

SECTION 1 - INTRODUCTION

BACKGROUND

This policy has been implemented by Fairfield City Council to promote the local community's cultural and artistic expression through the performing arts and encourage the use of spaces within the public domain of the Fairfield Local Government Area.

PURPOSE

This policy seeks to:

- a) Encourage live performances that enhance the vitality, ambience and cosmopolitan character of Fairfield City's public domain.
- b) Support the economic development of Fairfield City's business centres and industrial areas.
- c) Support and encourage local cultural performances.
- d) Establish a fair and transparent framework for the management of public busking performances.
- e) Promote public safety, amenity and the protection of public property.

SCOPE

This Busking Policy identifies the conditions that apply to all buskers performing within Fairfield City Council on public land.

DEFINITIONS

Word/Term	Definition
Authorised Person	An appropriately delegated employee of Fairfield City Council or a police officer.
Busker	A person who actively provides a performing arts act in the public domain with the intention of receiving a donation from members of the public.
Public Performance	A public performance is an entertaining performing arts event that substantially involves the demonstration of an artistic skill which may include: <ul style="list-style-type: none"> • Performing with a musical instrument or multiple instruments, conventionally or unconstructed; • Or a performance in a form of a song or dance routine.

	<ul style="list-style-type: none"> Actively working in an artistic medium (excluding pre-built static displays and artworks or advertising or promoting a company event or charity).
Activation Site Map	Maps that identify specific busking sites within the designated Business Centres and Industrial Areas within Fairfield City.

LEGISLATIVE CONTEXT

Preparation of this Policy has regard to relevant provisions of the following NSW Government Legislation:

Anti-Discrimination Act 1977
Companion Animals Act 1998
Local Government Act 1993
Roads Act 1993
Work Health and Safety Act 2011

SECTION 2 - POLICY

1. KEY PRINCIPLES

1.1 Appropriate Location

- a) Busking in the public domain is supported where it will make a positive contribution to the vitality, ambience and general amenity of a place, while still appreciating the needs of local businesses and other users of the public domain.
- b) Within Fairfield City, busking is restricted to suitable site specific locations shown in Appendix A that applies to the following business centres: Bonnyrigg Town Centre, Cabramatta, Canley Heights, Fairfield, Fairfield Heights, Horsley Park and Villawood. Request for busking in other locations will be assessed on a merit basis by applying the same criteria of this policy.

1.2 Accessibility, amenity and safety

- a) Busking performances should be delivered in a way that does not compromise existing uses, street furniture, buildings, entrances, exits or disabled access.
- b) Busking should not unduly disturb public amenity, interfere with the conduct of business, and interfere with pedestrian flow or other approved activities.
- c) Buskers should ensure that they are responsible for both their own, and the general public's safety and that appropriate measures are in place to minimise any risk and or danger during the busking activity.

1.3 Engaging and quality performance

- a) Busking performances which are unique, entertaining and promote a sense of interest and curiosity are supported.
- b) Busking performances should aim to positively engage passers-by and static pedestrians and seated participants within the localised public domain, and celebrate Fairfield City's rich cultural environment.

2. BUSKING APPROVAL

2.1 Anyone wishing to busk within Fairfield City must obtain a valid Busking Approval under Section 68 of the Local Government Act 1993. All applicants must apply for a Busking Approval to Fairfield City Council and agree to comply with the terms and conditions of this Policy.

2.2 An approval will be valid for the period specified in the conditions of approval.

2.3 Busking approvals will only be issued for performances by people who are considered to be buskers, as defined within this policy. Busking approvals will NOT be issued for any of the following activities as they are not considered to be busking:

- a) Vendors of any kind including glow sticks, flowers, jewellery and other merchandise;
- b) Fundraising, events or promotions even if they involve any element of performance;
- c) Touting, spruiking, religious or political activities;
- d) Tarot card reading, palmistry and fortune telling;
- e) Massage, chiropractic treatment or any other form of physical manipulation;
- f) Face or body painting or temporary tattoo applications;
- g) Artists selling pre-fabricated work;
- h) Performances which involve the use of an animal;
- i) Acts that do not involve musical entertainment i.e. comedy, juggling, or mime/statue;
- j) Acts that involve dangerous materials or implements in their act;
- k) Any activity defined as street trading pursuant to Section 68 of the Local Government Act 1993.

- 2.4 All applicants must provide personal details to Council when applying for an approval as required by the relevant 'Busking Approval Application Form' in Appendix B of the Policy. Under Section 113(2) of the Local Government Act 1993 the information recorded will include the name and address of the person or persons to whom the approval is granted. Upon request the register will be made available to the public in accordance with Section 113(5) of the Local Government Act 1993.

3. APPROVAL TYPES

Fairfield City Council has 2 types of Busking Approval:

- 3.1 Student Busking Approval – Students under the age of 18 years are able to apply for Student Busking Approval provided that they have permission from a parent or guardian. The Student Busking Approval is valid for designated locations and times as indicated on the Busking Site Map.
- 3.2 Standard Busking Approval – All busking acts for performers aged 18 years and older.

Standard busking approval holders must display their approval when busking at all times. Student busker approval holders must produce their approval when required by an authorised officer.

4. BUSKING APPROVAL HOLDER CONDITIONS

- 4.1 Busking approval holders can only perform in the locations and times outlined in Section 6 and 7 of this policy.
- 4.2 Buskers can only perform for a maximum of two hours in the one designated location, after which the busker must move to another busking location at least more than 50 metres away from other performers.
- 4.3 Buskers are to perform within specific areas identified within the 'busking activation site' as per Appendix A – Busking Activation and Location Maps of this policy.
- 4.4 Buskers must limit their sound so that they can only be heard within 30 metres of the site in which they are located or must not cause a noise nuisance to nearby businesses.
- 4.5 Busking activity shall be conducted to avoid unreasonable noise or vibration that would interfere with adjoining or nearby businesses or occupations. Specific precautions must be taken to avoid nuisance in nearby occupations. In the event that a noise complaint is received by Council, the applicant shall, when instructed by an authorised person implement any or all of the recommendations of the authorised person.

- 4.6 Buskers must not obstruct pedestrian flow, entries or exits to buildings, fire exits; incorporate street furniture, signage or audio visuals as part of their performance or limit access for the public in any way.
- 4.7 Approval holders are responsible to ensure that the footpath is kept clean and tidy during and after busking activities to prevent any articles that pose as a safety risk or hazard.
- 4.8 Buskers must not offer goods or services for sale (other than CD or DVD associated with their performance), display, demonstrate or advertise goods or services or associate themselves with such advertising in conjunction with their performance.
- 4.9 Buskers may sell on type of CD or DVD in addition to their performance subject to the following conditions:
 - a) The CDs or DVDs only contain original material of the busker. Only one item for sale is allowed on display at any given time;
 - b) The sale of CDs and DVDs complement the busker's performance, and do not dominate the busking space or performance in any way;
 - c) Buskers do not approach a member of the public for the purpose of selling their goods nor seek assistance of someone else to sell their goods.
 - d) If an authorised officer finds that in their opinion, the sale of items is dominating the site, a busker's right to sell associated CDs or DVDs may be removed.
- 4.10 Buskers must not actively approach accost or solicit bystanders and passers-by for money.
- 4.11 Buskers must not incorporate, or use animals in performances unless they are supported by an Assistance Animal (as defined by Section 5 of the Companion Animals Act 1998). In these circumstances, buskers may deliver a performance whilst accompanied by that assistance animal, but the animal is not to form part of the performance.
- 4.12 The use of sharp objects or other dangerous instruments including knives, swords or chainsaws, stock whips, fire, flammable liquids and any other equipment that may create a hazard to public safety are not permitted under any circumstance.
- 4.13 Causing damage to public property including permanent painting or drawing on footpaths and public amenities is not permitted.
- 4.14 Buskers are required to comply with directions issued by an authorised person and members of the Emergency Services, and must cease performing if instructed to do so.

5. INSURANCE

- 5.1 Where the Busker complies with the conditions and requirements of this Policy, holders of a Student Busking Approval or a Standard Busking Approval ONLY are covered for Public Liability under Council's Community Support Liability Protection on public land.
- 5.2 Council has no responsibility or liability for any loss, damage or injury suffered by the applicant (whether to or in respect of the applicant's person or activity conducted by the applicant) as a result of any accident or event on the public domain area.

6. BUSKING AREAS

- 6.1 This policy applies to busking on public land under the jurisdiction of Fairfield City Council.
- 6.2 Where there is an established busking map as per Appendix A – Busking Activation and Location Maps of this policy, buskers must perform in identified locations as per the relevant business or industrial centre map and limited to 5 metres square in area for busking.
- 6.3 Amplified music shall be only permitted in areas as marked in green in Appendix A – Busking Activation and Location Maps of this policy. Areas not marked are restricted to acoustic acts only.
- 6.4 In permitted business centres without an established Busking map, the following locations are designated 'no-go' zones where busking is not permitted:
- a) Within 5 metres of any intersection, pedestrian crossing, traffic signal or public telephone booth;
 - b) Directly in front of entrances, exits, ramps or steps;
 - c) Parks;
 - d) Narrow streets and footpaths with inadequate pedestrian capacity.

7. BUSKING HOURS

- 7.1 For busking activities within the Fairfield LGA, approval holders may perform during the following times:
- a) 9:00am – 6:30pm Sunday to Wednesday,
 - b) 9:00am – 8:30pm Thursday to Saturday, or the eve of Public Holidays,
 - c) Except as stated otherwise in the conditions of the approval.

8. BUSKERS RESPONSIBILITIES

8.1 Buskers are:

- a) Expected to respect and co-operate with local retailers, residents and other buskers;
- b) Required to be responsible for their own performance and its surrounds;
- c) Required to take all reasonable precautions to ensure the health and safety of the audience watching the performance;
- d) Required to ensure that public property is not damaged in the performance;
- e) Expected to be willing to address any complaints in consultation with an authorised person.

8.2 Unacceptable behaviour by a busker may result in the immediate suspension, cancellation or modification of a busking approval at the discretion of Council without prior notification.

8.3 Unacceptable behaviour is deemed by Fairfield City Council to be:

- a) The use of material that may be deemed to be unduly persuasive, offensive or discriminatory, as determined by the NSW Anti-Discrimination Act 1977;
- b) Aggressive, abusive, offensive or hostile behaviour;
- c) Causing a nuisance, behaving in an inappropriate, dangerous manner or causing detriment to the amenity of the area;
- d) Causing obstruction to pedestrians or vehicular traffic or entrances to shops/buildings;
- e) Interfering in any way with an approved event or activity, without permission;
- f) Selling or offering for sale any articles or commodity without authorisation;
- g) Unwillingness to co-operate with retailers, residents, other buskers, authorised persons and member of the emergency services;
- h) Personal attacks or insults, threats or violence;
- i) Being in breach of the conditions of a Busking Approval.

SECTION 3 - GOVERNANCE

RELATED POLICIES/PROCEDURES

Policy Number	0-123
---------------	-------

RESPONSIBILITY

Policy Owner	Strategic Land Use and Planning Department
--------------	--

VERSION CONTROL AND CHANGE HISTORY

Version Number	Approval Date	Approved by	Amendment
00	13 Aug 2019	Council	This policy was adopted by Council Resolution on 13 Aug 2019 Item No 75 in Council Outcomes Committee File No. 18/27100.
01	11 Oct 2022	Council	This policy was amended by Council Resolution on 11 Oct 2022 Item No 106 in Council Outcomes Committee File No. 22/00505.

The management of Council reserves the right to cease, modify or vary this Policy and will do so in accordance with Council's established consultation processes.

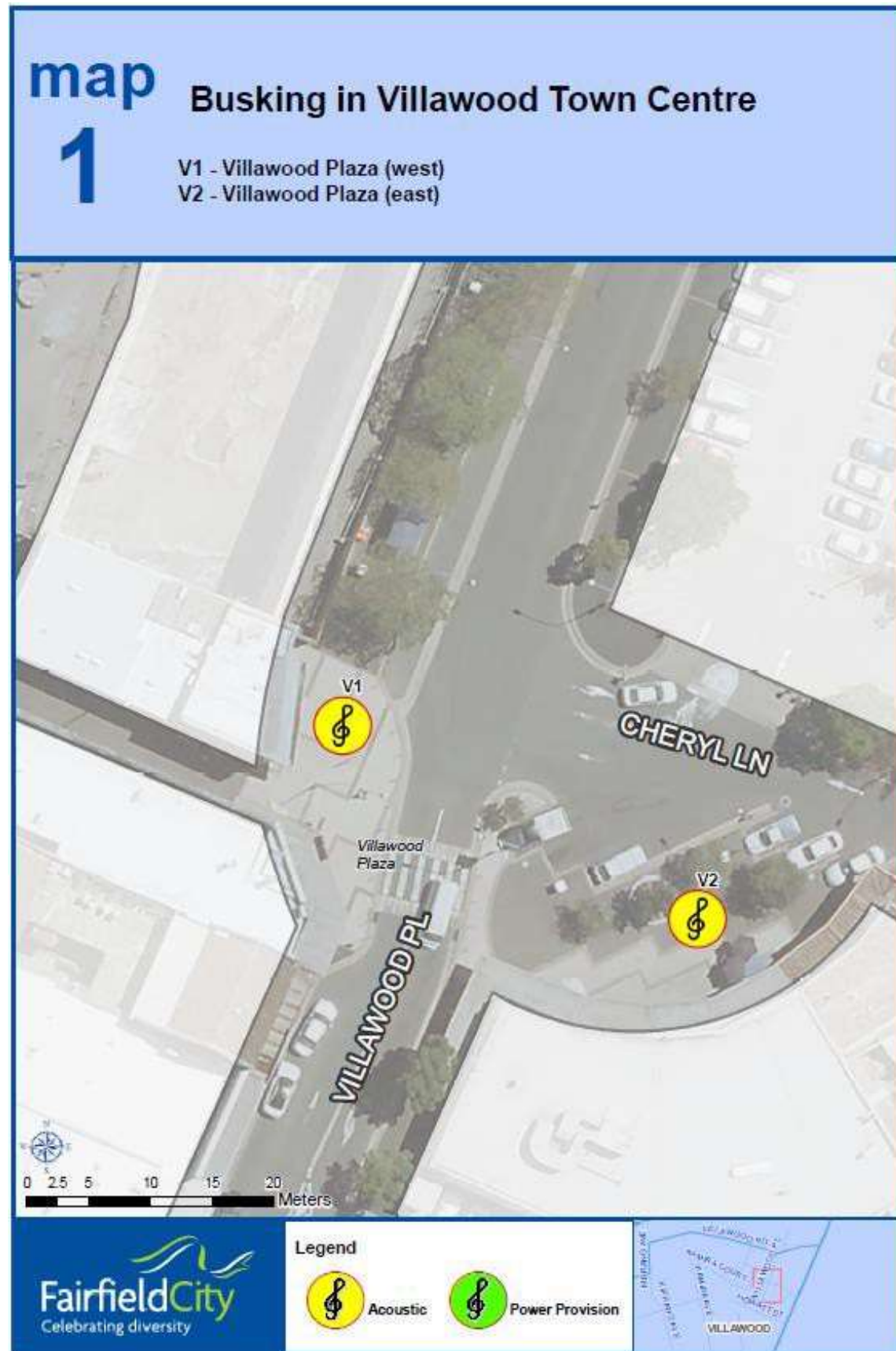
REVIEW DATE

This policy will be reviewed every three (3) years.

AUTHORISATION

This policy was adopted by Council resolution on 13 August 2019 Item No. 75 in Council Outcomes Committee File No. 18/27100.

APPENDIX A – BUSKING ACTIVATION AND LOCATION MAPS



map 2

Busking in Fairfield Town Centre

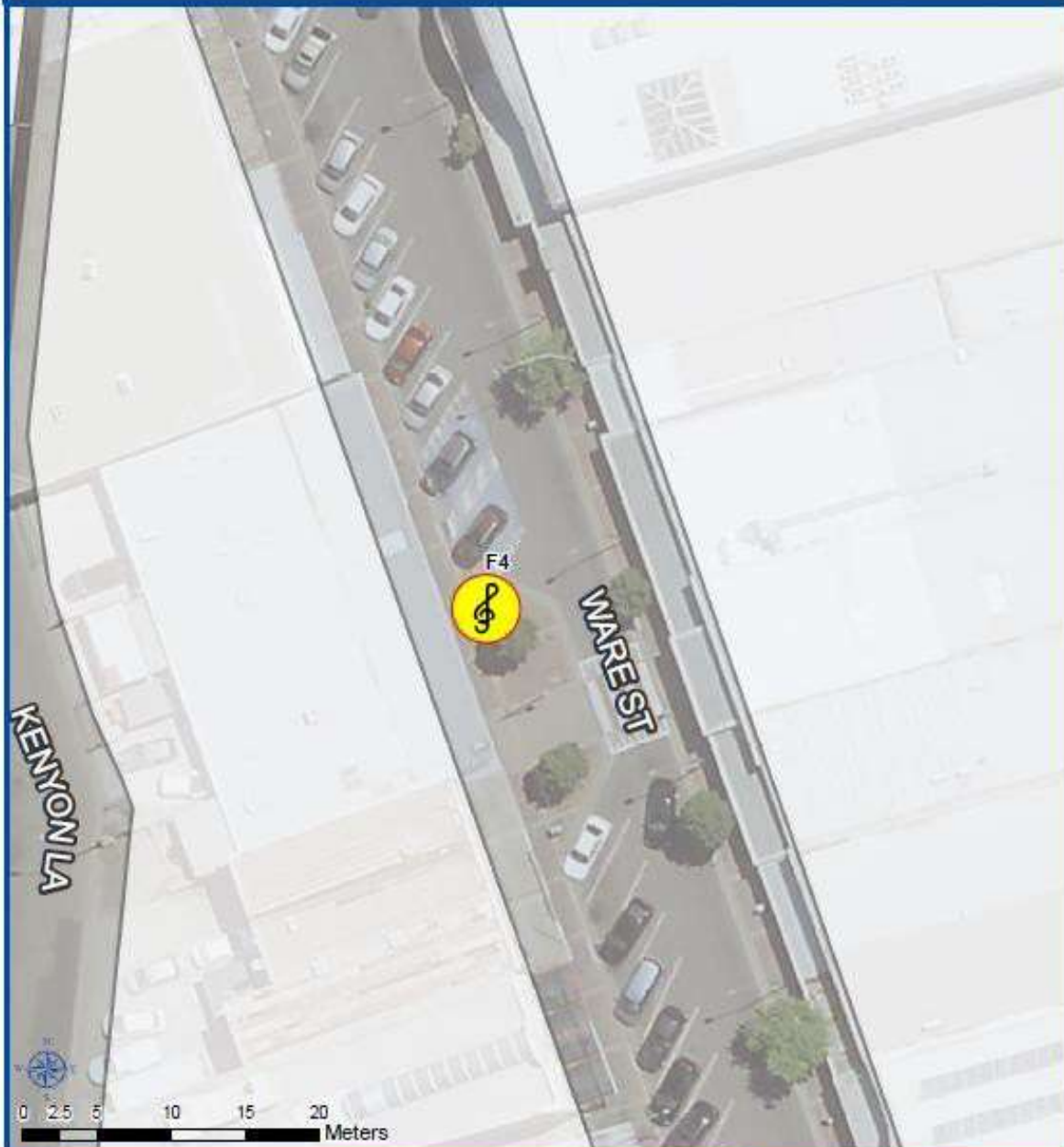
- F1 - Epoch Plaza
- F2 - Thomas Ware Plaza
- F3 - Cnr WareSt & Nelson St



map 3

Busking in Fairfield Town Centre

F4 - Ware St north pedestrian crossing



Legend



Acoustic



Power Provision

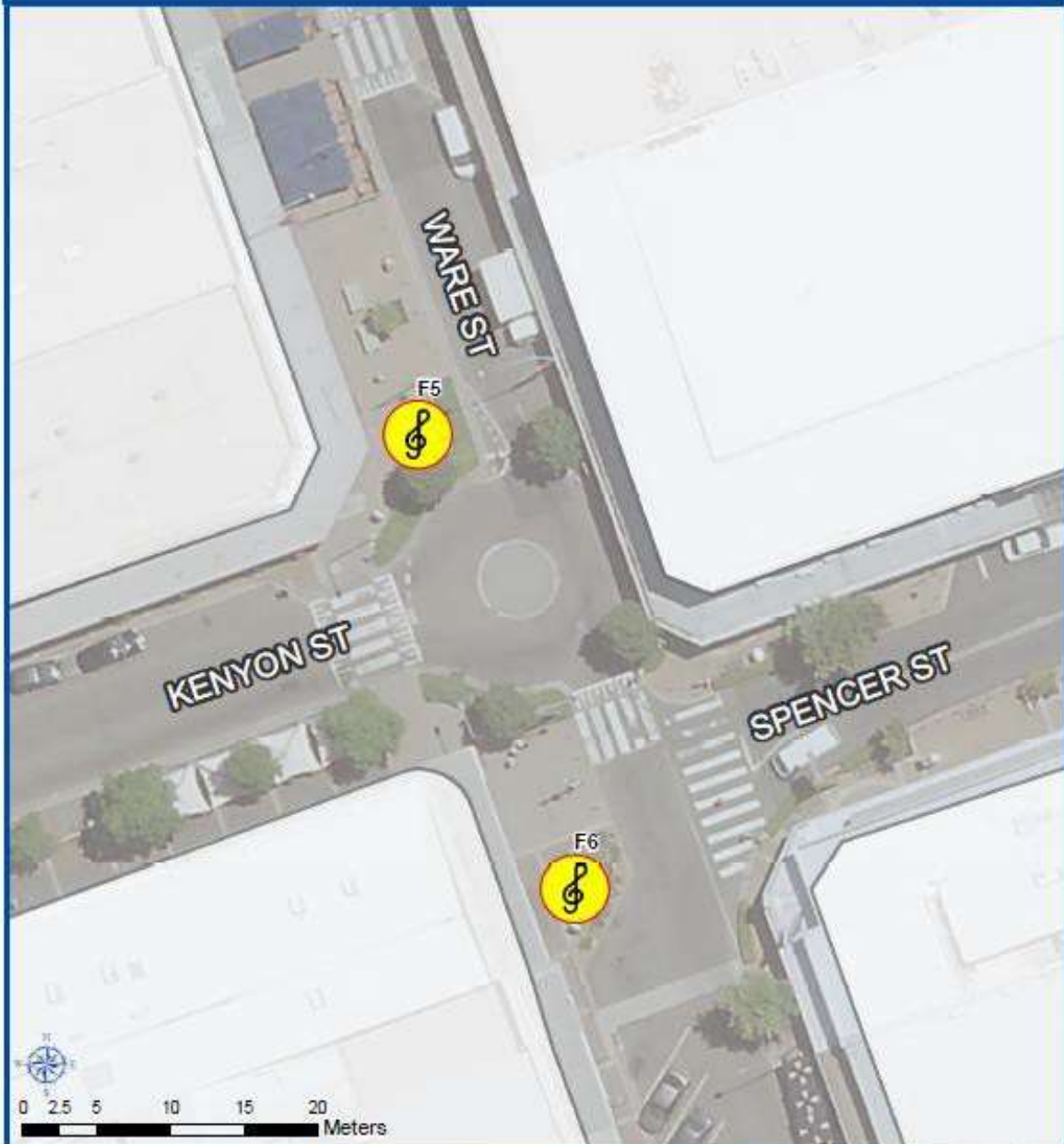


map 4

Busking in Fairfield Town Centre

F5 - Cnr Kenyon St & Ware st

F6 - Cnr Spencer St & Ware St



Legend



Acoustic



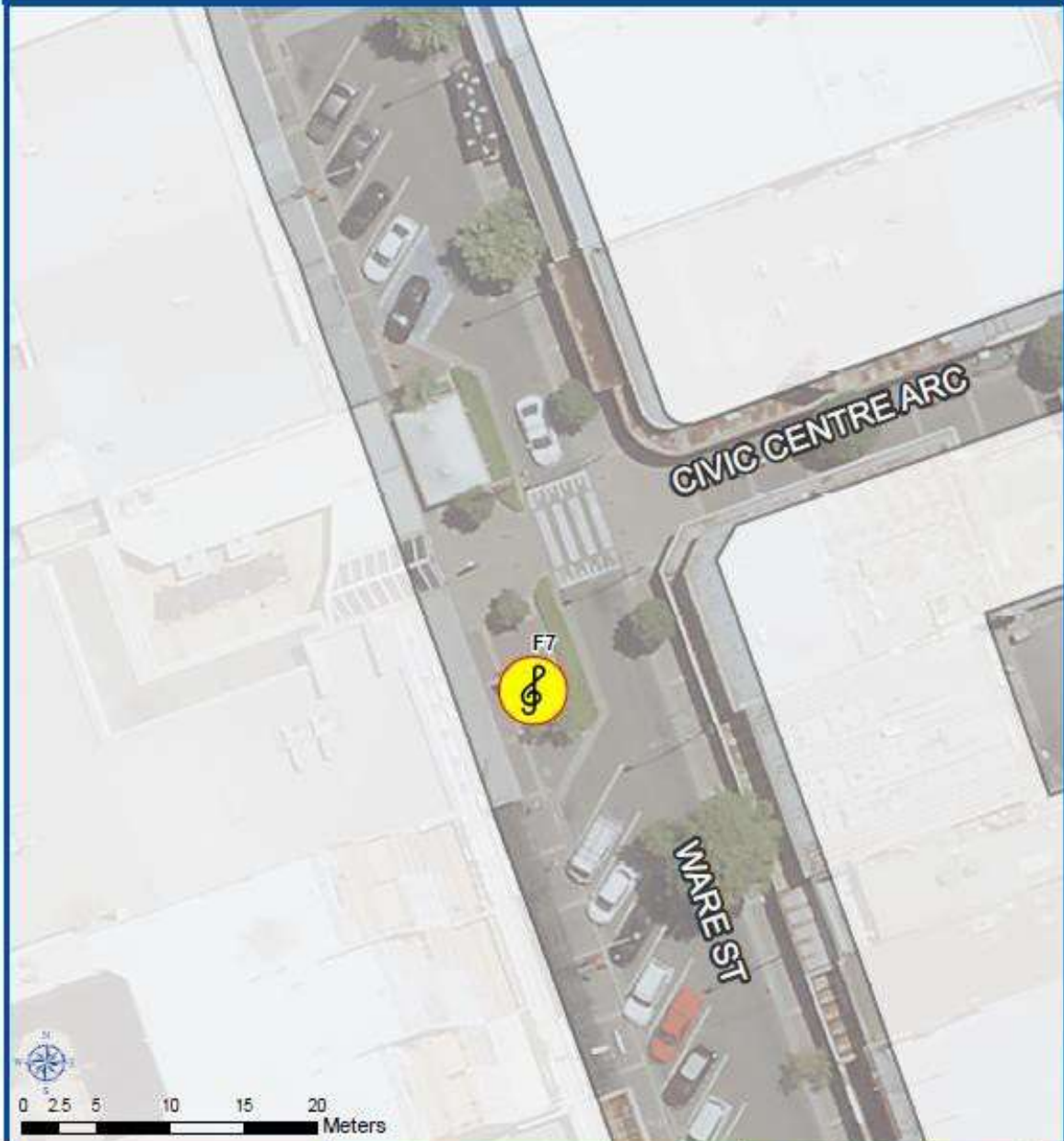
Power Provision



map 5

Busking in Fairfield Town Centre

F7 - Ware St south pedestrian crossing



Legend



Acoustic



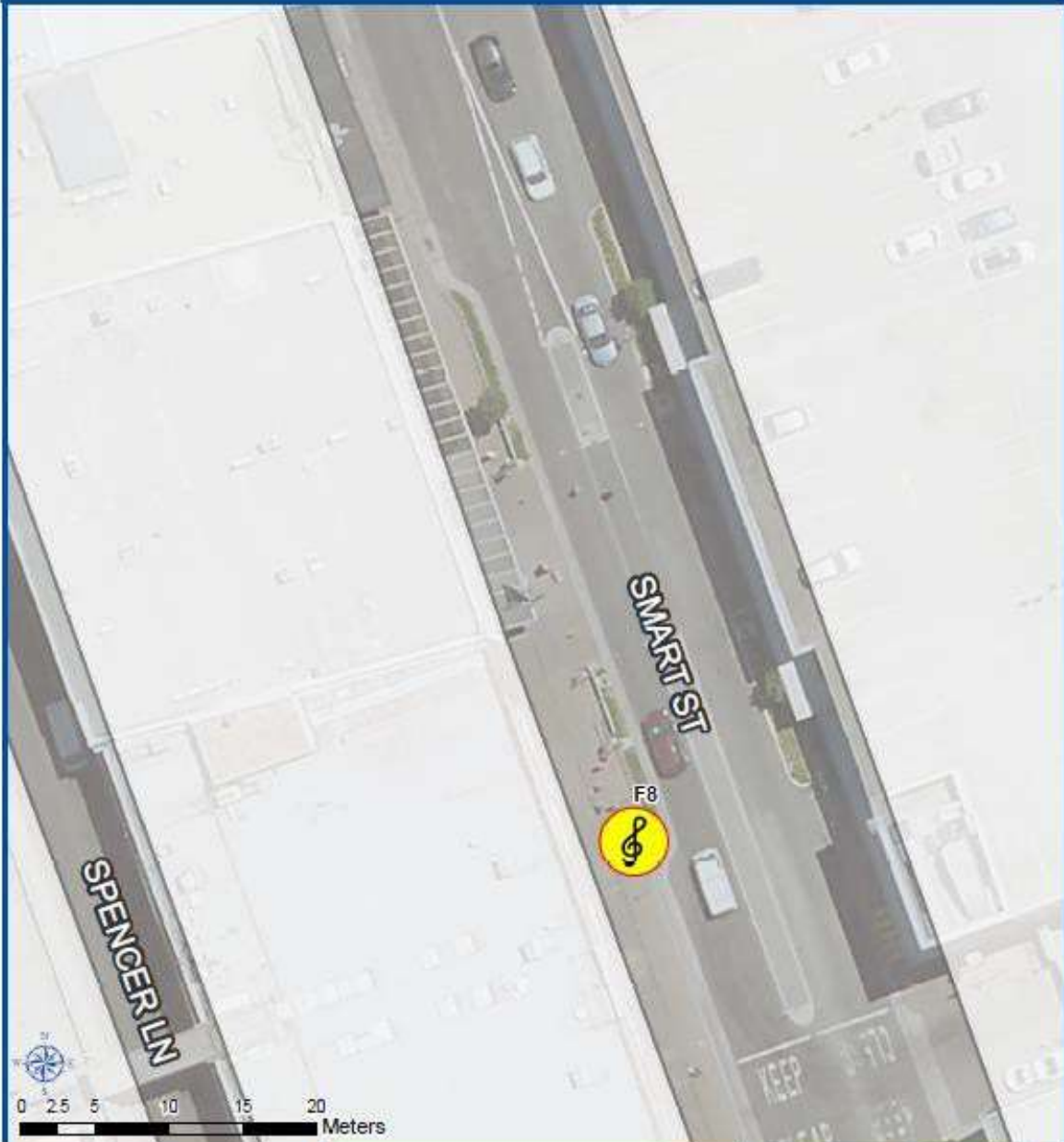
Power Provision



map 6

Busking in Fairfield Town Centre

F8 - Smart St north



Legend



Acoustic



Power Provision



map 7

Busking in Fairfield Town Centre

F9 - Cnr Smart St & Spencer St



Legend



Acoustic



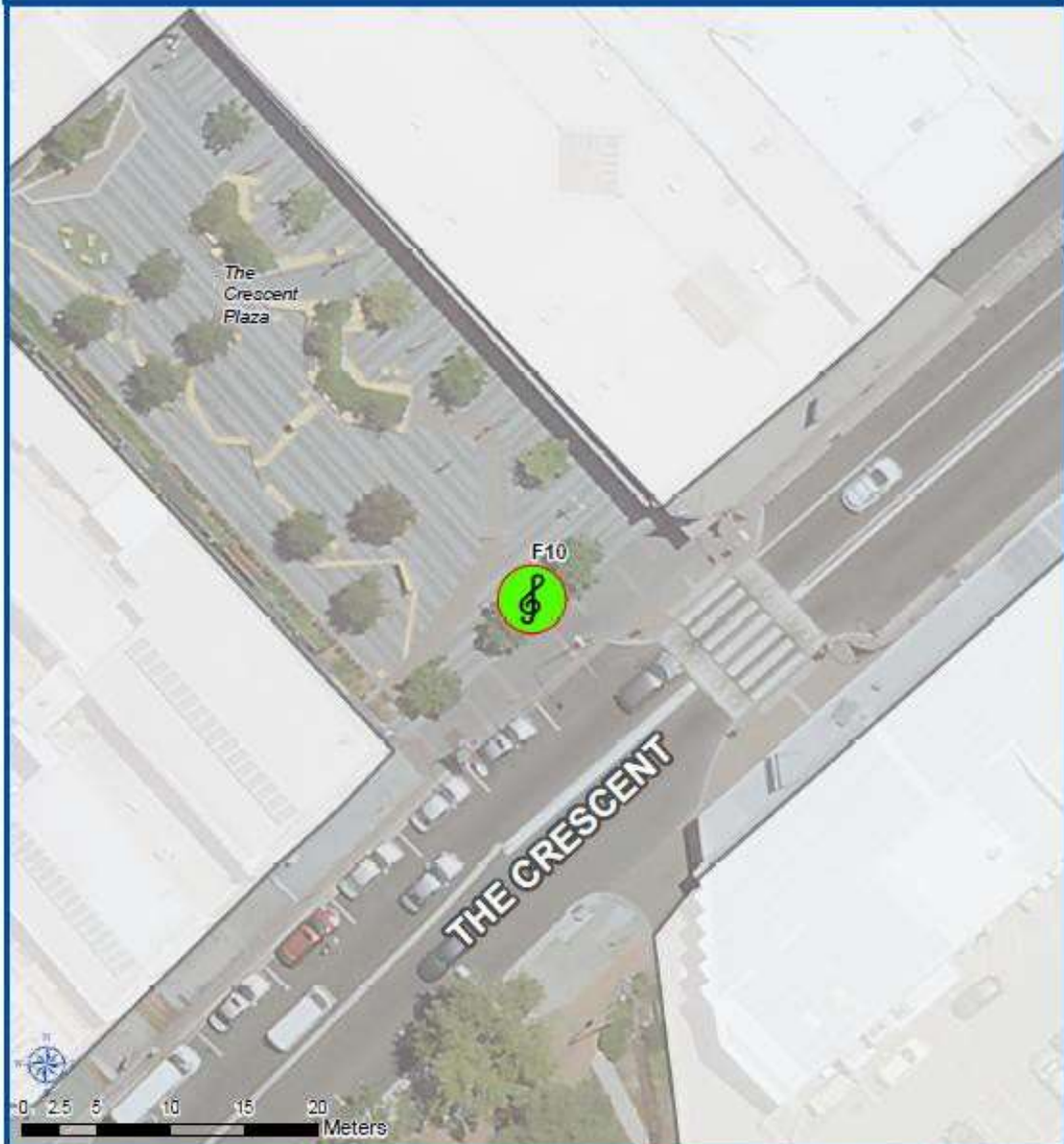
Power Provision



map 8

Busking in Fairfield Town Centre

F10 - The Crescent Plaza



Legend



Acoustic



Power Provision



map 9

Busking in Fairfield Town Centre

F12 - Fairfield Station Crossing along Dale St



Legend



Acoustic



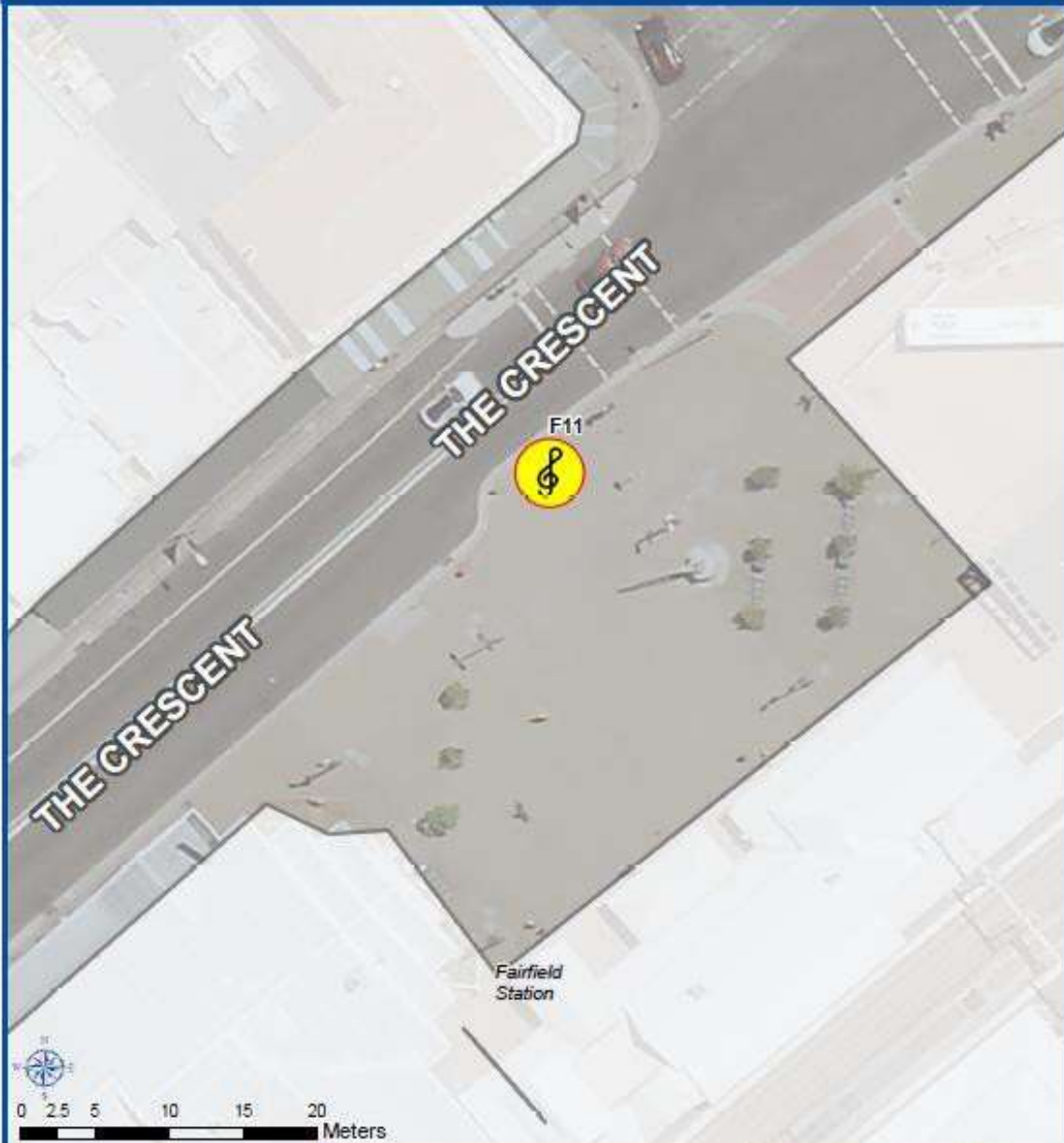
Power Provision



map 10

Busking in Fairfield Town Centre

F11 - The Crescent alongside Fairfield Station



Legend



Acoustic



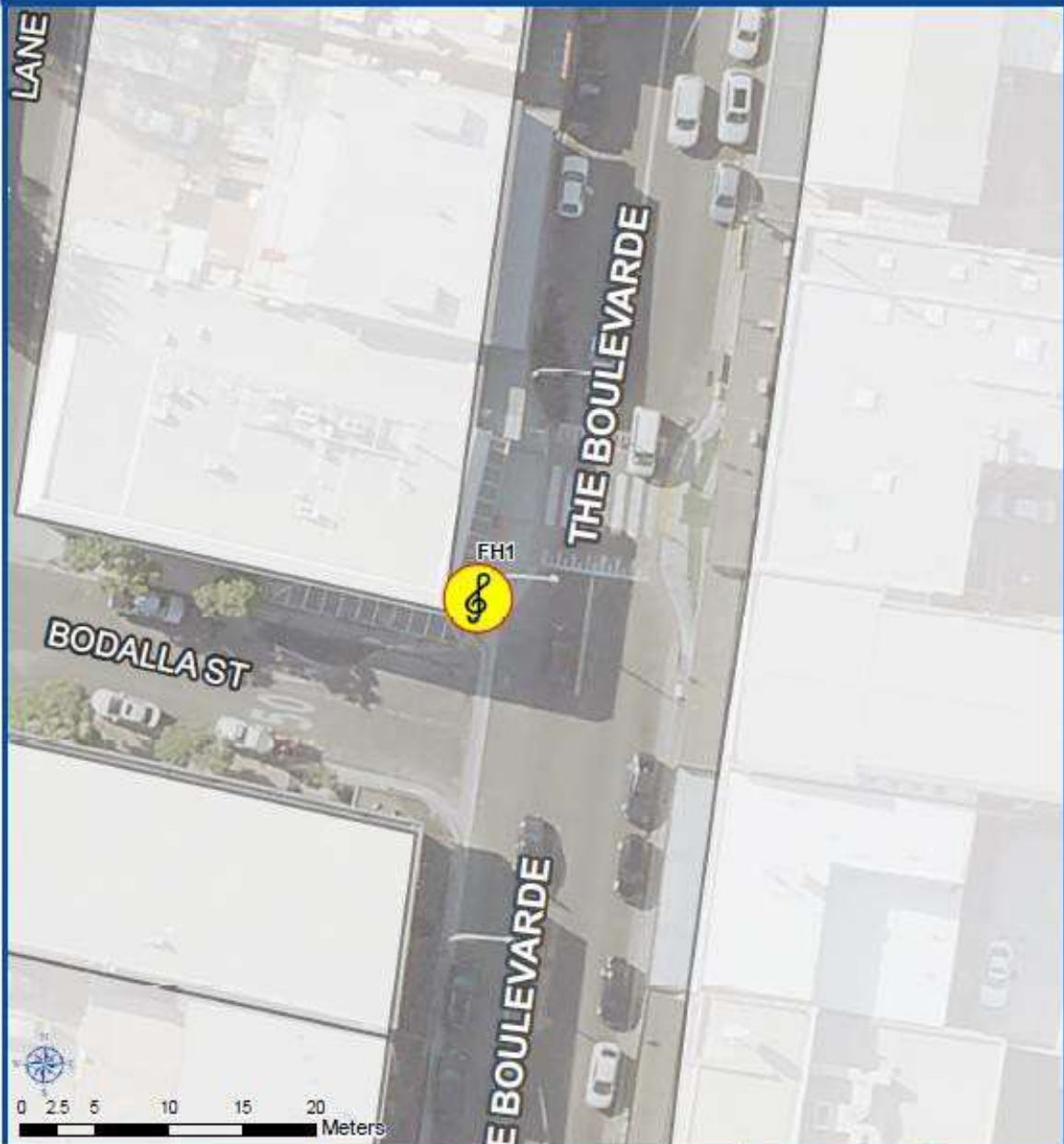
Power Provision



map 11

Busking in Fairfield Heights

FH1 - The Boulevarde north crossing



Legend



Acoustic



Power Provision



map 12

Busking in Fairfield Heights

FH2 - Stanbrook St and The Boulevard intersection crossing
FH3 - Fairfield Heights Civic Space



Legend



Acoustic



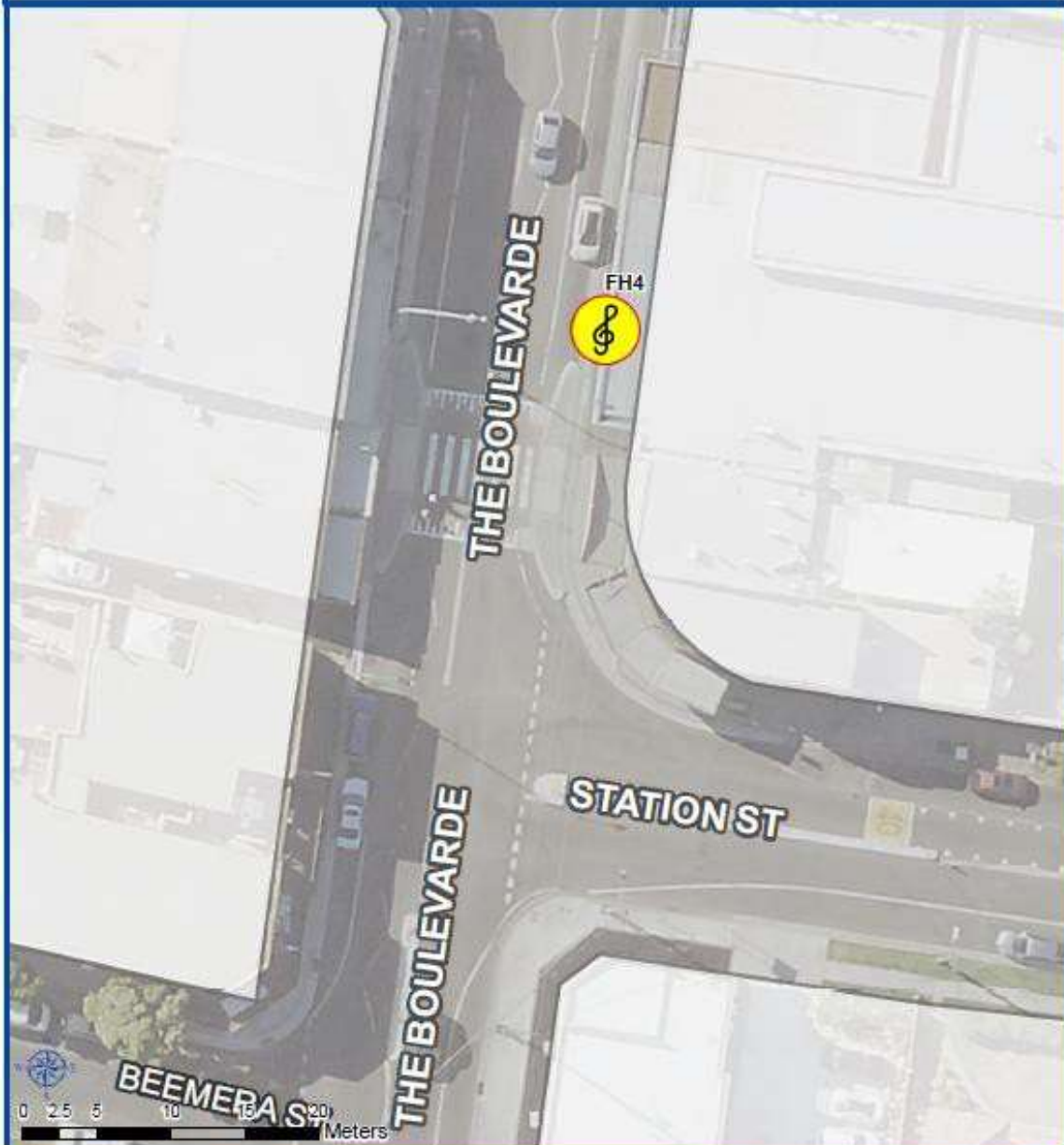
Power Provision



map 13

Busking in Fairfield Heights

FH4 - The Boulevard south crossing



Legend



Acoustic



Power Provision



map 14

Busking in Cabramatta Town Centre

C1 - Freedom Plaza



Legend



Acoustic



Power Provision



map 15

Busking in Cabramatta Town Centre

C2 - Cnr Cabramatta Road West and John St



Legend



Acoustic



Power Provision



map 16

Busking in Canley Heights Town Centre

CH1 - Canley Heights Town Square



Legend



Acoustic



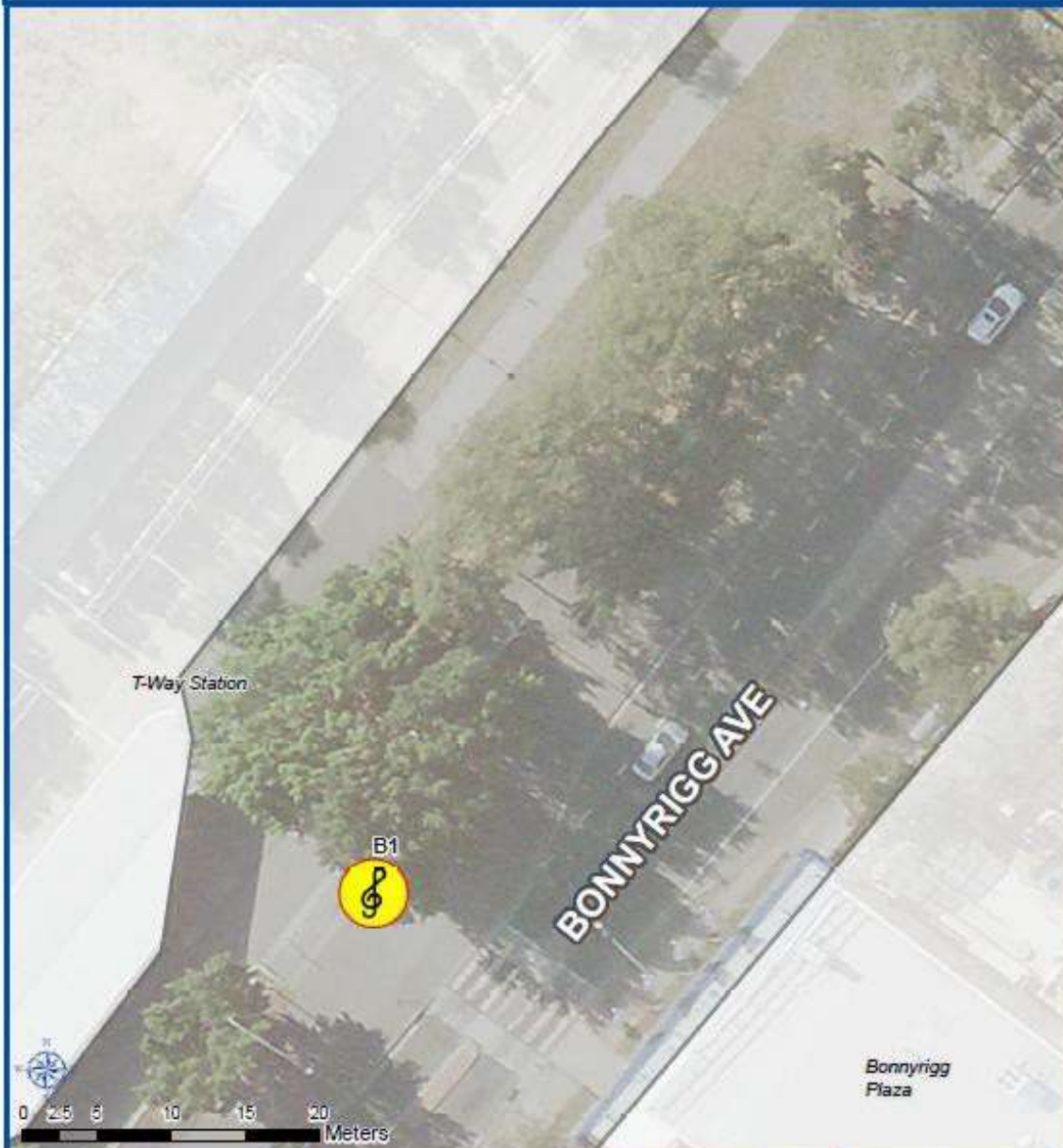
Power Provision



map 17

Busking in Bonnyrigg Town Centre

B1 - Bonnyrigg T-Way crossing



Legend



Acoustic



Power Provision



map 18

Busking in Horsley Park

H1 - Horsley Park Reserve



Legend



Acoustic



Power Provision

