to supporting their development and expansion?

¹ David Cohen and Ben Greenway (1981) *The Buskers: A history of street entertainment*, cited above.

² Julia Quilter and Luke McNamara (2015) Street Music and the Law in Melbourne and Sydney, *Melbourne University Law Review*, vol. 39, p. 570.

³ Joseph Williams (2016) Busking in musical thought: Value, affect and becoming, *Journal of Musicological Research*, Vol. 35, No. 2, p. 155.

⁴ Warwick Commission (2015) *Enriching Britain: Culture, Creativity and Growth: The 2015 Report by the Warwick Commission on the Future of Cultural Value*, Coventry: University of Warwick.

⁵ Sophie Watson (2006) *City Publics: The (Dis)enchantments of Urban Encounters*, London: Routledge, p. 3.

⁶ City of Sydney (2015) *Creative City: Cultural Policy and Action Plan 2014 – 2024*. Sydney: City of Sydney.

⁷ *Creative City*, cited above, p. 44.