

**FILE NO:** **PSC2013-00406**

**TITLE:** **PLACEMAKING POLICY**

**OWNER:** **COMMUNICATIONS SECTION MANAGER**

## **1. PURPOSE:**

- 1.1 To support businesses to make town centres across Port Stephens Council attractive and vibrant.
- 1.2 To provide an opportunity for local charitable and nonprofit community organisations to set up community stalls along the public footway in town centres.

## **2. CONTEXT/BACKGROUND:**

- 2.1 Footways are public spaces that adjoin our roads. Businesses, community groups or street performers often seek to use the footway for activities such as outdoor dining, displaying goods, signage, temporary structures or entertainment. These uses are specifically encouraged in town centres to enhance their appeal and vibrancy to foster economic growth and engagement. Ensuring that town centres remain inviting and lively also involves maintaining community access and safety while using the footway.

## **3. SCOPE:**

- 3.1 There are a range of footway activities that apply to this policy that have been grouped as follows:
  - a) business placemaking activities
  - b) community stalls and
  - c) street performers (buskers).
- 3.2 This policy applies to all public footways areas in town centres as defined in this policy.
- 3.3 Approval criteria will consider the broader implications of any application and the interests of the streetscape and area as a whole, along with legal and regulatory conditions required.
- 3.4 This policy does not apply to mobile food vending vehicles, permanent structures or any other activities undertaken on the public road or other public spaces such as parks and reserves.



## 4. DEFINITIONS:

### 4.1 An outline of the key definitions of terms included in the policy.

Business placemaking activities	Activities that are directly associated with a business that operates in the town centre. Typically, this includes items placed on the footway in front of the business but can be extended along the footway if the neighbours agree. Items include tables and chairs for outdoor dining, displays, banners, A-frame signs/sandwich boards, seats, potted plants and art. These items will be removed from the street when the business is closed unless otherwise approved.
Community Stalls	These are temporary uses that are typically undertaken by Charitable Organisations or recognized Not for Profit Organisations to either increase awareness or raise funds by selling goods.
Charitable Organisation or recognized Not for Profit Organisation	As defined by the Charities Act 2013 i.e. an organisation which is not for profit, has charitable purposes for public benefit and is not an individual, a political party or government entity. A not-for-profit is generally an organisation that does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run the organisation, or their friends or relatives).
Footway	For the purpose of this policy a footway is defined as the area between the curb (or edge of road) and the property boundary. This may or may not include a constructed footpath.
Outdoor Dining Area	This may include a part of the footway used on a temporary basis for food or beverage consumption in association with an adjacent approved business. This is carried out in accordance with an approval granted under section 125 of the Roads Act 1993.
Permanent Structure	Any article not intended to be easily moved or one which would be difficult to move without significant work and mechanical or other assistance.



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Street Performers & Buskers	Those who provide entertainment for people using the footway.
Temporary Structure	Any article which can be moved easily and is packed away at the end of each day's trade or removed easily if needed e.g. clothing rack, flags or A-frame sign.
Town Centre	Are defined as zones E1 (local centre), E2 (commercial centre), MU1 (mixed use), RU5 (village) and IN4 (working waterfront) and only in locations adjacent to existing business premises. Requests from businesses operating outside these zones will be considered by exception.

## 5. STATEMENT:

- 5.1 Port Stephens Council seeks to improve town centre vibrancy and the local economy by encouraging approved business placemaking activities and street performance on public footways. This also includes offering local charitable and non-profit community organisations an opportunity to utilise temporary community stalls on public footways in town centres.

## 6. RESPONSIBILITIES:

- 6.1 Council must ensure that activities on its land and property are undertaken in compliance with legal and regulatory obligations. Council has authority to grant approval and regulate the use of the footway in accordance with the Roads Act 1993 and the Local Government Act 1993.
- 6.2 The Vibrant Places team is responsible for the development, implementation, monitoring and reviewing of this policy in consultation with the Civil Assets team.

## 7. RELATED DOCUMENTS:

- 7.1 Port Stephens Council Placemaking Application Form & Guidelines
- 7.2 Local Government Act 1993 (NSW)
- 7.3 Roads Act 1993 (NSW)
- 7.4 Commonwealth Disability Discrimination Act 1992 (Cth)
- 7.5 Companion Animals Amendment (Outdoor Dining Areas) Act 2010 (NSW)
- 7.6 Disability Inclusion Act 2014 (NSW)
- 7.7 Companion Animals Act 1998 (NSW)
- 7.8 Civil Liability Act 2002
- 7.9 Work Health and Safety Act and Regulations 2011 (NSW).



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## CONTROLLED DOCUMENT INFORMATION:

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