

15 August 2022

At the conclusion of the Corporate, Finance, Properties and
Tenders Committee

Cultural and Creative Committee

Agenda

- 1. Disclosures of Interest**
- 2. Grants and Sponsorship – Accommodation Grants Program - Cultural and Creative Sector - Grant Recommendations and Lease Renewals 2022**
- 3. Public Exhibition - Busking and Aboriginal and Torres Strait Islander Cultural Practice Local Approvals Policy**

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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.

Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting.

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

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

Item 2.

Grants and Sponsorship – Accommodation Grants Program - Cultural and Creative Sector - Grant Recommendations and Lease Renewals 2022

File No: X079173.001

Summary

The Accommodation Grant Program is one of 17 programs adopted as part of the City's current Grants and Sponsorship Policy. The Program supports organisations that benefit our communities and align to the strategic outcomes of Sustainable Sydney 2030-2050 Continuing the Vision. It provides organisations with facilities in City-owned buildings within the community property portfolio at nil or below market rent.

Accommodation grants are available to not-for-profit organisations, and to for-profit organisations that can demonstrate a public benefit. Through this program the City recognises the need to support creative, green, social enterprise and technology business start-ups that provide innovative products, services and processes, or contribute to the cultural, environmental, social and economic development of the city.

Currently, there are 70 leases or licences held by 63 organisations located across 50 City properties managed under the Program. Recipients of Accommodation grants enter into leases or licenses with the City for a five-year lease term and can apply for up to 100 per cent rental subsidy. Recipients are subject to an annual performance review.

An expression of interest process commenced on 28 March 2022, for not-for-profit and for-profit organisations servicing the cultural and creative sectors to tenant two properties located at Level 3, 101-115 William St, Darlinghurst and Suite 2, Ground Floor, Ultimo Community Centre, 40 William Henry Street, Ultimo.

Of the 70 current leases and licences, a lease for Antenna Documentary Institute Limited (formally Screen Culture Association Inc) located at Benledi House, 186-194 Glebe Point Rd, Glebe is due for renewal on 6 August 2022 and a licence for Brand X Productions Incorporated (Brand X), East Sydney Community Arts Centre, 225-245 Palmer Street, Darlinghurst is due for renewal on 26 July 2022. Antenna Documentary Institute and Brand X are recommended for renewal for up to five years in this report. Lease/licence subsidy levels are based on the current market rental value of the property.

This report seeks Council approval to enter into leases with the preferred applicants from the expression of interest process and approval for the lease and licence renewal recommendations.

Recommendation

It is resolved that:

- (A) Council approve the provision of an Accommodation Grant to WE ARE WARRIORS PTY LTD for Suite 2, Ground Floor, Ultimo Community Centre, 40 William Henry Street, Ultimo to lease the property for a five-year period from September 2022 to October 2027, with the option to renew, on the following rental subsidy:

	Market Rental Value	Rental Subsidy	Rental Subsidy Value	Rent Payable
Year 1 2022-23	\$147,000	100%	\$147,000	\$0
Year 2 2023-24	\$151,410	100%	\$151,410	\$0
Year 3 2024-25	\$155,952	100%	\$155,952	\$0
Year 4 2025-26	\$160,630	100%	\$160,630	\$0
Year 5 2026-27	\$165,449	100%	\$165,449	\$0

- (B) Council approve the provision of an Accommodation Grant to Darlinghurst Theatre Limited for Suite 3.02 and Suite 3.03, Level 3, 101 – 115 William Street Darlinghurst to lease the property for a five-year period from September 2022 to October 2027 on the following rental subsidy:

	Market Rental Value	Rental Subsidy	Rental Subsidy Value	Rent payable
Year 1 2022-23	\$108,000	94%	\$101,520	\$6,480
Year 2 2023-24	\$111,240	90%	\$100,116	\$11,124
Year 3 2024-25	\$114,577	85%	\$97,390	\$17,187

Year 4 2025-26	\$118,014	80%	\$94,411	\$23,603
Year 5 2026-27	\$121,554	75%	\$91,166	\$30,389

- (C) Council approve the provision of an Accommodation Grant to Digital Storytellers Limited for Suite 3.01, Level 3, 101 – 115 William Street Darlinghurst to lease the property for a five-year period from September 2022 to October 2027 on the following rental subsidy:

	Market Rental Value	Rental Subsidy	Rental Subsidy Value	Rent payable
Year 1 2022-23	\$95,000	94%	\$89,300	\$5,700
Year 2 2023-24	\$97,850	90%	\$88,065	\$9,785
Year 3 2024-25	\$100,786	85%	\$85,668	\$15,118
Year 4 2025-26	\$103,810	80%	\$83,048	\$20,762
Year 5 2026-27	\$106,193	75%	\$80,193	\$26,731

- (D) Council approve the renewal of the Accommodation Grant lease for tenant Antenna Documentary Institute Limited at Benledi House, 186-194 Glebe Point Road, Glebe who holds a lease expiring on 6 August 2022 and who has met the Key Performance Criteria of their Accommodation Grant, for a period of up to five years, to 6 August 2027 on the following rental subsidy:

	Market Rental Value	Grant Subsidy	Grant Amount	Rent payable
Year 1 2022-23	\$16,000	100%	\$16,000	\$0
Year 2 2023-24	\$16,480	100%	\$16,480	\$0

Year 3 2024-25	\$16,974	90%	\$15,276	\$1,698
Year 4 2025-26	\$17,483	90%	\$15,735	\$1,748
Year 5 2026-27	\$18,008	85%	\$15,307	\$2,701

- (E) Council approve the renewal of the Accommodation Grant licence for tenant Brand X Productions Incorporated at the East Sydney Community Arts Centre, 225-245 Palmer Street, Darlinghurst who is currently on a holdover provision following licence expiration on 26 July 2022, and who has met the Key Performance Criteria of their Accommodation Grant, for a period of five years ending 5 September 2027 on the following rental subsidy:

	Market Rental Value	Grant Subsidy	Grant Amount	Rent payable
Year 1 2022-23	\$87,000	88%	\$76,567	\$10,433
Year 2 2023-24	\$89,610	88%	\$78,864	\$10,746
Year 3 2024-25	\$92,298	84%	\$77,530	\$14,758
Year 4 2025-26	\$95,067	80%	\$76,065	\$19,002
Year 5 2026-27	\$97,919	76%	\$74,433	\$23,486

- (F) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution; and
- (G) authority be delegated to the Chief Executive Officer to negotiate, execute and administer relevant agreements on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

Attachments

- Attachment A.** Recommended Applicant - William Street Creative Hub
- Attachment B.** Applicants Not Recommended - William Street Creative Hub
- Attachment C.** Recommended Applicant - Suite 2, Ultimo Community Centre
- Attachment D.** Applicants Not Recommended - Suite 2, Ultimo Community Centre

Background

1. The City's Accommodation Grant Program supports organisations that benefit our communities and align to the strategic outcomes of Sustainable Sydney 2030-2050 Continuing the Vision. It provides organisations with facilities in City-owned buildings within the community property portfolio at nil or below market rent.
2. The Accommodation Grants Program (the Program) presently makes available 70 spaces for 63 organisations in 50 City properties. As City properties become available the City seeks applications from for profit and not for profit organisations interested in occupying a City-owned property at a reduced rental rate.
3. On 28 March 2022, the City commenced an expression of interest process for two properties. The first property is located at Level 3, 101-115 William Street Darlinghurst (also referred to as William Street Creative Hub) and the second property is located at Suite 2, Ground Floor, Ultimo Community Centre, 40 William Henry Street, Ultimo.
4. Level 3, 101-115 William Street consists of three suites and applicants were asked to indicate their preference for the following:
 - (a) Option 1 - leasing the whole floor - Suites 3.01, 3.02 and 3.03;
 - (b) Option 2 - leasing Suite 3.01 on its own; or
 - (c) Option 3 - leasing Suites 3.02 and 3.03.
5. Information about this grant program was made available on the City's website. The City actively promoted the program through LinkedIn, ArtsHub and Koori Mail. Email campaigns were utilised to target interested parties who have expressed an interest in the City's Grants and Sponsorship and Creative Space programs.
6. Virtual tours were available online for the duration of the Expression of Interest process and received 186 views for William Street Darlinghurst and 118 views for Ultimo Community Centre.
7. Two online information sessions were held on Monday 4 April 2022 and Wednesday 20 April 2022 with 62 attendees in total.
8. Applications closed at 5pm on 2 May 2022, seven eligible applications were received for the Ultimo Community Centre tenancy, and six eligible applications were received for the William Street Creative Hub tenancy.
9. The assessment panel consisted of City staff from City Properties, Strategy and Urban Analytics and Creative City. Specialist assessment was provided by the Indigenous Leadership and Engagement team.
10. Applications were assessed against the following mandatory evaluation criteria:
 - (a) the relevance of the proposal to meet the needs of artists and the cultural and creative sector in Sydney;
 - (b) viability of the proposed model to maximise utilisation of the space;
 - (c) capacity and capability of the organisation to manage the lease;

- (d) whether the proposed use is permissible under the planning controls; and
 - (e) alignment with the Accommodation Grant Program and City of Sydney's strategic priorities, and the City of Sydney's grants policy and ethics framework.
11. All grants are recommended on the condition that any required approvals, permits and development consents are obtained by the applicant.
 12. This report recommends that Council approve the subsidy level and grant value of the tenants listed with annual increases of three percent in grant value and rent to be paid for the financial years 2022/23, 2023/24, 2024/25, 2025/26 and 2026/27 in accordance with the City's minimal fixed increase percentage.
 13. This report also recommends that Council approve a three per cent fixed rent increase in alignment with the three percent market value increase on commencement of any holdover and any anniversary of the commencement of the holdover period.
 14. The City will require entry into an agreement on acceptable terms as part of the grant, which may include payment of a bond as part of the lease or licence agreement.

Level 3, 101 - 115 William Street Darlinghurst

15. Level 3, 101 - 115 William Street Darlinghurst contains two open-plan office suites (Suites 3.01 and 3.02) with polished cement floors and a small office (Suite 3.03). It is located within a block of buildings that includes a mix of spaces for cultural and commercial use known as the William Street Creative Hub.
16. The following organisations are the recommended applicants for this property:

Darlinghurst Theatre Company

17. Darlinghurst Theatre Limited (DTC) applied for a subsidised five-year lease of Suites 3.02, and 3.03 Level 3, 101 - 115 William Street Darlinghurst under the Accommodation Grants Program and are recommended to tenant Suites 3.02 and 3.03.
18. DTC is the resident company of Eternity Playhouse, Burton Street Darlinghurst, with a lease under the Accommodation Grant program. They have a 30-year legacy of producing and presenting theatre in Sydney and supporting the development of professional Australian artists at all levels of their careers.
19. DTC's proposed use of this William Street property is to establish a new administrative and creative headquarters for 13 full-time and part-time staff. In addition, they will offer six workspaces for a cohort of independent creative artists collaborating as lead artists on DTC projects and undertaking their own creative work.
20. The small office (3.03) will operate as a shared meeting room and creative development space, available for DTC, lead artists and other independent theatre companies. DTC will allow other tenants to access this space as a meeting room. As an established organisation they are well positioned to manage this shared facility and establish a cooperative relationship with other tenants on the floor.
21. DTC are experiencing growth and can no longer effectively operate their administrative function from their existing tenancy at Eternity Playhouse. Their previous office space

is now used as a dressing room for performers. Since 2019, DTC has leased a short-term commercial office space in Darlinghurst but are without security of tenure as the property is slated for redevelopment.

22. There was strong support for the vision of this proposal from a number of independent theatre companies, directors and artists. The space, which will be used by lead artists while they are developing independent productions, will help increase local content in both the Eternity Playhouse and other Sydney stages, and bring vitality to the small theatre precinct of East Sydney.

Digital Storytellers Limited

23. Digital Storytellers Limited (Digital Storytellers) applied for a subsidised five-year lease of Suites 3.01, 3.02, and 3.03 Level 3, 101 - 115 William Street Darlinghurst under the Accommodation Grants program and are recommended for Suite 3.01.
24. Digital Storytellers is the current occupant of Suite 3.01, Level 3, 101 - 115 William Street, Darlinghurst under a Short Term Empty Property (STEP) licence that expired 30 September 2021 and is on holdover.
25. Digital Storytellers is a social enterprise that produce digital content to create social impact. They offer graphic design, film production, animation, scribing and strategic consultation to corporate and community clients, and maintain a strong interest in developing the community of storytellers in their networks.
26. The Digital Storytellers proposal for the Accommodation Grants program is a collaboration with two small cultural organisations - Word Travels and Head On Foundation. Further information on these organisations is as follows:
 - (i) Word Travels represents spoken word artists, poets, hip hop artists, storytellers and monologists. They produce the Australian Poetry Slam, Story Week, Australian Poetry Slam Youth, Multilingual Poetry Slam, and School Programs.
 - (ii) Head On Foundation is a not-for-profit organisation dedicated to promoting the work of photographers at all stages of their career. They produce the annual Head On Photo Festival and Head On Photo Awards.
27. This opportunity will provide Digital Storytellers and their collaborators with the security of tenure to meet their goals to establish a strong working community of impact storytellers.

Suite 2, Ground Floor, Ultimo Community Centre, 40 William Henry Street, Ultimo

28. Suite 2, Ultimo Community Centre, 40 William Henry Street, Ultimo is a large, open plan, street level space with a separate entry facing Harris Street.
29. This property was previously leased through the Accommodation Grant Program to Vibewire Youth Services who left the Program on 31 March 2021, when the organisation transitioned to a business model that no longer required this space. Since 1 April 2021, the property has been leased to Good Vibes Co-op through the Short Term Empty Property program. Good Vibes Co-op have submitted notice to vacate in August 2022.

30. The following organisation is the recommended applicant for this property:

WE ARE WARRIORS PTY LTD

31. WE ARE WARRIORS PTY LTD (WAW) applied for a subsidised five-year lease of Suite 2, Ultimo Community Centre, 525 Harris St, Ultimo under the Accommodation Grants program.
32. WAW is an Indigenous owned and operated social enterprise. The company established a 'profit for purpose' platform dedicated to celebrating Blak excellence and empowering Indigenous youth.
33. This property will become the headquarters for WAW operations and they will pilot a new model of creative workspace and collective creative development for Indigenous creatives and organisations. WAW will also provide photography space, studio and a writing room at affordable rates, space for long-term and medium-term creative tenants, and hot desks for short term use.
34. Merchandise will be sold from a shopfront supporting WAW income to sustain the business and provide Indigenous employment and pathways for young people. The street frontage allows ease of access to assist WAW in growing its visibility and community.
35. Offering the maximum support through the rental subsidy allows WAW to establish and test its model with limited risk to this new company which is supporting Indigenous youth.

Lease renewals

Antenna Documentary Institute Limited, Suite 2, Benledi House, 186-194 Glebe Point Rd, Glebe

36. Antenna Documentary Institute Limited (formally Screen Culture Association Inc) is a not-for-profit organisation that produces Australia's International Documentary Film Festival, Antenna. This festival is held annually in Sydney over five days in October.
37. Antenna Documentary Institute (ADI) have occupied Suite 2, Benledi House, 186-194 Glebe Point Road, Glebe since 2015 as an office to run the administration for Antenna Film Festival.
38. ADI at Benledi House is on a current lease due for expiration on 6 August 2022.
39. ADI were rated A - meeting or exceeding performance criteria in the latest annual performance review of Accommodation Grant recipients based on the 2021 calendar year, which was reported to Council on 27 June 2022.
40. ADI have consistently met the agreed performance criteria during their lease, so it is recommended that they be provided with a further five-year lease on the recommended rental subsidy.

Brand X, East Sydney Community Arts Centre, 225-245 Palmer Street, Darlinghurst.

41. Brand X Productions Incorporated (Brand X) is a not-for-profit cultural organisation that makes space available to Sydney's performing, recording and visual arts communities to practice their craft. Operating since 2005, Brand X's primary concern is to activate space and provide resources and programs for the small to medium arts sector which are most at need.
42. Brand X have occupied the East Sydney Community and Arts Centre at 225-245 Palmer Street, Darlinghurst from 2011-2014, prior to the Centre's renovations, and from mid-2017 after successfully reapplying for an Accommodation Grant following the renovations.
43. Brand X's lease at the East Sydney Community and Arts Centre is currently on a holdover provision following licence expiration on 26 July 2022.
44. Brand X were rated A - meeting or exceeding performance criteria in the latest annual performance review of Accommodation Grant recipients based on the 2021 calendar year, which was reported to Council on 27 June 2022.
45. Given Brand X have consistently met the agreed performance criteria during their lease, it is recommended that they be provided with a further five-year lease on the recommended rental subsidy.

Key Implications**Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision**

46. 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 grant is aligned with the following strategic directions and objectives:
 - (a) Direction 6 - An equitable and inclusive city - Everyone feels welcome and can afford to live here if they choose. Everyone can participate, prosper and reach their full potential in a city that is fair and just.
 - (b) Direction 7 - Resilient and diverse communities - Our city and its public places and infrastructure can withstand impacts from a changing climate and emergency situations. We work with communities, businesses and other organisations to strengthen connections and networks, to prepare our city and be able to recover from most situations.
 - (c) Direction 8 - A thriving cultural and creative life - We are proud of our city. We are all able to participate in, contribute to and benefit from its cultural life.
 - (d) Direction 9 - A transformed and innovative economy - Our city maintains its position locally, nationally and globally as a destination for business, investment and talent. Innovation is central to the economy and transformation has occurred across all industries. Wealth and benefits are shared equitably.

Social / Cultural / Community

47. The contribution of the community and cultural organisations that are part of the Program to support the development, coordination, and management of the many services and activities available to our community is invaluable. In this way, the City and the community act collaboratively to bring to life the City of Villages.

Financial Implications

48. There are sufficient funds allocated for this support as part of the Accommodation Grant Program included in the City's operational budget for the 2022/23 financial year. Subsidy rates relating to future financial years will be incorporated in future budgets.

Relevant Legislation

49. This Expression of Interest has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and the City's Procurement and Contract Management Policy and an independent probity advisor has been involved for oversight of the process.
50. Section 356 of the Local Government Act 1993 provides that a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
51. Section 356(3)(a) - (d) is satisfied for the purpose of providing grant funding to for profit organisations because:
- (a) the funding is part of the Accommodation Grant Program;
 - (b) the details of these programs have been included in Council's operational plan for financial year 2022/23;
 - (c) the program's proposed budget does not exceed 5 per cent of Council's proposed income from ordinary rates for financial year 2022/2023; and
 - (d) this program applies to a significant group of persons within the local government area.

Critical Dates / Time Frames

52. Establishing these new leases is required as soon as possible to minimise vacancy and ensure security for these cultural tenants. The Ultimo tenancy will become vacant in August due to the short term tenant vacating the property. The Brand X license and Antenna Documentary Institute lease have been on holdover since late July and early August, respectively.

EMMA RIGNEY

Director City Life

Danielle Tuwai, Cultural Projects Coordinator - Cultural Infrastructure

Marni Jackson, Cultural Projects Manager

Attachment A

**Recommended Applicants –
William Street Creative Hub**

Recommended

Accommodation Grant Program – William Street Creative Hub Level 3,101-115 William St, Darlinghurst					
Organisation Name	Project Name	Project Description	VIK Requested	VIK Recommended	Conditions
Darlinghurst Theatre Limited	Suites 3.02 & 3.03 William Street Creative Hub - Level 3,101-115 William St, Darlinghurst	A new administrative and creative headquarters, as well as a co-working space for a cohort of independent creative artists collaborating as lead artists on projects and undertaking their own work.	Suites 3.02 and 3.03 Year 1 – 100% - \$108,000 Year 2 – 100% - \$111,240 Year 3 – 100% - \$114,577 Year 4 – 100% - \$118,014 Year 5 – 100% - \$121,554	Suites 3.02 and 3.03 Year 1 – 94% - \$101,520 Year 2 – 90% - \$100,116 Year 3 – 85% - \$97,390 Year 4 – 80% - \$94,411 Year 5 – 75% - \$91,166	Nil
Digital Storytellers Limited	Suite 3.01 William Street Creative Hub - Level 3,101-115 William St, Darlinghurst	A shared work space to provide purpose-driven cultural and creative organisations with a home to network and collaborate by sharing knowledge, skills and resources.	The whole floor - Suites 3.01, 3.02 and 3.03 Year 1 - 100% - \$203,000 Year 2 - 100% - \$209,090 Year 3 - 94% - \$203,000 Year 4 - 92% - \$203,000 Year 5 - 89% - \$203,000	Suite 3.01 Year 1 - 94% - \$89,300 Year 2 - 90% - \$88,065 Year 3 - 85% - \$85,668 Year 4 - 80% - \$83,048 Year 5 - 75% - \$80,193	Nil

Attachment B

**Applicants Not Recommended –
William Street Creative Hub**

Not Recommended

Organisation Name	Project Description	VIK Requested
Bobbispolestudio Pty Ltd	A co-working craft and community space providing professional and affordable sustainably made work spaces for local artists, craftspeople and creatives.	The whole floor - Suites 3.01, 3.02 and 3.03 Year 1 - 100% - \$203,000 Year 2 - 100% - \$209,090 Year 3 - 100% - \$215,363 Year 4 - 100% - \$221,824 Year 5 - 100% - \$228,479
S Pittams & A.J Strutt	An inclusive, non-discriminatory workshop/studio and creative space to learn how to weave unwanted textiles into new products and divert waste through weaving.	Suites 3.02 and 3.03 Year 1 – 84% - \$90,382 Year 2 – 77% - \$85,157 Year 3 – 77% - \$87,711 Year 4 – 77% - \$90,342 Year 5 – 77% - \$93,052
Suite7a Pty Ltd	An office, showroom and studio space supporting through mentorship and professional development a broad range of emerging contemporary Australian artists working across a range of mediums to promote, exhibit and sell their work.	Suites 3.02 and 3.03 Year 1 – 95% - \$103,000 Year 2 – 95% - \$106,090 Year 3 – 95% - \$109,272 Year 4 – 95% - \$112,550 Year 5 – 95% - \$115,926
Winya Indigenous Office Furniture Pty Ltd	A showroom and studio run by a majority Aboriginal owned business working closely with Indigenous artists and designers to highlight our furniture and designer products and also provide spaces to indigenous artists either resident in Sydney or visiting Sydney.	Suites 3.02 and 3.03 Year 1 – 49% - \$53,000 Year 2 – 42% - \$46,240 Year 3 – 39% - \$44,577 Year 4 – 36% - \$43,014 Year 5 – 34% - \$41,554

Attachment C

**Recommended Applicant –
Suite 2, Ultimo Community Centre**

Recommended

Organisation Name	Project Description	VIK Requested	VIK Recommended	Conditions
WE ARE WARRIORS Pty Ltd	An Indigenous owned and operated organisation dedicated to celebrating Blak excellence and empowering Indigenous youth with the provision of creative mentoring programs and workshops, with the space to be shared with selected Indigenous creative individuals and organisations to create, inspire and empower.	Year 1 – 100% - \$147,000 Year 2 – 100% - \$151,410 Year 3 – 100% - \$155,952 Year 4 – 100% - \$160,630 Year 5 – 100% - \$165,449	Year 1 – 100% - \$147,000 Year 2 – 100% - \$151,410 Year 3 – 100% - \$155,952 Year 4 – 100% - \$160,630 Year 5 – 100% - \$165,449	Nil

Attachment D

**Applicants Not Recommended –
Suite 2, Ultimo Community Centre**

Not Recommended

Organisation Name	Project Description	VIK Requested
A.L Wright & J.R Wright	The space will provide a secure space for young artists to work and be mentored, art and design classes, as well as providing below market price design and printing services for community groups in close proximity to Ultimo Community Centre.	Year 1 - 100% - \$147,000 Year 2 - 100% - \$151,410 Year 3 - 100% - \$155,952 Year 4 - 100% - \$160,630 Year 5 - 100% - \$165,449
BlaQ Aboriginal Corporation	A pride and culture Hub, a place of belonging for community, a safe space for LGBTIQ+ mob and provide an environment for the care of community with health and wellbeing programs, art and healing workshops, education and training and connection to culture.	Year 1 - 100% - \$147,000 Year 2 - 100% - \$151,410 Year 3 - 87% - \$135,952 Year 4 - 88% - \$140,630 Year 5 - 70% - \$115,449
Bobbispolestudio Pty Ltd	The Australian Sex Museum and Gallery will be a contemporary establishment presenting educational and culturally diverse history and showcasing the work of locally made, modern, and culturally diverse art and culture.	Year 1 - 100% - \$147,000 Year 2 - 100% - \$151,410 Year 3 - 100% - \$155,952 Year 4 - 100% - \$160,630 Year 5 - 100% - \$165,449
Heartdancers	A collective impact partnership designing and delivering innovative human centred design arts education and cultural programs to address some of Sydney's most pressing societal problems – unemployment, discrimination, social and cultural isolation, inequality and disconnection from nature and the environment.	Year 1 – 100% - \$147,000 Year 2 – 100% - \$151,410 Year 3 – 100% - \$155,952 Year 4 – 100% - \$160,630 Year 5 – 100% - \$165,449
Sydney Community Forum Limited	A Hub for international and Aboriginal student projects, and the various initiatives and programs we deliver.	Year 1 - 100% - \$147,000 Year 2 - 100% - \$151,410 Year 3 - 100% - \$155,952 Year 4 - 100% - \$160,630 Year 5 - 100% - \$165,449
The Trustee for Moving Trains Trust	A working space for creative women that is collaborative, innovative, multi-cultural and multi-disciplinary, providing a supportive community, a sense of belonging, and based on a shared economy and shared responsibility.	Year 1 - 100% - \$147,000 Year 2 - 100% - \$151,410 Year 3 - 100% - \$155,952 Year 4 - 100% - \$160,630 Year 5 - 100% - \$165,449

Item 3.

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

File No: X085068.004

Summary

The Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy (the Policy) has two 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 is relatively new and 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, noting that for much of the Covid-19 pandemic, busking activity has been limited so there has not been opportunity to thoroughly evaluate the Policy under ordinary busking circumstances.

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.

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. Community feedback to the Policy may inform further amendments, which can be reported with a post-exhibition draft 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 Sydney Busking Code, as shown at Attachment B to the subject report, to be published as a guidance document to accompany the Policy;
- (C) 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 Policy (additions in ***bold italics***, deletions in ~~strikethrough~~)

Attachment B. The 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, 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 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 Policy developed in 2018 also introduced three categories of Busking Permit. Acts are grouped into three categories with clear criteria and definitions - Low Impact, High Impact, and Extended Duration - with a different permit and conditions assigned to each category.
 10. The new Permit system and the Busking Code were well received by the busking community and have effectively managed busking in implementation. However, busking activity has been strongly impacted by the Covid-19 pandemic and for much of the Policy's life, it has not been possible to evaluate its effectiveness under usual busking conditions. For these reasons, it is recommended the Policy continue without substantial amendment at this time.
 11. City staff have reviewed operational considerations relating to busking and recommend the following minor amendments to the current policy, which are included in the draft at Attachment A:
 - (a) The use of live flames be restricted, in general, unless specifically allowed in certain locations (Special Busking Sites). The 2018 review of the busking policy recommended an unrestricted approach to the use of fire in busking acts. Following trials with buskers it is recommended fire only be permitted in pre-determined suitable locations. The definition of a High Impact Act has been amended accordingly.
 - (b) Providing the City with a valid, current phone or email contact be incorporated as a condition of obtaining and keeping a busking permit. This is to ensure that buskers can receive important relevant information regarding changes to busking conditions across the city, and to ensure enforcement action can be taken against buskers who breach the conditions of their permit.
 - (c) The required act Assessment for obtaining a High Impact Busking Permit may be conducted via video call or the submission of a suitable video recording. This will allow for remote assessments if required, efficiency and the flexibility to implement online applications and approvals in the future.
 12. For clarity, edits have been recommended in the draft at Attachment A:
 - (a) to describe more succinctly the requirements and processes for assessing High Impact Acts;

- (b) to better define outdoor events that may affect the availability of busking locations;
 - (c) to identify temporary Special Busking Sites that may be established in association with outdoor events and festivals, such as Vivid Sydney; and
 - (d) to more clearly demonstrate the procedures involved in revoking a busking permit.
13. If approved, the amended draft Policy 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

14. 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 report 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, in particular retail areas such as Pitt Street Mall. In a city seeking to recover from the impacts of the Covid-19 pandemic, busking helps contribute to the human experience of visiting the city centre to shop, socialise and be entertained. We seek to have connections to Aboriginal and Torres Strait Islander peoples evident in our public places. This Policy enables Cultural Practice in our public places.
 - (b) Direction 8 – A thriving cultural and creative 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.

Support for the authentic, un-regulated practice of Aboriginal and Torres Strait Islander Culture in public places across the city 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

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

Risks

16. 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.

Social / Cultural / Community

17. 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.
18. Busking is noted as making a positive contribution to the cultural life of the City and creativity in the public domain in the Creative City Cultural Policy 2014-2024.

Environmental

19. The Policy review recommends restrictions on acts involving live flames which will reduce the impact of spilled fuels and flammable chemicals on pavements and pathways and potential run-off into waterways.

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 December 2022.

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

Director Strategic Development and Engagement

Lex Davidson, Strategy Advisor - Culture

Attachment A

**Draft Aboriginal and Torres Strait Islander
Cultural Practice Policy (Additions in bold
italics, deletions in strikethrough)**

Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy

Acknowledgement

All buskers and cultural practitioners in 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*. 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, **presently 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.

~~• Areas regulate by the Barangaroo Delivery Authority~~

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 he or she lives 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 <i>performance</i> .
Animal	Any bird, fish, insect, reptile or animal other than a human.
Authorised Person	An appropriately delegated employee of the City of Sydney, an officer of NSW Police or NSW Environmental Protection Agency (EPA) .
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 Pitch	A site or location where buskers and cultural practitioners perform. Also referred to as a <i>pitch</i> .
The Sydney Busking Code (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.
City of Sydney	Refers to both the Council of the City of Sydney and the Local Government Area of Sydney. Also referred to as <i>The City</i> . The lower case ‘city’ refers to the place known as Sydney.
Higher Risk Materials	Flammable liquids or gases, toxins or extremely hot or cold substances.
Higher Risk Equipment	An object that may pose a risk or hazard to the safety or welfare of a member of the public or the person handling the object. This includes items such as knives, swords, chainsaws and other sharp objects, mallets, chains or other items swung or thrown into the air.
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. Activities that can be reasonably considered to pose a risk to the public associated with a busking performance.

Term	Meaning
Outdoor Event Approval	<i>A permit issued by the City to use public land for the purpose of an event, promotion or public gathering.</i>

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 recognises 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.

~~Whilst~~ 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 the City's 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 perimeter for pedestrian flow must be maintained around any site for practicing culture. Any fire or other higher risk materials or higher risk equipment 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 Section 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 Section 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 ~~are required to~~ **must** obtain an approval to busk in accordance with s68 of the Local Government Act 1993. 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 use ~~higher risk equipment or materials such as fire or sharp objects,~~ and **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 ~~materials~~ **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. ~~uses~~ **involves** Higher Risk Activities ~~equipment or higher risk materials such as fire or sharp objects~~
- d. uses instruments that are naturally loud even without amplification including drums of any kind, bagpipes and brass instruments, 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** ~~are~~ required to satisfactorily complete an assessment of their act before a Permit can be issued. ~~If required, to determine the appropriate permit category for an act, any~~ **An** applicant may be requested to attend an **onsite** assessment, **or**, at the discretion of the issuing officer, ~~Evidence of the proposed performance to be assessed may also be provided to the City by video for remote assessment at the discretion of the City.~~ **an assessment may be undertaken remotely via video call or by submitting a recent video.**

10.5. ~~Performers with a PASS (Peer Assessment for Safety Safety) accreditation, issued by SPA (Street Performers Australia) are eligible to apply for a High Impact Permit without attending an Assessment.~~

10.6. 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.

10.7. All members of a group act are required to obtain a permit.

10.8. Proof of identity is required with an application for a Busking Permit.

10.9. ***Valid and current telephone or email contact details are required with an application for a Busking Permit.***

10.10. Proof of parental consent is required for applicants under the age of ~~16~~ **18**.

10.11. 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.

10.12. 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 ~~might~~ meets the ***High Impact Act criteria*** as a High Impact Act ***(as outlined in section 9.1. of this policy)*** will be required to ~~attend~~ ***undertake*** an assessment of their act prior to a Busking Permit being approved ***(unless the exceptions outlined in section 10.6 apply)***.

11.2. Assessments are conducted by a City ***Staff officer*** and an experienced Busker engaged by the City as a peer assessor ***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.*** ~~For prior assessment by City Staff~~

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 busking act does not generate a sound that could be potentially be intrusive or disruptive to nearby businesses or residents, and~~
- iii. the sound generated by the performance is being monitored and controlled by the performer(s) as best as it can be.

11.4. ~~At an~~ ***The outcome of an assessment will confirm whether*** the busking act ***is approved for*** will either be approved for a High Impact Busking Permit or a Low Impact Busking Permit, or will not be approved for a Permit. ***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 a capacity to minimise the ~~potentially intrusive elements of their act.~~ ***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** they will **provide the applicant** ~~be told~~ **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.** ~~to make them compliant and safe for a permit to be approved.~~
- 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

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

These guidelines for busking are complemented by a 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 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. 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. Buskers under the age of 15 must be supervised by an adult guardian whenever busking.

14. Busking Pitches

- 14.1. Buskers with a ~~current~~ **valid City of Sydney** Busking Permit may busk in any public place or footpath **under City ownership or management** with ~~ample~~ **enough** open space for their performance **to be conducted**, and a further 2 metres on at least two sides of their performance area for **safe** pedestrian flow.
- 14.2. High Impact buskers ~~using Higher Risk Materials or equipment~~ **conducting Higher Risk Activities** must visually demarcate their performance area with a rope or similar boundary placed on the ground.

- 14.3. Busking is restricted to one performance per site at any one time.
- 14.4. 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).
- 14.5. A busking site must not be established where the act or their audience is likely to block ~~or unduly~~ **hinder** access to any entry or exit of ~~an~~ **any** building (including any fire exit), street, laneway, ~~or~~ carpark **or pedestrian thoroughfare**.
- 14.6. Authorised persons 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 busking community in consultation with 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.
- 15.3. ***Temporary Special Busking Sites are occasionally established in association with festivals and events. These sites are in public areas subject to an outdoor event approval. The conditions for performing in these locations will be provided by email to buskers who hold a current busking permit and have provided the City with their email address.***

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 ownership or 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 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*** shall 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).

19. Suspensions, Modifications, Cancellations and Penalties

- 19.1. In accordance with section 108 of the Local Government Act 1993, busking permits may be revoked or modified where a busker has breached any laws, this Policy, ***the Busking Code***, or any of the conditions of their Busking Permit.
- 19.2. 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.
- 19.3. ***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.***
- 19.4. 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.
- 19.5. ***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; and**
- ii. **give the permit holder the opportunity to meet with Council officers to show cause why the approval should not be revoked.**

~~In accordance with Section 110 of the Local Government Act 1993, the City will give notice to a busker by way of written warning before modifying or revoking a permit and the busker will have the opportunity to meet with Council officers to show cause why the permit should not be revoked or modified.~~

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 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 ensure buskers are compliant with the conditions of their permit.

Consultation

This policy was placed on public exhibition from [insert date] to [insert date].

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
• Live Music and Performance Action Plan 2014
• Eora Journey Economic Development Plan 2016
• City of Sydney Event Guidelines 2015

Policies and Procedures

- Sydney Busking Code

Review period

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

Approval Status

Council approved this policy on [DD MONTH YYYY].

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	13 May 2019	Approved by Council	2019/428176
Consent	4 June 2019	Office of Local Government Consent to Adopt	2019/297291-01
Reviewed	[] 2022	Approved by Council	[Governance to populate]
Consent	[]	Office of Local Government Consent to Adopt	
Commence Review Date	[] December 2024		
Approval Due Date	[] September 2025		

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)

The Sydney Busking Code

Your guide to
street performance
in the City of Sydney

CITY OF SYDNEY 

We the buskers of Sydney,

recognise and respect that we perform on Gadigal Land. We share our busking spaces with practitioners of Aboriginal and Torres Strait Islander culture who experience and share their cultural heritage through dance, song and storytelling.

The Busking Code is our guide to busker etiquette and pitch sharing arrangements in the City of Sydney area.

Sydney has a thriving busking culture and is home to some of the most lucrative busking pitches in the country. We welcome street performers from across Australia and the world to share their performances on Sydney's streets alongside our local talent.

All buskers in Sydney are to follow this code.

The basics

In Sydney, busking acts are grouped in three categories. Each category has its own set of performance conditions.

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
- 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;
- 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 neighbours.

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.



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 two 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;
- Your pitch and your audience does not block access 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 12).

We have a right and an opportunity to actively engage in monitoring and improving busking regulations and busking culture in Sydney.



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.

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

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.

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 the 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 to by the police or the City.

We are ambassadors
for the cultural life of
Sydney and its diverse,
harmonious communities.



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 a varied repertoire and never repeat the same material during a set. If you don't 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.

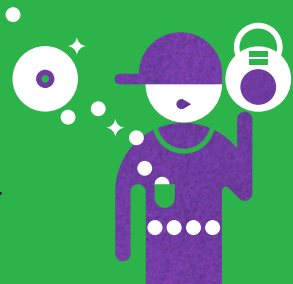
We perform in public places to contribute something positive to those spaces. If our performance is having a negative effect on anybody, we do our best to remedy it.





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 merch, it's a bonus.



Special Busking Sites

Special Busking Sites have additional conditions or operating systems.

H High

L Low impact

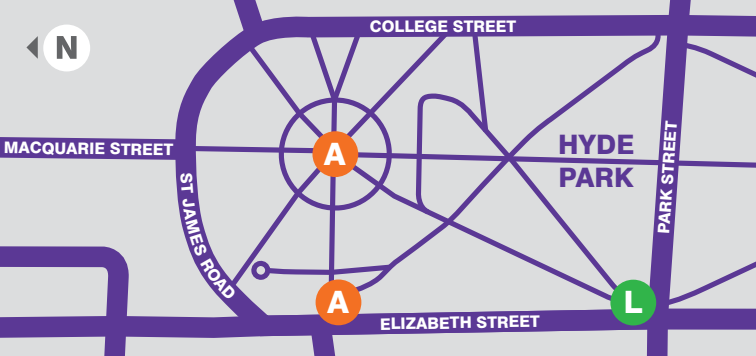
E Extended duration

A Any act



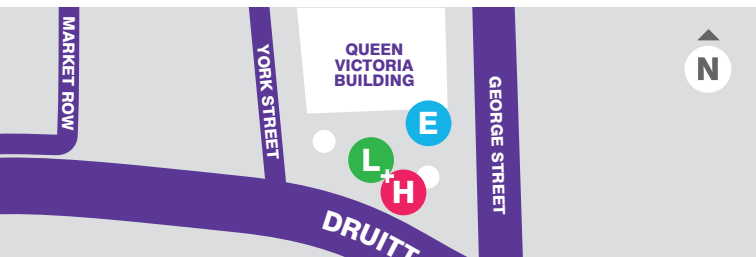
Martin Place

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. On the paved area facing Market Street, adjacent the St James Station entrance. On the paved area surrounding Archibald Fountain. And 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.



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