

**ENCL:
YES**

CITY LIFE COMMITTEE/OPEN

AGENDA ITEM:

**MINUTES ARTS AND CULTURAL DEVELOPMENT ADVISORY COMMITTEE
MEETING 3 JULY 2018**

REPORT No.: 18CL0070 RH:es COMMON No.: 3831526

DATE: 23/07/2018

Presenter: Arts and Cultural Development Coordinator, Robyn Higgins

Approved: General Manager City Life, Matt Grassmayr

PURPOSE

The purpose of this report is to present the 3 July 2018 minutes of the Arts and Cultural Advisory Committee for information, and seek Council's endorsement of recommended Chairperson Appointment to the Arts and Cultural Advisory Committee. It is also to seek Council's endorsement for a 12 month pilot of changes to Council Guidelines for Busking and Street Entertainment across the City of Darwin.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

4 Historic and Culturally Rich City

Outcome

4.2 Community life rich in creativity

Key Strategies

4.2.1 Encourage the growth and development of the arts

KEY ISSUES

- The ACDAC Committee has made a recommendation to Council for a Chairperson for its current term and has directly appointed a Deputy Chair in accordance with the Terms of Reference.
- An ACDAC working group (including Committee members and other arts and cultural sector representatives) investigated updating current City of Darwin guidelines on Busking/Street Performing in keeping with national and international best practice. The ACDAC committee reviewed the Busking Interest Group Report at the 3 July ACDAC Meeting 2018 and are endorsing the information in the document as recommendations to Council.

- The ACDAC has subsequently consulted City of Darwin staff and has created draft guidelines incorporating ACDAC recommendations and additional concerns and input from relevant City of Darwin staff.

RECOMMENDATIONS

THAT it be a recommendation to Council:-

- A. THAT Report Number 18CL0070 RH:es entitled Minutes Arts And Cultural Development Advisory Committee 3 July 2018, be received and noted.
- B. THAT Council appoint Jane Tonkin as Chairperson of the Arts and Cultural Development Advisory Committee for the current term to 14 March 2020 in accordance with the Local Government Act.
- C. THAT Council approve the updated busking application form and conditions developed with reference to the Arts and Cultural Development Committee's endorsement of the Busking Interest Group Report with adjustments made in accordance with additional recommendations by the Arts and Cultural Development Coordinator and other City of Darwin Staff included in this report.

BACKGROUND

PREVIOUS DECISION

DECISION NO.17\1228 (25/02/97)

The ACDAC met on 3 July 2018 and made a number of recommendations to Council. These recommendations have been noted and the Arts and Cultural Development Coordinator has drafted new Busking and Street Entertainment Guidelines and new internal operational processes for the City of Darwin.

DISCUSSION

Nominations for the chairperson and deputy chairperson of the current Arts and Cultural Development Advisory Committee term till 14 March 2020 were taken by the Arts and Cultural Development Coordinator. The Coordinator received two nominations for chairperson and one for deputy chairperson. At the 3 July ACDAC meeting the committee came to consensus and recommended one of their number for appointment by Council as Chairperson and elected a Deputy chairperson for a one year term in accordance with the Arts and Cultural Development Advisory Committee Terms of Reference.

Busking in the City of Darwin is currently only permitted in the mall, in designated zones (as detailed on a map provided to the buskers) and there are 4 permits available per day. Applicants must come in person to council on the day to receive their permit. Previously, permits to busk (provide street entertainment by donation)

were distributed by Tourism Top End on behalf of Council, however this was taken back by Council to enable City of Darwin to improve this opportunity. To date however, there has been no expansion to the opportunity and permits have only been issued for The Mall and in these designated zones. This allows for only 4 buskers/street entertainers to operate daily across the whole of Darwin City Municipality. Busking is highly restricted in the City of Darwin and consequently prohibitive compared to other capital cities in Australia and Internationally.

At the 8 November 2017 ACDAC Meeting, busking was raised as an agenda item. It was discussed in relation to attempts to revitalise The Mall and more broadly as a development and income opportunity for performers. A Busking Working Group (comprised of ACDAC members and relevant sector advisors) was subsequently formed and met twice, on 20 March and 9 April 2018, to develop draft recommendations for endorsement by ADCAC to Council. These draft recommendations were circulated to ACDAC prior to the 3 July 2018 ACDAC meeting and were endorsed at the 3 July 2018 by ACDAC for recommendation to Council.

The Arts and Cultural Development Coordinator consulted within the City of Darwin about the proposed recommendations asking for feedback, additional considerations and operational recommendations. These suggestions have been incorporated into new draft *Busking and Street Entertainment Permit Application Form and Conditions (Attachment C)* and *Busking and Street Entertainment Permit (Attachment D)*.

The Arts and Cultural Development Coordinator has reviewed both sector and City of Darwin feedback and developed an approach to Busking/Street Performances cognisant of both the benefits and challenges arising. The ACDC advises Council to accept the drafts as attached with the understanding that the proposed changes to busking are piloted for 12 months and an operational review is undertaken to make any required changes at this time.

The current proposed changes reflect the City of Darwin's commitment to realising its vision of Darwin as 'a tropical, liveable city that creates opportunity and choice for our community'. Through expanding opportunities to busk in the City of Darwin it will contribute to revitalising the CBD and enable diverse creativity to thrive in the public realm. Through these changes the City of Darwin will demonstrate the value it holds for all buskers and street performers from all backgrounds, abilities and mediums to showcase their creativity throughout the city. Equally the changes support the City of Darwin's commitment to development of the arts through a structured framework to ensure that busking/street performance is positively experienced by performers, audiences and workers through a collective commitment to a safe, accessible and culturally sensitive environment for all. Through providing conditions of approval for busking the City of Darwin will provide a transparent framework to assist performers, rangers, police, audiences, businesses, residents and other stakeholders with a clear understanding of the rules for busking.

The proposed changes are also congruent with the 2015-2020 Arts Plan:

- Theme 2, Creative Spaces: Artists and creative enterprises are able to access affordable and appropriate spaces for the development, production and presentation of work.

There are several recommendations from the Arts and Cultural Development Committee's recommendations to Council that the Arts and Cultural Development Officer, after consultation with relevant City of Darwin Staff, advises Council against adopting at present due to operational issues. The current City of Darwin systems and processes have the following challenges:

- **Online Application:** There are access and equity issues with moving to online forms. Retaining paper forms and enabling online forms would be ideal however currently webform and payment processes do not easily link throughout the organisation. Online payments cannot be accepted unless a member of the public is recorded with a NAR (name and address register) and they are subsequently issued with a reference number and invoice in order for them can make payment. This system currently disadvantages tourists, short-term residents and those with no fixed address significantly but is also a slow and inefficient process for all applicants. Permits would take up to 5 days to process. As such, whilst there is ease of registration through applying online this process is not currently recommended. Additionally, the system for processing permits is currently functional and will be sufficient for the 12 month trial. Longer term Permits may alleviate the other problems associated with in-person registrations for buskers/street performers until this issue is resolved internally. This can be reviewed in 12 months.
- **Identification of Circle Work and Pavement Art sites:**
Circle work is a type of street performance that has some structure performance or routine that requires the audience to stop, watch and/or participate and usually requires a larger allocated stage-type area. Identifying these spaces is an operational arrangement and can be developed over the 12 months. It will take some time to test and approve sites. The Arts and Cultural Development Coordinator will work with the sector to identify these spaces.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Gemma Perkins, Team Leader Customer Services
- Conneil Brown, Regulatory Operations Supervisor
- Rachel Macrae, Regulatory Services - By-Law Enforcement
- Elly Bugg, Darwin Safer City Program Coordinator

- Selcuk Savas, Digital Marketing and Communications Officer
- Karlheins Sohl, Manager Records
- Lisa Burnett, Youth Events and Training Officer
- Angie Heriot, Acting Family and Childrens Services Coordinator
- Tristan Cook, Climate Change and Environment Trainee.

In preparing this report, the following External Parties were consulted:

- Arts and Cultural Development Advisory Committee.
- Hemlock Mejarne, President, Street Performance Australia.

POLICY IMPLICATIONS

There is no City of Darwin Busking or Street Performance Policy, however these activities fall under the Arts and Cultural Development Policy 007 and the policies' objectives.

BUDGET AND RESOURCE IMPLICATIONS

These changes may increase Busking/Street Performer activity and subsequently have an impact on staff-time in the City of Darwin Customer Experience Team processing applications; however, this is likely to be offset by the extended periods that the permit is valid and the current proposed cap on available permits at any one time. Equally, there may be an increase in ranger activity in relation to buskers/street performers however the proposed cap and the guidelines/conditions are designed to ensure that buskers/street performers self-regulate and create little additional workload for City of Darwin rangers. Additionally, with the current proposed fee structure a slight increase in revenue from busking/street performing permits is expected.

This review of the City of Darwin's management of Busking/Street Performances aims to be comprehensive and informative. Such that, beyond the proposed decision to amend the current approach, a 12 month review of this pilot may be considered operational and not require further Elected Member time. Finally, at present, auditions for buskers are not recommended as this would substantially increase Council Officer time to administer this process. This may also be reviewed in 12 months.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

These guidelines fall within Territory Summary Offences Act and Darwin City Council By-Laws.

ENVIRONMENTAL IMPLICATIONS

The conditions of approval for a Busking Permit require that buskers agree that they will pick up and lawfully dispose of rubbish or other litter associated with the activity. This is captured on the Application Form.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

ROBYN HIGGINS
ARTS AND CULTURAL
DEVELOPMENT COORDINATOR

MATT GRASSMAYR
ACTING GENERAL MANAGER
CITY LIFE

For enquiries, please contact Matt Grassmayr on 89300633 or email:
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Attachments:

- Attachment A:** Draft Minutes 3 July 2018 ACDAC Meeting
- Attachment B:** Busking Interest Group Report to ACDAC including Recommendations to Council
- Attachment C:** Draft Busking Street Performer Application Form and Conditions 2018
- Attachment D:** Draft 2018 Busking Permit
- Attachment E:** The Mall Busking Map