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# C8 Public Domain

## A. Background

The public domain comprises the shared urban area and spaces, the structures that relate to those spaces and the infrastructure that supports and serves them. Penrith's public domain includes:

- The space/area that is publicly owned and commonly accessed/used by the community without restriction (e.g. parks and public squares, road verges);
- Spaces on private property that invite public access and use (e.g. connections within a site, hotel lobbies);
- Contested spaces where an ebb and flow naturally occurs between the public and a private activity (e.g. outdoor eating and/or trading areas); and
- Private spaces that are visible but physically inaccessible to the general public.

The public domain incorporates elements such as footpaths, street furniture, including signage and lighting, vegetation, fences, bridges, artworks, amenities and seating.

In general, the controls in this section relate primarily to commercial areas or areas where there is a high degree of interaction between the public domain and the private domain.

Additional provisions relating to public domain in the St Marys Town Centre are contained in the St Mary section of this Plan. There are also provisions relating to public domain in the Penrith City Centre in Penrith City Centre section of this Plan.

## B. General Objectives

- a) To enhance the quality of the public domain;
- b) To enhance the natural setting and landscape character of Penrith;
- c) To ensure that the public domain is attractive, safe, interesting, connected, comfortable, readily understood and easily accessed;
- d) To ensure that the public domain is enhanced by the built form adjoining it; and
- e) To ensure that the principles of Universal Design are considered when designing the public domain.

## C. Controls

### Design Principles

Public access (either physically or visually) to the public domain is to be maximised by incorporating one or a combination of the following design elements:

- 1) The location of building entrances and glazing should provide natural surveillance to the public domain without compromising passive solar design principles;

- 2) The built form should provide, where it is appropriate, a visual transition to the public space by avoiding continuous lengths of blank walls and high fences at the interface between the public and private space;
- 3) Views into and from the public domain are to be protected as they increase opportunities for natural surveillance. Where appropriate, ground floor areas abutting public space should be occupied by uses that create active building fronts with pedestrian flow, and contribute to the life of the streets and other public spaces; and
- 4) Accessibility should be provided for all members of the community, particularly those with a disability, and should occur across all areas of the public domain. This includes designing for durability, adaptability, maintenance and replacement.

## **D. How to Use this Section**

This DCP is a multi-layered document. It is important to appreciate the overlap between the public domain and other inter-related issues addressed in this DCP including, but not limited to, the remaining sections in Part C of this DCP. Part D relates generally to land uses/activities while additional provisions may apply to sites located in a key precinct (as listed in Part E of this DCP).

## **8.1. Pedestrian Amenity**

### **A. Background**

Pedestrian amenity incorporates all those elements of individual developments that directly affect the quality and character of the public domain. The pedestrian amenity provisions are intended to achieve a high quality of urban design and pedestrian comfort in those spaces that are publicly accessible. The pedestrian environment should provide a wide variety of opportunities for social and cultural experiences.

These controls apply to all business zones, recreation zones and to industrial sites where a high level of pedestrian activity is expected. They also apply to the RU5 Village zone.

### **B. Objectives**

In addition to the general objectives for Public Domain, the objectives of this section are to:

- a) Encourage future links through sites at ground level, as new development occurs;
- b) Improve the permeability of large sites when they are redeveloped for more intensive uses;
- c) Ensure active street frontages address the street that will promote pedestrian activity, safety and passive surveillance in the public domain;
- d) Ensure that all forms of personal mobility, excluding cycling and cars, are considered when designing access routes;
- e) Ensure the provision of awnings and street furniture to facilitate pedestrian movement;
- f) Identify the location for and encourage provision of street tree planting in the City; and

- g) Ensure that landscaping, public art and place-making principles have an integrated approach and are incorporated in the design of the public domain.

## **C. Controls**

### **1) Active Street Frontage and Address**

Active street frontages promote an interesting and safe pedestrian environment, while buildings that address the street contribute positively to the streetscape.

- a) Active street frontages are to be located on the ground/street level of all buildings, being one or a combination of the following:
- i) A shop front or entrance to a retail premises or public building with the entrance visible from the street;
  - ii) A café or restaurant, if accompanied by an entry from the street;
  - iii) Active office uses, such as a reception area, if visible from the street; or
  - iv) Activation of the secondary frontage of a corner site; e.g. continuing glazing around the corner.
- b) Glazed entries to commercial or residential lobbies are to occupy less than 50% of the street frontage and have a maximum frontage of 12m. The remainder of the street frontage is to be active.
- c) Active street frontages are to be at the same level as the adjoining footpath and directly accessible from the street.
- d) 'Street address' is defined as:
- i. Entries, lobbies and habitable rooms that have clear glazing to the street not more than 1.2m above the street level, not including car parking areas; and
  - ii. That are located on the ground level of buildings; and
  - iii. Have direct 'front door' access into the building.
- e) Opportunities to establish active street frontages and/or street address may be specifically identified in a number of locations in key precincts within the City (refer to Part E of this DCP).

### **2) Permeability**

'Through site links' provide access connections between the long sides of street blocks for pedestrian and vehicular access at street level, resulting in a more permeable pedestrian environment along laneways, shared zones, arcades and pedestrian paths.

- a) Through site links for pedestrians are to be designed with accessible paths of travel that are:
- i) A minimum width of 4m for the full length and clear of any obstruction, including columns, stairs etc.;
  - ii) Direct and fully publicly accessible thoroughfares for pedestrians; and

- iii) Open-air for the full length, with active street frontages or a street address at all ends.
- b) Arcades are to be an accessible path of travel that:
- i) Have a minimum width of 4m for the full length, clear of any obstruction, including columns, stairs etc.;
  - ii) Are direct and publicly accessible thoroughfares for pedestrians during business/trading hours;
  - iii) Have active frontages on either side for the full length;
  - iv) Where practicable, have access to natural light for at least 30% of the length;
  - v) Where enclosed, have clear glazed entry doors to at least 50% of the entrance; and
  - vi) Where security gates are in operation, designed to be visually permeable.
- c) Lanes are to be designated pedestrian routes that:
- i) Are accessible paths of travel, with a minimum width of 6m for the full length and clear of any obstruction; and
  - ii) Appropriately lit and sign-posted to indicate the street(s) to which the lane connects.
- d) Opportunities to increase a site's permeability, particularly in the form described above, should be provided:
- i. for sites comprising 5 hectares or more in area; or
  - ii. at locations identified in particular Key Precincts under this DCP.
- e) The principles of Crime Prevention through Environmental Design (CPTED) (as identified in Site Planning and Design Principles Section of this Plan) should be incorporated into a site's permeability to create a safe and secure environment and encourage activity along these areas.

### **3) Awnings**

Awnings increase the useability and amenity of footpaths, including the pedestrian linkages within the public domain, by providing weather protection to pedestrians. As a feature, awnings provide an interface between the public domain and buildings in the same way as entrances into buildings.

- a) Awnings should be an integral component of new developments (including alterations and additions) and where appropriate, stepped to accommodate sloping streets.
- b) Awning dimensions should generally be:
  - i) Set back from the face of the kerb to allow for clearance of street furniture including street trees;

- ii) A minimum depth of 2.8m where street trees are not required, otherwise a minimum depth of 2.4m; and
  - iii) A minimum soffit height of 3.2m and maximum 4m.
- c) For corner sites, awnings are to wrap around the building up to 6m along the secondary street frontage.
  - d) Awnings are to be provided at specific locations identified within key precincts in the City (refer to Part E – Key Precincts of this DCP).
  - e) The provision of under awning lighting should be recessed into the soffit of the awning or mounted to the building façade to facilitate pedestrian movement at night and improve public safety.
  - f) Where the awning is to encroach over the road reserve, including the footpath, a separate approval to erect the awning over the road reserve is to be obtained under the *Roads Act 1993* and the *Local Government Act 1993*.

#### **4) Landscape in the Public Domain and Street Tree Planting**

Landscaping plays an integral role in streetscape character and contributes significantly to the amenity of an area. Street tree planting can improve legibility in the urban environment by reinforcing the hierarchy of streets and enhancing a sense of place. The placement of trees and landscaping generally affects light and shadow, colour and views, and contributes to the quality of the pedestrian experience.

The controls in this section apply to all industrial and commercial zones, and to the RU5 Village zone.

- a) The landscape design for the development should incorporate the public domain, including those areas of the site not physically accessed but visible from the street and other locations.
- b) Street trees should not compromise water and energy conservation measures or the accessibility, safety and security of the development and public domain.
- c) Street trees are to be shown on the landscape plan and should include details of the species and be appropriate to the streetscape. Required street trees for the public domain must be at an advanced growth stage, minimum 25 to 45 litre pot size and generally a minimum of 1.5m in height.
- d) Landscape plans accompanying the development application will be required for certain types of development.

## **8.2. Street Furniture**

### **A. Background**

Furniture should provide a good level of amenity and useability without causing clutter. Where other elements such as built form, street trees, lighting or public art define the character of the street, furniture should take second place.

Certain areas of the City are strategically important or unique, allowing for custom designed or individually selected furniture.

## **B. Objectives**

In addition to the general objectives for Public Domain, the objectives of this section are to:

- a) Provide street furniture that improves the amenity and streetscape of the City; and
- b) Ensure that street furniture considers the principles of Universal Design, where relevant.

## **C. Controls**

1. The location and design of street furniture and paving shall take into account the needs of people with a disability, particularly where it abuts the building's elevations (shorelining).
2. Where appropriate, the design of street furniture may be an expression of public art.
3. The design and selection of materials should be low maintenance and resistant to graffiti and vandalism.
4. Street furniture should respond to and enhance the visual character of the streetscape and the public domain.
5. Secure bicycle parking is to be included in the public domain and should be conveniently located.

# **8.3. Lighting**

## **A. Background**

Lighting plays a vital role in crime prevention and personal safety, encouraging night-time activity in places that are lit.

These controls apply to all commercial and industrial areas, and to land zoned RU5 Village.

## **B. Objectives**

In addition to the general objectives for Public Domain, the objective of this section is to provide lighting that improves the amenity and public domain of the City.

## **C. Controls**

1. Council's adopted Public Lighting Policy and the implementation of an energy efficient lighting system should be incorporated into any design. Other factors for consideration of the design and location of lighting are:
  - a. The location of all entrances into the building and its relationship to the street and public domain;
  - b. The future uses of the public domain, particularly those sections that will be used at night, to ensure appropriate levels of visibility;

- c. The location and type of vegetation within the public domain;
  - d. The likelihood for vandalism of the lighting and its maintenance requirements;
  - e. The appropriateness of movement sensitive and diffused lights at specific locations; and
  - f. Potential for lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance (refer to AS 4282 Control of the obstructive effects of outdoor lighting).
2. As a minimum, the requirements of AS 1158 Lighting for roads and public spaces should be used for street lighting. AS 1158 may also be used for the lighting of pathways, laneways and access routes provided the lighting design allows:
- a. A wide beam of illumination to reach the beam of the next light, or the perimeter of the site or area being traversed; and
  - b. The faces of users travelling along the path/laneway/arcade up to a distance of 15m are clearly illuminated.

## 8.4. Outdoor Dining and Trading Areas

### A. Background

This section of the DCP applies to outdoor dining or trading areas that require development consent from Council. If an outdoor dining area is proposed with a food and drink premises, the development application will need to comply with the provisions of this section relating to an outdoor dining area. Similarly, if an outdoor trading area is proposed with retail premises (not including a retail premises retailing in firearms, restricted premises or sex services premises), the development application will need to comply with the provisions of this section relating to an outdoor trading area.

Outdoor dining areas on private land and land owned or managed by Council that are not Exempt under the *State Environmental Planning Policy (Exempt and Complying Development)* 2008 require consent and should consider the following Objectives and Controls.

On land owned or managed by Council, that is Exempt and Community Classified, an Outdoor Dining Permit is required under Council's Outdoor Dining Policy.

### B. Objectives

In addition to the general objectives for Public Domain, the objectives of this section are to ensure that:

- a) The outdoor dining area operates in conjunction with a food or drink premises;
- b) The outdoor trading area operates in conjunction with a retail premises (but not a retail premises retailing in firearms, restricted premises or sex services premises);
- c) Outdoor dining or trading areas do not obstruct pedestrian movement, the function of the public domain or access into buildings;
- d) The outdoor dining area does not appear to privatise the public domain.

- e) The furniture provided in association with outdoor dining or trading areas does not pose a hazard to pedestrians or patrons.
- f) Outdoor trading areas contribute to street amenity and landscape character.

## C. Controls

### 1) Outdoor Dining or Trading Area

#### Distance from Street Furniture and Surrounding Uses

- a) The arrangement and location of the outdoor dining or trading area should consider the location of an existing street furniture and services, including the circulation path that will be required between the outdoor area and associated premises/buildings. A location map, drawn to scale, is to be submitted with the development application showing the location of:
  - i. The proposed outdoor dining or trading area;
  - ii. All existing street furniture and services, such as seating, bins, service pits, telegraph poles, bus stops (including associated seating) and the like; and
  - iii. The main entrance to the premises associated with the outdoor dining or trading area.
- b) Minimum distances must be provided to street furniture or services that have been provided by authorities other than Council. The setback between the street furniture and the outdoor dining or trading area is to allow sufficient access and clearance for pedestrians and to the street furniture/services. The minimum distances are provided in Table 1.
- c) The outdoor dining or trading area must not:
  - i. Intrude into the frontage of another premises without approval from adjoining landowners;
  - ii. Encroach or obstruct access to another premises; or
  - iii. Interfere with the circulation of pedestrians around the frontage of the adjacent premises.
- d) Any existing Council-provided street furniture may be relocated at the applicant's expense. Any request to relocate furniture should be detailed in the development application.

**Table 1: Summary of numeric standards for outdoor dining areas**

Minimum footpath width	3.5m
Minimum unobstructed footpath width	2.0m
Minimum distance of tables & seating / display stands from:	
Doorway of the premises	0.5m
Post box	1.5m
Phone box	1.5m

Pedestrian crossing	3.0m
Bus stop (including associated seating)	3.0m
Taxi stand	3.0m
Other utilities	Sufficient to provide access for maintenance and repair.
Hours of operation	7.00 am – 10.00 pm  OR as specified in the existing approval
Eating areas	
Minimum height for separation barrier	0.6m
Maximum height of separation barriers	0.9m

### **Owner's Consent to Occupy Land**

The owner's consent must be obtained to locate the outdoor dining or trading area on the land, including land owned or managed by Council (such as the footpath area of the road reserve). This consent must accompany the development application submitted to Council.

If outdoor trading areas are to be located on Council land, including the footpath, you should also refer to the section below entitled "Trading Areas located on land owned or managed by Council").

### **Approvals**

Copies of outdoor dining and trading approvals are required to supplement any development application.

### **Outdoor Dining**

NSW legislation sets out the following approvals required for a premise to have outdoor dining:

- a) Outdoor dining on the public footway requires an approval under the Roads Act 1993.
- b) Outdoor dining on community land, such as a park of reserve requires approval under the Local Government Act 1993.
- c) Outdoor dining that is on Crown land requires an approval under the Crown Land Management Act 2016.

### **Outdoor Trading**

Approval under the Roads Act 1993 is also required for use of a public road, including footpaths, for outdoor trading (street vending).

This enables Council to ensure that the position of the outdoor trading or dining area will not endanger passing pedestrians or vehicles. Where Council owns a footpath, it also enables Council to control the use of the footpath or the space above or below a road.

## 2) Outdoor Dining Areas

- a) The outdoor dining area must operate in conjunction with a food and drink premises including hours of operation. Where alcohol is to be sold or served within the outdoor dining area, the liquor licence issued for the food and drink premises must include this area.
- b) The outdoor dining area must be located in that part of the public domain that is immediately in front of the food and drink premises.
- c) If the outdoor dining area is located wholly within the development site and:
  - i. The floor area of the outdoor dining area exceeds 30m<sup>2</sup>; or
  - ii. The furniture is fixed to the ground (unable to be removed at the close of each operating day);

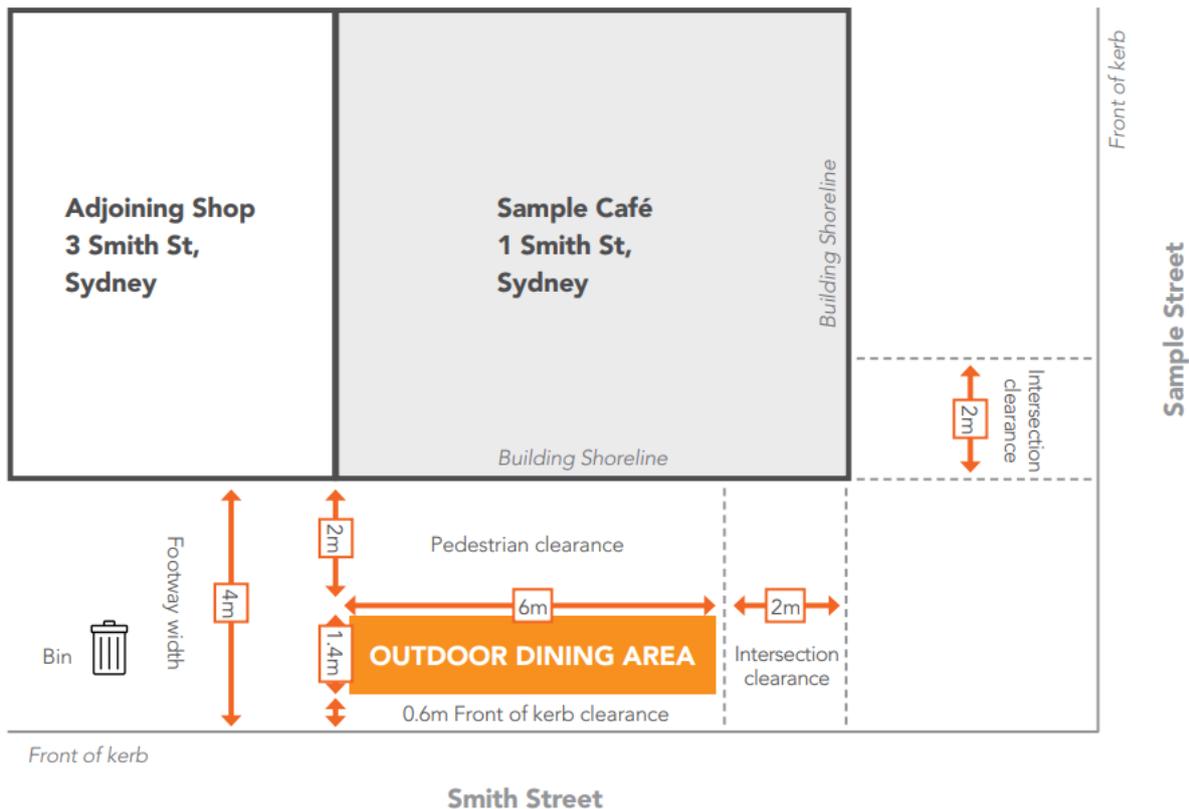
The floor area occupied by the outdoor dining area will be included in the calculation for the total floor space of the food and drink premises. This will be used for the purposes of calculating car parking and amenities (including parenting facilities) only.

- d) The outdoor dining area must:
  - i. Be set back a minimum of 1.8 metres from the building to provide unobstructed continuous clearance along the building shoreline. In those circumstances where there is insufficient width to accommodate kerbside dining, Council may consider alternative arrangements where it can be demonstrated that access and safety for all users of the space (including pedestrians, employees and customers) can be accommodated.

*Shoreline* means the property or natural building line where the building recedes. There should be no obstructions or projections from this line in order to provide the best possible guidance line for all users. People who are blind or vision impaired use what is known as 'overlining' to way find or navigate the transport environment. This process involves the use of a long white cane to sweep in a sideways arc to detect tactile surfaces and features to maintain a direction of travel and/or to identify hazards.
  - ii. Not be on land that is used for vehicular access, circulation or parking, or a designated loading/unloading area;
  - iii. Not be immediately in front of an ingress/egress, including fire exist(s);
  - iv. Be set back from street furniture;
    - a. Where an outdoor dining area is located forward of the building line, a clear distance of at least 1.8 metres must be maintained adjacent to the seating area for pedestrian circulation, exclusive of any obstruction or street fixture.
    - b. Where an outdoor dining area is located behind the building shoreline, pedestrian circulation arrangements will be considered on merit.
  - v. The preferred location for furniture in an outdoor dining area is away from the building edge. This preferred configuration is shown in figure C8.1 below. Alternative configurations can be considered based on their merit and the principles contained in this DCP. The merit assessment will also depend on the space available and other relevant site constraints.
  - vi. Provide a predictable clear path of travel and be consistent along the same part of the footway for the length of the block.

- vii. Not cause obstruction to any existing access points to shops, arcades and pedestrian access ways.
- viii. Present an open, inviting image and be easily accessible from the public way. Full height and solid screens and any type of enclosure including public screens, are not permissible. Direct physical contact with the outdoor environment is an integral part of the experience and a safe, amenable microclimate can be created through proper siting and furniture layout.

**Figure C8.1: Preferred configuration for outdoor dining areas**



- e) The outdoor dining area must be:
  - i. Defined by a barrier that is of sturdy construction and is a minimum of 60cm high with no sharp edges or protruding feet that may cause a trip hazard to pedestrians or patrons; and
  - ii. Complimentary in colour to the seating.
- f) If waiter service is not provided, a bin must be placed where it is visible to patrons in the outdoor dining area and is positioned so it does not cause an obstruction to pedestrians.
- g) No food is to be prepared or stored outside. No hot food counters, boilers or urns shall be placed on public areas or areas external to the premises.
- h) The area must maintain a neat and tidy appearance at all times. This includes ensuring furniture is clean and well maintained, and that the area is not left in disarray after patrons have departed.

## **Furniture in Outdoor Dining Areas**

- a) Overhead structures for weather protection may be placed in the outdoor dining area so long as they:
- i. Are a minimum height of 2 metres, have vents at the pinnacle to reduce wind loading and are appropriately anchored (if anchored on the ground and the outdoor dining area is located on Council land including the footpath, then this will require Council approval by lodging a Road Reserve Opening Permit);
  - ii. Are set back a minimum of 0.6 metres from the face of the kerb;
  - iii. Do not overhang the carriageway or obstruct pedestrians; and
  - iv. Do not present potential trip hazards. That is, they use flat plate anchor bases rather than raised types.
- b) The following furniture may be located in the outdoor dining area subject to Council approval:
- i. Heating appliance(s), either movable or affixed; and
  - ii. Shade structure(s), including umbrella(s), which require anchoring on the ground.

In this regard, details of the:

- i. Type, number and location of the heating appliance(s);
- ii. Dimensions, location and appearance, including materials, of the shade structure(s); and
- iii. Where any furniture is temporarily anchored to the ground, the anchoring system;

are to be submitted with the development application. Applicants need to apply for a Road Reserve Opening Permit prior to any opening being made in the footpath surface in a road reserve.

- c) If the furniture is not affixed to the ground, the furniture must be put away inside the premises when it is closed. No furniture is to be left outside when the food and drink premises is closed.

## **Design of Furniture**

- a) Furniture must be of sturdy construction and suitable for outdoor use. Furniture must be of high structural and aesthetic quality and must be kept clean and well maintained. Furniture in general and seats should be of metal frame construction and so as not to move in strong winds. Domestic style plastic furniture will not be permitted.
- b) Applicants should select a colour scheme for outdoor furniture that complements the streetscape character.
- c) Outdoor furniture should make a positive contribution to the street environment. A furniture style that is durable, high quality and uniform appearance that integrates well within the surrounding streetscape is required.

- d) Outdoor furniture must be compatible with the existing urban character, heritage and street quality and function.

### **Signage in Outdoor Dining Areas**

- a) Signage may be permitted on umbrellas or barriers only. Signage must include only one business name or product which is a core part of the business and is supplied by the restaurant to its customers.
- b) The name of the premises may be displayed on any boundary furniture that defines the outdoor dining area, or umbrellas only.
- c) The name, logo and other branding of the food or drink premises or an associated product may be placed on an umbrella or barrier only if it:
  - i. Is as a minor and ancillary element of the design, comprising no more than one third of the surface area; and
  - ii. Does not have an adverse impact on the appearance of the seating area of the streetscape.
- d) No incidental advertising including A-frame signs will be permitted.

### **3) Outdoor Trading Areas**

- a) The outdoor trading area must operate in conjunction with a retail premises, including hours of operation, (provided it is not a retail premises that retails in firearms, restricted premises or sex services premises).
- b) The outdoor trading area must be located in that part of the public domain that is immediately in front of or adjacent to the retail premises. This may involve the footpath area of the road reserve.
- c) The outdoor trading area must:
  - i. Be set back a minimum of 1.8 metres from the building to provide unobstructed continuous clearance along the building shoreline;
  - ii. Not be on land that is used for vehicular access, circulation or parking, or a designated loading/unloading area;
  - iii. Not be immediately in front of an ingress/egress, including fire exit(s), arcades and pedestrian access ways;
  - iv. Be set back from street furniture (refer to the section entitled “Outdoor Dining or Trading Areas - Distance from Street Furniture and Surrounding Uses” below);
  - v. Display stands be separated from the kerb by a minimum of 0.6m with no goods or parts of the display impeding this space; and
  - vi. Provide a predictable clear path of travel and be consistent along the same part of the footway for the length of the block or outdoor area, preferably along the building shoreline.
- d) If the outdoor trading area is located wholly within the development site and:
  - i. The floor area of the outdoor trading area exceeds 10m<sup>2</sup>;
  - ii. The width of the outdoor trading area exceeds 1.5m; or

- iii. The goods displayed in this area are unable to be removed at the close of each operating day;

the floor area occupied by the outdoor trading area will be included in the calculation for the total floorspace of the retail premises. This will be used for the purposes of calculating car parking and, if required, amenities including parenting facilities only.

- e) If the outdoor trading area is located on a classified road, the application will be referred to the RMS as part of the assessment process.
- f) The area must be kept clean and tidy at all times, including ensuring that any furniture or goods displayed are well maintained, not left in disarray after patrons have left the area or cause nuisance or obstruct pedestrian movement.

### **Display in Outdoor Trading Area**

- a) Display stands may be used within the outdoor trading area provided:
  - i. Display stands do not exceed the dimensions of 1.2 metres high and 60cm wide, with a minimum ground clearance of 20cm;
  - ii. Display stands are of sturdy construction with no sharp edges;
  - iii. Any goods in the display stands are stacked so they do not overhang and there is minimal risk of them falling;
  - iv. Any goods that have fallen off the display stands are immediately picked up; and
  - v. The display stands are put away inside the premises when it is closed.
- b) Details of the type of furniture used to display products, either display stands that can be removed at night or stands that may be affixed to the ground, are to be submitted with a development application.
- c) Displays, including goods, must provide a clear line of sight by ensuring goods do not exceed a height of 1.2 metres.
- d) Displays, including stand and goods, must not;
  - i. Obstruct pedestrians;
  - ii. Overhang the carriageway; or
  - iii. Present potential trip hazards.

### **Trading areas located on land owned or managed by Council (additional requirements)**

- a) As the development will occupy land owned or managed by Council, adequate protection must be provided to Council (as the land owner) against claims that may arise as a result of the operation of an outdoor dining or trading area.
- b) The applicant/proprietor of the premises must have a current public liability risk insurance policy for the sum of \$20 million which indemnifies Penrith City Council from any public liability action between the front property boundary of the premises and, if in the case of occupying the footpath, the kerb line of the street for the full frontage of the

premises. The applicant/operator is to keep this policy current at all times and shall provide Penrith City Council with a copy of the policy prior to commencing any footpath dining or trading. For those location other than footpath areas, the area defined in the indemnity may be extended depending on the location and type of land to be occupied by the outdoor area. (In this instance, please liaise with Council's Property Development Department to confirm the description of the area to be included in the indemnity.)

- c) An initial licence will need to be obtained from Council to operate an outdoor dining or trading area on lands owned or managed by Council. This licence will need to be renewed on an annual basis, at which time the operation of the outdoor dining or trading area will be monitored during the first 12 months to ensure that the amenity of the surrounding area is not adversely affected by the outdoor dining or trading area.
- d) Part of the annual licence renewal will include a fee to use/occupy Council's footpath or other lands owned by Council. Fees will be charged in accordance with Council's adopted Fees and Charges.

## **8.5. Public Art**

### **A. Background**

Place making is a comprehensive approach to the planning, design and management of public spaces with the intention of creating public spaces that supports and generates economic sustainability, social connection and well-being.

Public art is implemented through place making principles and refers to all manner of artworks from traditional forms to the utilisation of new technologies.

These creative works are located in and around interfaces with the public domain rather than in galleries and museums. Public art may have an integrated function within street furniture, street infrastructure and or free standing icon and or integrated into the architectural building designs that interface with public spaces.

### **B. Objectives**

In addition to the general objectives for Public Domain, the objectives of this section are to:

- a) Encourage the role that place making and public art plays in the life of the City and its communities in contributing to its creative cultural life, liveability and accessible amenity;
- b) Provide public art through place-making principles that contributes to the development of vibrant destinations in the City's public domain; and
- c) Encourage new developments and redevelopments to facilitate and integrate high quality place making and public art into the development framework which adds to the cultural development of the City.

### **C. Controls**

- 1) Council will identify locations in the City's commercial and employment areas where it considers place making and public art should be integrated into the public domain, regardless of land ownership.

- 2) Applicants are to liaise with Council's appointed officers overseeing place making and public art for recommendations and direction before developing a Place Making and Public Art Strategy.
- 3) For significant developments as outlined in Council's Place making and Public Art Policy with an estimated cost of \$5 million or more to include place making and public art as an integrated approach for public spaces/domain.
- 4) The style of public art proposed can utilise traditional art forms through to the utilisation of new technologies platforms. These creative expressive works can be integrated and interface with the public domain within the architectural building designs, street furniture, street infrastructure and or free standing icon works where appropriate. Place making and public art is to offer creative site specific responses.
- 5) The development of place making and public art strategy will require the engagement and commissioning of professionals within the areas of place making and public art.
- 6) The Landscape, Urban Design and/or Architectural designs/plans are to support the development of place making and public art to ensure high quality integrated outcomes.
- 7) The Place Making and Public Art Strategy is to be submitted as part of the Development Application.

The application must address how the proposed place making and public art meets the following selection criteria:

- a) Standards of excellence, originality and innovation;
- b) Relevance and appropriateness of the creative works in relation to the site;
- c) Its contribution to creating a sense of place, and integration into the built form;
- d) Where possible, engagement and consultation with local community and key stakeholder groups including, for example, young people and Aboriginal people;
- e) Consideration for public safety and public's use of and access to public spaces;
- f) Consideration of maintenance and durability requirements of public art, including potential for vandalism and graffiti;
- g) Where applicable, consistency with current planning, heritage and environmental policies and plans of management;
- h) All artworks to have appropriate insurances and to be accompanied by a public art maintenance manual and schedule with a decommissioning process outlined;
- i) The Place making and Public Art Strategy is to cover the nature and style of the place making and public artworks, the method, approach, scale, locations, community engagement process and to utilise themes that reflect the local heritage and or local environment to contribute to a sense of place, pride and identity;
- j) All public artworks are to be maintained and any repairs required to be carried out in a professional and timely manner by the developer until handover signoff by Council.

- 8) Public art is to be designed and implemented in accordance with Council's Place Making and Public Art Strategy. A copy can be found on Council's website at [www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au).