

BP.148

FCRM Street Activation

Falls Creek Alpine Resort Management Board ('the Board')

1. Purpose

The primary purpose of this policy is to provide a framework of guiding principles and decision-making criteria for the creation of appropriate street activity now and in the foreseeable future.

By clarifying expectations, the aim is to foster an environment that encourages and enables a range of high quality street activities to thrive in the Falls Creek Village on an all seasons basis.

2. Definitions

Act: means either the *Alpine Resorts (Management) Act 1997* or the *Crown Land (Reserves) Act 1978*.

Busking: is defined as sounding or playing a musical instrument, singing, reciting or performing conjuring, juggling, puppetry, miming, dancing or other entertainment or doing any of those things concurrently. Busking also includes the activity of drawing any message, picture or representation on a wall, pavement or public surface.

Business Permit: means a permit issued by Falls Creek Resort Management in accordance with Section 39 of the *Alpine Resorts (Management) Act*.

Community Organisation: means any local Falls Creek based Organisation acting for the greater good of the Community.

Fundraising Activity: refers to any activity that aims to collect money for, or on behalf of a Registered Charity Organisation or local Community Organisation.

Goods: means any form of tangible personal property and includes food.

Handbill: includes a placard, notice, book, pamphlet, paper or advertisement other than an advertisement affixed to any building abutting any road or public highway, but does not include a newspaper, magazine or book sold by a newsvendor or other person authorised by Falls Creek Resort Management nor any handbill containing material of an exclusively political nature distributed by hand to any person.

Public Space: means unreserved Crown Land as per the Crown Land (Reserves) Act as managed by Falls Creek Resort Management contained within the Falls Creek Alpine Resort and not subject to a Crown Land Lease with a Lessee.

Premises: includes the whole or part of any Leased land, a lot as part of a Sub Lease and a building or building under construction.

Registered Charity Organisation: is an organisation, or a third party organisation, that collects money and/or pledges on behalf of a Registered Charity Organisation, which is registered with Consumer Affairs Victoria.

Sell: includes barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale, or allow to be sold or offered for sale; and sell for re-sale.

BP.148

FCRM Street Activation

Service: means any service deemed by Falls Creek Resort Management to be relevant and suitable for the Village having regard to the time of year, customer demands, convenience and/or entertainment.

Spruik: includes haranguing or addressing members of the public (whether directly or by the use of pre-recorded speech or messages) to encourage members of the public to enter Premises, purchase Goods or both.

Street Activity: is defined as any activity in the public place that involves active selling, offering for sale, soliciting, any type of event, street performance (busking), spruiking, collecting money for fundraising purposes and handing promotional material and leaflets (handbills).

Tout: includes soliciting business to Premises whether by addressing members of the public directly or the emission of music or other noise calculated to attract business to Premises.

3. Background

Falls Creek is a vibrant and dynamic Village. The unique heart and soul of the Resort is supported by a distinctive landscape of terraced streets offering a variety of public spaces. It has areas of engaging retail centres with a host of unique and appealing attributes.

The two primary nodes of the Village (Slalom Plaza and the Village Bowl) provide ideal anchor points to be accentuated as activity bases, transport hubs and civic focal points.

The valuable contribution street activity can make to the local culture and economy is widely recognised in other urban centres of Victoria. Elements of street activity in the form of special events, street trading and busking can add to the richness of a vibrant street environment and contribute to an innate sense of safety and security for visitors and residents of Falls Creek.

The benefits of thriving street life have been recently made more evident in the Village as evidenced by Business Owners and Lessee's looking to activate external areas of traditional Lease sites. The streetscapes and open public spaces of the Village in many respects define the Village. They provide a connection to its spaces and a unique environment in which is set, a Village amongst the trees.

The range of activities occurring within these spaces can diversify the guest experience as people move around the Village.

The FCRM Street Activity Policy provides the framework for appropriate street activity within the Falls Creek Village. It is acknowledged that in a mixed use environment, this activity must be carefully managed in order to maintain equity and fairness for all, to protect the Village's amenity and ensure the safety of guests.

4. Objectives

The objective of this policy is to enable street activity that complements the existing retail/commercial sector, is sensitive to the needs of village guests and residents as well as providing diversity and

BP.148

FCRM Street Activation

consumer choice. It also seeks to enhance the character, heritage, ambience and safety of Falls Creek's local environment.

Specifically the policy seeks to:

- Encourage diversity, vitality, amenity and ambience into the street environment
- Ensure street activity results in minimal disruption to pedestrians and other legitimate street users
- Provide a logical and controlled environment for non-traditional commercial activation in the village
- Protect the village's biodiversity, urban environment and street character
- Clearly outline Falls Creek Resort Management's decision making process.

5. Relation to legislation

Section 38 of the *Alpine Resorts (Management) Act 1997* provides that the functions of each Board, in respect of each alpine resort for which the Board is established, contribute to each Board of Managements actions to plan for the development, promotion, management and use, of each such alpine resort in accordance with the object of the Act and to develop and promote; or facilitate the development or promotion by others of the use of such an alpine resort in accordance with the object of the Act.

Section 39 of the Act provides that a Board may do anything necessary or convenient to enable it to carry out its functions. For the purposes of carrying out its functions the Board has the power to enter into contracts, agreements or arrangements and carry them out.

Under these provisions it is proposed that a Permit or Short-term Authority is required for selling goods or services in the public place.

A Permit or Short-term Authority is also required for soliciting trade and other street activity such as spruiking, fundraising, distributing handbills, busking and displaying goods for sale in a public place.

6. Scope

This Policy is intended to cover all non-short-term commercial activation in non-leased areas in the resort.

7. Responsibilities

The following delegations apply in relation to this policy and responsibilities are set as follows:

Chief Executive Officer

- Authority to activate Street Trading Permits following an appropriate public tender process.
- Authority to authorise adjustment of permit conditions in accordance with the Policy.

Director Economic Development and Land Management

BP.148

FCRM Street Activation

- Run SAP advertising campaign
- Implement conditions of the SAP

8. Policy

8.1 Types of street activity covered by this Policy

The scope of this policy extends to the most commonly practiced forms of street activity. These include activities of a long term and short term occupation of a public place, utilising a range of products and/or services including but not limited to the sale of food and beverages, entertainment and the sale of goods.

Long Term Occupation

Long term street activities occupy a part of the footpath for greater than one month and up to three years. Most of these activities are associated with permanently fixed infrastructure. Permits will usually be granted through a public tender process with pre-determined selection criteria. These activities include:

1. Food Kiosk / Van Sites (licenced and unlicensed) – the sale of food and beverages from semi-permanent kiosks and food vans located or parked in permanent locations within the Village. Maximum three year fixed term.
2. Fruit Kiosks – the sale of fresh fruit and vegetables from semi-permanent and maintained infrastructure. Maximum three year fixed term.
3. Newspaper Stands – the sale of newspapers and magazines from semi-permanent maintained infrastructure. Maximum three year fixed term.
4. Coffee Cart / Barista Kiosks – the sale of beverages from relocatable carts and semi-permanent kiosks. Maximum three year fixed term.
5. Animal-Drawn Carriages / Sleds – the service of horse / dog-drawn carriage/sled tours and joy rides. Maximum three year term.

Short Term Occupation

For the purposes of this policy, short term street activity is defined as any activity that extends any time from one week to one month. These activities are temporary in nature, may occur on a daily basis and are usually disassembled and removed from the public place at the close of trade. Given circumstances, these activities may be permitted to close up but remain in situ for a defined period such as the declared snow season.

1. Event and Festival Street Trading - the sale of food, beverages and merchandise connected to special events and festivals. Up to a 10 day term.
2. Markets - the sale of goods and services on an ongoing weekly or monthly basis, from an organised gathering of stallholders in a specified location. Up to a 10-day term.

BP.148

FCRM Street Activation

3. Seasonal Street Trading - the sale of unique products and services (seasonally oriented) from temporary infrastructure which is removed from the public place at the close of trade each day. Up to a 12-month term.
4. Casual Street Trading Stands - the sale of products and services from semi-permanent infrastructure on a casual short-term basis. Up to a 12-month term.
5. Spruiking - the activity of retail operators attracting trade outside their place of business using their voice (without amplification). Activity may occur on a daily basis and during business hours. Up to a 10-day term.
6. Fundraising - Fundraising activities enable charitable organisations to collect donations and sponsorship in the public realm for the community. Up to a 10-day term.
7. Handbill distribution - Handbill permits are issued to businesses who are advertising their business/products by distributing handbills, leaflets or brochures by hand. Up to a 10-day term.
8. Busking - Person or group of people providing a public street performance in exchange for donation. This applies to buskers who do not use any dangerous goods in their performance. Examples include musicians, singers, dancers, face painters and statue artists for areas within the village as advised. Up to a 10-day term.

8.2 Guiding Principles

Street activity is guided by eight principles that are designed to help create and manage street activities within Falls Creek village. The principles are consistent with FCRM's vision to deliver the most memorable leisure, sporting and adventure experiences in Australia's unique landscape.

People who wish to apply for a Business Permit or Short-Term Authority must ensure their proposed activity is aligned to these principles.

1. Appropriate Location

Street activity is to be encouraged in defined locations that enhance the vibrancy and the social fabric of a particular area of the village.

Street activities are required to meet guidelines that are particular to a specific location in the village. Considerations include existing street furniture, footpath/public space width, vehicular movements, pedestrian movements, safety and public amenity.

Only those specific street trading locations identified by Falls Creek Resort Management will be available for use as street trading locations.

2. Accessibility

A well designed and maintained urban environment is essential to ensure adequate open space for people to enjoy without the clutter of commercial activity on the street/public space.

BP.148

FCRM Street Activation

Street activity should be integrated into the street in a way that does not compromise existing uses, street furniture, building entrances, disabled access and pedestrian safety.

3. Unique and Distinctive

Falls Creek has distinctive character with unique landscape and architectural diversity. Street activities should be a natural extension of the unique *Village amongst the Snowgums*. Consideration will be given to businesses and activities that are bold, innovative and distinctive. Businesses should also meet a perceived market demand.

The range of street activities should reflect the uniqueness, depth and breadth of creative opportunities. This extends to innovative design of equipment and infrastructure used in association with the street activity.

The originality of street activity concept should be demonstrated with a strong point-of-difference to ensure that there is minimal duplication of existing activities and service in the public realm.

4. Safety & Amenity

Street activities should be designed to create an attractive, comfortable and safe ambience for the public and should not compromise the public amenity. Activities should be non-invasive and respectful of village amenity.

Well-designed and maintained equipment, trading stalls and associated infrastructure are essential. With safety in mind, street activities should aim to improve the environment, reduce the opportunity for crime and promote accessible places that encourage a feeling of safety and community participation.

5. Diverse and Engaging

Street activities should be engaging and diverse in nature. The ability to attract and engage people can enhance the vitality of a street and create a sense of interest and curiosity.

To encourage diversity, street activities should demonstrate a point-of-difference. The activity should also have tourist appeal and be interactive. The variety and range of products, services and activities offered may be seasonally oriented and should be complementary to existing street uses.

Applicants should be energetic, dynamic, creative and adept at identifying local niche markets. Permit / Authority holders with these qualities ultimately generate a distinctive business culture with strong links to the commercial/retail sector.

6. Attractive and High Quality

Falls Creek's character and streetscapes encompass culturally significant influences and architectural elements. Any additions to the streetscape should create a seamless and attractive addition to the village.

The overall design of street activity infrastructure and associated equipment should contribute to Falls Creek's physical characteristics and enrich village life and street culture.

BP.148

FCRM Street Activation

The design and appearance of structures should be innovative and vibrant, compliant with FCRM's Design and Siting Guidelines and structurally sound to be able to withstand prolonged exposure to various climatic conditions.

7. Sustainable

Sustainable street activity in the context of this policy encompasses an activity that is socially, environmentally and economically responsible.

Applications must consider and be able to demonstrate their ability to adhere to the following sustainability principles:

- Financially Robust - Applications should be able to demonstrate business readiness and have a sound and comprehensive business plan.
- Socially Sustainable - Social enterprises and micro businesses with a contribution to broader social objectives can enhance the Villages social and cultural elements. Regardless of social objectives, the street activity will be assessed against all principles set out in this policy.
- Environmentally Sustainable – Street activity applicants are encouraged to integrate environmentally friendly practice in their operations.

8. Suitability of Activity

All street activity must be considered suitable and acceptable with regard to its public appeal and amenity. The safety of those using or observing the activity is also paramount when considering suitability.

Criteria such as evidence of quality, noise levels, risk management, and the use of dangerous go will be assessed in relation to suitability.

8.3 Policy Application

1. FCRM will offer by way of tender application the right for potential operators to submit expressions of interest for street trading activity in the Village.

In submitting an application, tenderers must include the following details:

- i) Applicant details including ABN and all relevant contact information
- ii) Presentation/outline on the proposed street trading activity including preferred location
- iii) Details of experience in operating like facilities
- iv) Comprehensive details of the facility the applicant intends to establish such as trading structure, equipment, service requirements etc. Copies of plans should be supplied.
- v) Details of staffing required to operate the street trading business

BP.148

FCRM Street Activation

- vi) Details on cash collection and confirmation of EFTPOS facilities (if available)
- vii) Commentary as to how the proposed business will enhance the streetscape of Falls Creek/meet a community or guest need
- viii) Details on all licenses to trade, insurance requirements and operating permits
- ix) Details on fit-out, commissioning and set up

8.4 Determination

FCRM will review each application and determine its approval based on:

- i) Presentation of the application submitted
- ii) Uniqueness/complementary value to the Village
- iii) Available location/number of applications
- iv) Any other factor FCRM deem relevant given the circumstances of the application.

8.5 Commercial Consideration

FCRM is committed to ensuring street activation complements the commercial structure of businesses in the village and does not unreasonably create unfair commercial advantage.

Accordingly, Permit Fees will be structured on the basis of the greater of a fixed base fee of \$10,000 per annum or ten (10%) percent of turnover, whichever is greater.

Applicable outgoings will be paid for by the operator in addition to the Permit Fee. Operators will be obliged to submit to reasonable audit of sales data and trading figures.

Permit Fee Payments will be made at the conclusion of the declared snow season.

8.6 Timing and Application

FCRM will conduct a public tender process that calls for submissions for street trading permits in August 2018. The permit period will be for the 2019-2021 period.

The tender will be open to existing stakeholders as well as external operators.

Tenders will be reviewed with determination made before the end of October 2018.

Successful tenderers will be notified in writing and will be provided with a further 30 days to complete the licence agreements and pay the holding deposit.

All successful tenderers must be in a position to set up and trade as agreed by FCRM.

9. Key legislation, regulations and standards

- *Alpine Resorts (Management) Act 1997.*
- *Crown Land (Reserves) Act 1978.*

BP.148

FCRM Street Activation

10. Other references and related documents

- 2012 FCARMB Street Activation Policy.

11. Regular review of this policy

The Board will review this policy on an annual basis or more frequently, if required, to keep up-to-date with changes to laws, government policy, etc.

Authorisations and Document Parameters

Document Ref No & Title:	Update Field - Document Title		
Document File Path:	Update Field - Document file path		
Author:	DEDLM	Owner (Title):	DEDLM
Contributors:		Authorised By:	
First Adopted:	2012	Status: Draft/FINAL	Draft
Last Amended:	November 24, 2021	Next Review Date:	November 2023>
Last Amendment approved by:		To be approved by:	
Revision No:	3	Replaces:	2018
Amendment summary:	<ul style="list-style-type: none">- Definition of "short term occupation" changed from 'one week to 12 months' to 'one week to one month'.- References to "activation zones" removed.- Transferred to new Board Policy template.		