

STREET PERFORMING POLICY

(LOCAL LAW POLICY)



1 Scope

This policy applies to any person requesting to undertake street performing within Rockhampton Regional Council controlled areas and roads.

2 Purpose

The purpose of this policy is to encourage street performing to create vibrancy and promote arts and culture within the community, whilst ensuring there are no adverse impacts on nearby properties and the community.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Local Government Regulation 2012

Local Law 1 (Administration) 2011

Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011

Transport Operations (Road Use Management) Act 1995

Street Performing Fact Sheet

Street Performing Application Form

Uninsured Performers Public Liability Policy

4 Definitions

To assist in interpretation, the following definitions apply:

Business Hours	The hours of the day during which, a given business is open.
Council	Rockhampton Regional Council
Dangerous Materials and Implements	Materials and implements that pose risk, hazard or uncertain outcomes for people. Dangerous materials can include flammable materials and chemicals, fire, fireworks, smoke, flares, heated elements or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and property. Dangerous implements include knives, spears, swords, spike and sharp implements of any kind that pose a threat of harm to any person, infrastructure or animal.

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Fees and Charges	Fees and charges contained within the schedule adopted annually by Council in accordance with the <i>Local Government Regulation 2012</i> .
Footpath	As defined in in SLL 1.14, the meaning given in the <i>Transport Operations (Road Use Management) Act 1995</i>
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
SLL 1.14	<i>Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011</i>
Street Performer	An entertainer who provides performances for the public by dancing, singing, miming, puppetry, playing an instrument, reciting a story or poetry, or doing other acts of a similar nature in public places.
Street Performing	As defined in SLL 1.14, a musical, theatrical or other type of performance undertaken by a person: (a) To entertain the public; and (b) Seeking voluntary reward for the performance.

5 Policy Statement

Council recognises that:

- (a) Street performers contribute to a sense of place; provide entertainment and thought provoking experiences to tourists and members of the public.
- (b) Street performing is recognised as a valid means for people to make a living.
- (c) Street performers make an important contribution to the cultural life of the Local Government area by reflecting styles, values and the issues of society at large.
- (d) Street performing must not interfere with pedestrian traffic or the conduct of business, or create safety concerns, real or perceived.

5.1 Prohibited Activities, Materials and Implements

Due to the broad nature of activities that street performing can include, Council will assess the merit and suitability of each application individually as it relates to the purpose and terms of the policy. Council reserves the right to deny an application if the proposed activity is deemed not to align with the purpose and terms of this policy.

Vending and fundraising such as the sale of raffle tickets, food or personal services are not considered to be forms of street performing under the terms of this policy. Any materials or implements prohibited or deemed dangerous by any legislative act or regulation will not be approved unless otherwise agreed with Council.

The use of fire, pyrotechnics and the like will be assessed based on an individual applicant basis and will require relevant safety precautions, licenses and location restrictions.

5.2 Locations Not Permitted

All residential zones and any location deemed unsuitable by Council.

Street performing will not be permitted within 10 metres of premises which incorporate a footpath dining facility or licensed premises during business hours, unless written consent of the person responsible for the operation of the premises is obtained.

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5.3 Permitted Hours, Duration and Areas

Street performing is permitted between the hours of:

- (a) 8:00am to 9:00pm Sunday to Thursday; and
- (b) 8:00am to 12:00am Friday to Saturday.

The duration of performances must not exceed 45 minutes per set and there must be a minimum interval of 15 minutes between sets.

Street performances may be permitted within the above-mentioned hours in the following areas:

- (a) Rockhampton central business district, bounded by the Fitzroy River; Albert, Stanley and Denison Streets;
- (b) Conaghan Park, 5 Lawrie Street, Gracemere; and
- (c) Morgan Street, between Central and East Streets, Mount Morgan.

In the case where the street performance is being conducted in front of a business premises during business hours, written consent from the person responsible for the operation of the premises must be obtained.

5.4 Specific Requirements

5.4.1 Approval Terms

Approvals will be valid for a 3 month period after date of issue, after which a new application will be required. Approvals are not transferable or refundable.

5.4.2 Conditions

Approvals are subject to conditions outlined in schedule 1 of *SLL 1.14*.

The approval holder must:

- (a) Limit the operation of the approved activity so it does not cause undue obstruction to pedestrian or vehicular traffic, for example, by obstructing pedestrian or vehicular access at the entrance to a shop or building;
- (b) Remove all equipment from the area identified in the approval upon ceasing the approved activity unless otherwise agreed with Council;
- (c) Ensure any form of amplification is approved by Council and meets relevant public noise restrictions;
- (d) Not undertake the approved activity during the conduct of and within the vicinity of an activity which is the subject of a Council approval (other approval) without the written consent of the holder of the other approval. For example, a street festival or event;
- (e) Not sell, offer or expose for sale any articles or commodity other than those as part of the approved street performance and as approved by Council; and
- (f) Comply with directions issued by Council's authorised persons and members of the QLD Police Service, Ambulance, Fire and any other Emergency Service.

The approval holder may be restricted to permitted locations based on the form of street performing they are wishing to undertake.

Council reserves the right to cease an approval holder's performance at any time, or cancel an approval indefinitely, if the approval holder does not adhere to the conditions in their approval, or if a reasonable complaint from the public is made.

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5.5 Public Liability Insurance

Council holds an Uninsured Performers Public Liability Policy which provides street performing approval holders cover for approved activities within the Council Local Government area.

The insurance is subject to terms, conditions, excesses and exclusions as detailed in the Uninsured Performers Public Liability Policy, which is available on request from Council.

Approval holders are only covered by Council insurance when the approval holder:

- (a) Does not have a current Public Liability Policy for the activity they are undertaking;
- (b) Holds a valid approval issued by Council;
- (c) Is operating within Council's controlled areas and roads; and
- (d) Has followed their approval conditions.

The policy is limited to \$20 million for any one loss. In the event of a claim the approval holder is responsible for payment of the excess being \$1,000 each and every loss.

5.6 Application Procedure

Applications must be submitted on the Street Performing Application Form.

The applicant must be the person undertaking the activity (responsible person).

For the purposes of identification, applicants will be required to provide the following items at the time of application before a street performing application will be considered:

- (a) Proof of identity in one of the following forms:
 - (i) A valid Passport;
 - (ii) Birth Certificate;
 - (iii) Drivers Licence;
 - (iv) Proof of Age Card; or
 - (v) A student ID.

Any application made by a person under the age of 16 years must be accompanied by written permission from a parent and/or legal guardian.

Relevant application fees are to be paid with the application and are detailed in Council's Fees and Charges schedule.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by Council.

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



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