

Parklet Program Policy & Guidelines



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Division/Department:	Property and Projects
Responsible Officer:	Manager, Property and Projects
HPE CM Record Number:	23/116801

1. INTRODUCTION

1.1 Overview

Council supports and encourages footway dining as a means of creating vibrant streetscapes and creating opportunities for businesses to grow and prosper. This enables businesses with existing footway dining approvals to apply to use kerbside parking space for additional footway dining. This reallocation of kerbside parking to footway dining is commonly referred to as a 'parklet'.

Parklets have traditionally been viewed as a placemaking response to provide critical public open space in built up inner-city areas around the world. Kerbside car parking spaces are repurposed into public space 'pockets' provide seating, greenery, bike parking facilities, charging ports, and other communal elements.

1.2 Background

The trial parklet program was introduced by Council in July 2021 as a simple temporary initiative to provide immediate support to local cafes, bars and restaurants. The trial program provided valuable insights and community feedback on how Council could make this temporary physical change permanent. Given the success of the trial program, in June 2023 Council resolved to support the formalisation of the parklet program for an indefinite period.

1.3 NSW Government Legislative Support

The introduction of parklets into the Woollahra LGA was strategically aligned to state-wide efforts to support outdoor¹ dining and local businesses in their recovery from the impacts of COVID-19. In response to the global pandemic, there have been a suite of initiatives and legislative amendments introduced in an effort to streamline the way in which outdoor dining is assessed and determined across NSW including, but not limited to:

1) NSW Outdoor dining trial as exempt development

The parklet program leverages the Department of Planning and Environment's (DPE) amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* to allow outdoor dining as exempt development for small bars and pubs across the state. Principally, this amendment was aimed at simplifying the process for councils to enable hospitality businesses to extend their seating to surrounding footways.

2) Assessment of outdoor dining trial applications

Under the DPIE's outdoor dining trial, applications are assessed against the following:

- Section 125 of the *Roads Act 1993* is required if a footway is to be used for restaurant purposes;
- Section 126 of the *Roads Act 1993* provides authority for council to approve structures on road; and
- Section 68 of the *Local Government Act* approval, Part E, Public roads.

1.4 Strategic Alignment

The Parklet Program Policy and Guidelines aligns with Council strategies and plans as outlined below:

- Woollahra Local Strategic Planning Statement – Planning Priority 8:
'Collaborating to achieve great placemaking outcomes in our local centres which are hubs for jobs, shopping, dining, entertainment and community activities'
- Woollahra 2030 for Local prosperity – Strategy 9.3 under 'Community focused economic development':
'Maintain a high public domain to support and promote local business'

¹ Outdoor was used in 1.3 to be consistent with NSW Government documents.

2. COUNCIL OBJECTIVES

Parklets, as part of footway dining, are supplementary to the Restaurant's² internal trade and seating. Through the parklet program, Council endeavours to achieve the following objectives:

- to provide a rapid response to supporting businesses in the LGA by increasing customer capacity /extended footway dining for cafes, restaurants, pubs and bars;
- to support a diverse range of business operations;
- to streamline the approval process for the reallocation of road space as footway dining areas;
- to provide businesses with clear and consistent information on applying for the parklet program;
- to encourage high quality footway dining areas that enhance amenity, bring activities to the LGA and contribute to economic development; and
- to ensure pedestrian safety is maintained.

Council is committed to activating all of the business centres in our municipality and supports the individual expression of each business to help develop a sense of place.

3. BENEFITS OF PARKLETS

Beyond their utility as a business support initiative, there are a range of benefits associated with the introduction of parklets to the Woollahra LGA. These include:

- **Additional customer seating** – the obvious advantage and main driver for business owned parklets is to increase their commercial footprint, and in more recent times, satisfy social distancing requirements;
- **Visual point of interest** - the temporary nature of parklets mean that people are not necessarily used to seeing them in their neighbourhood. Interestingly, authentic and temporary changes to a streetscape can create visual appeal and drive visitation;
- **Streetscape greening** – additional planters of pot plants, a common feature of parklets, provide supplements to existing greenery, add visual appeal and may even provide extra shading depending on the size of the plants.
- **Traffic calming** – whilst there is no documented evidence of the impact of parklets on vehicle/driving behavior, the presence of pedestrians encourages drivers to take notice of the business/activity centre they are passing;
- **Dwell/linger time** – pleasant seating areas with the availability of power and wifi, can encourage pedestrians to stop and spend time in the space and order food and beverages;
- **Community engagement** – parklets are very useful hubs or 'pop-up kiosks' for community engagement initiatives. Whilst engagement is arguably more suited to 'public/council-owned' parklets, they can provide an excellent visual platform to engage the community on future projects or streetscape enhancements;
- **Catalyst for long term change** – where parklets have showcased successful results in terms of business enhancement, improved streetscape, increased visitation, parklets can advocate or catalyse permanent streetscape re-design; and
- **Promotion of artists** – depending on the design and intended aesthetic, the external walls of parklets can be leveraged as a blank canvas to showcase local artists work or even to perform live art for the community.

4. IMPLEMENTATION APPROACH

As of 1 July 2023, eligible applicants will have the opportunity to apply to install and operate a parklet. The parklet application process will involve the following key steps:

- 1) Lodgement of an [online application](#).
- 2) Initial assessment of application via a referral process – including a referral to NSW Police.
- 3) Public notification for a minimum of 14 days.
- 4) Successful applicants to be referred to a formal Traffic Committee meeting for approval.
- 5) Minutes of the Formal Traffic Committee meeting to be reported to the Finance, Community & Services (FC&S) Committee meeting (assuming the application has been supported by the Traffic Committee).
- 6) Subject to Council endorsement, the application will be granted under sections 125, 126, and 127 of *the Roads Act 1993 NSW*, parklet approval and the approval will be issued to successful applicant.
- 7) Installation of parklet to occur within four weeks of notification of approval.

² Premises in which food is regularly supplied on sale to the public for consumption on the premises, as defined under *the Roads Act 1993* and for the purposes of this Guidelines includes food and drinks premises such as a café, take away food and drink premises, pub and small bar.

Note: Public notification and Traffic Committee requirements may be waived where a new parklet application only seeks to transfer the name of the registered operator, with no changes proposed the parklet's structure or operating hours.

A maximum of 20 parklet approvals will be issued to eligible businesses at any one time, and all applications will be assessed on a case by case basis.

All parklets will be based on a 'user-pays'/business-led model. Ultimately, the initial application fee, parklet rent, design, delivery and installation of parklets and all associated assessment or notification costs will be covered by the applicant.

5. APPLICATION PROCESS

As indicated in Phase 1, applicants must submit a ['Parklet Program Application Form'](#) with supporting documentation for Council assessment on location suitability and eligibility.

Without limiting any of Council's rights, and to the greatest extent permitted by law, Council reserves authority to approve or refuse parklet applications that do not satisfy requirements.

6. EVALUATION

6.1 Evaluation Criteria

All applications submitted will be evaluated against the Evaluation Criteria specified at Table 1 below:

Table 1 – Evaluation Criteria

Evaluation Criteria	Description
<p>1. Applicant eligibility</p>	<p>To be eligible for the parklet program, applicants must:</p> <ul style="list-style-type: none"> a. be a café, restaurant, bar or cultural venue in the Woollahra LGA that serves food for eating at their premises. b. be located in a business, employment or mixed use zone under the <i>Woollahra Local Environmental Plan 2014</i>. c. hold an existing development consent to operate as a food premises and/or hold a liquor licence. d. have an existing Footway Dining Approval. e. be proposing to install their parklet within road space that is next to or directly adjoining their businesses. <p>All applications are considered on a case-by-case basis due to the complexity of Woollahra LGA streets and the specific context of an applicant's location, parking restrictions and the neighbouring businesses and road environment.</p> <p>Where there is an existing concentration of footway dining and/or parklet approvals, a parklet may not be approved. As a guide, parklets will be limited to a maximum of three parklets per individual street and no more than ten parklets within a single shopping centre. Noting that in some cases, longer roads will include more than one well separated local centre. In this situation, the cap may function as if these centres are in separate streets.</p>
<p>2. Parklet site suitability</p>	<p>Council will not consider applications proposing parklets in unsuitable locations. Sites considered to be unsuitable for parklets include:</p> <ul style="list-style-type: none"> a. bus stop or bus zones

Evaluation Criteria	Description
	<ul style="list-style-type: none"> b. roads with speed limits of more than 50km/hr c. clearways d. parking for Australia Post, police, fire, ambulance or car share e. no stopping zones f. bike lanes g. disabled parking h. loading zones³ i. laneways⁴ j. angled parking areas k. any premises not located in a business, employment or mixed use zone under the <i>Woollahra Local Environmental Plan 2014</i>. <p>Whilst there are no guarantees on approval, Council deems the following sites to be suitable for parklets:</p> <ul style="list-style-type: none"> a. timed parking, including metered parking b. drop off & pick up 15 minute parking c. taxi zone d. no parking zone <p>It is foreseeable that there will be other parking areas, not listed in the Guidelines that may or may not be suitable for parklets. There is no one-size-fits-all approach for every street within the LGA.</p>
<p>3. Assessment criteria and considerations</p>	<p>Whilst there are no guarantees of approval, all applicants will be required to satisfy the following criteria:</p> <ul style="list-style-type: none"> a. be a café, restaurant, bar or cultural venue whereby the property is located in a business, employment or mixed use zone that serves food for eating at their premises. b. hold an existing development consent to operate as a food premises and/or hold a liquor licence. c. have an existing Footway Dining Approval. d. be proposing to install their parklet within road space that is next to or directly adjoining their businesses. e. their venue must be located within the Woollahra LGA. f. road space for consideration to be adjacent to their business, not in front of another businesses. g. if a business plans to submit an application to use an adjacent parking bay as well as neighbouring ones (side by side), a written consent of the other business owners/property owners must be submitted. h. the maximum number of parking bays a parklet can occupy is limited to 2 (two) parking bays per application. Joint applications will not be supported. <p><i>Note: Where there is an existing concentration of footway dining and/or parklet approvals, a parklet may be limited to occupy only 1 (one) parking space per business.</i></p>

3 Applications requesting to install a parklet in a loading zone will only be considered in exceptional circumstances where there is another nearby loading zone.

4 Parklets will only be permitted in laneways in exceptional circumstances.

Evaluation Criteria	Description
	<ul style="list-style-type: none"> i. parklets must adhere to maintain a minimum 3.0 metre travel lane width for the adjacent traffic lane at all times. j. placement of the parklet should not adversely impact the existing stormwater infrastructure and placement should not obstruct water access to stormwater inlets/pits. k. parklets must be constructed from materials that positively contribute to the aesthetics of the streetscape. Concrete or water-filled traffic barriers will not be supported unless they are clad in other suitably accepted construction material. l. parklet construction materials must be recycled or sustainably sourced. m. any public art proposed must be original in concept and execution, and must exemplify artistic excellence. n. trading hours will be assessed on a case by case basis and the existing footway dining approval hours will be taken into consideration. Maximum trading hours in the LGA are: <ul style="list-style-type: none"> Cafes, unlicensed, licensed restaurants, pubs and small bars: 7am to 10pm Sunday to Thursday 7am to 11pm on Friday and Saturday o. patron capacity must not exceed 1 person per square metre of the proposed parklet area and subject to Council approval.

Each application will be considered with reference to its context, vehicle traffic, pedestrian flow and other relevant factors.

Approvals will be issued with consideration given to balancing the needs of residents, businesses and all footway users.

6.2 SUPPORTING DOCUMENTATION

Whilst there are no guarantees of approval, all applicants will be required to provide the following supporting documents as a part of their application:

- 1) **Site Plan** – that identifies location and dimensions of the proposed parklet (this must be to scale, including dimensions, total area (m²), pedestrian footway clearances, street furniture/infrastructure, trees and proposed patron capacity).
- 2) **Cross section drawing** - identifying a minimum of a 100mm height clearance from the roadway and 400mm from the face of the kerb to allow for water run-off down kerb and gutters at all times.
- 3) **Proposed parklet structure and location** – showing the proposed design, materials, any embellishment proposed to be housed within the parklet (e.g. planter boxes, heaters, etc) and photographs of the proposed location.
- 4) **Photographic identification** – the applicant is required to provide a photocopy of a passport or drivers licence.
- 5) **Traffic Control Plan** – showing that the parklet is suitable to the speed limit on the roadway and has Transport NSW accredited barriers.
- 6) **Insurances** – applicants to provide copies of Workers Compensation and Certificates of Currencies for Public Liability to the value of \$20 million (noting Woollahra Council and Transport for NSW if applicable, as an interested party).
- 7) **Footway Dining Approval** – the applicant is required to provide an existing footway dining approval.

An example of a Site Plan is provided in **Figure 1** below.

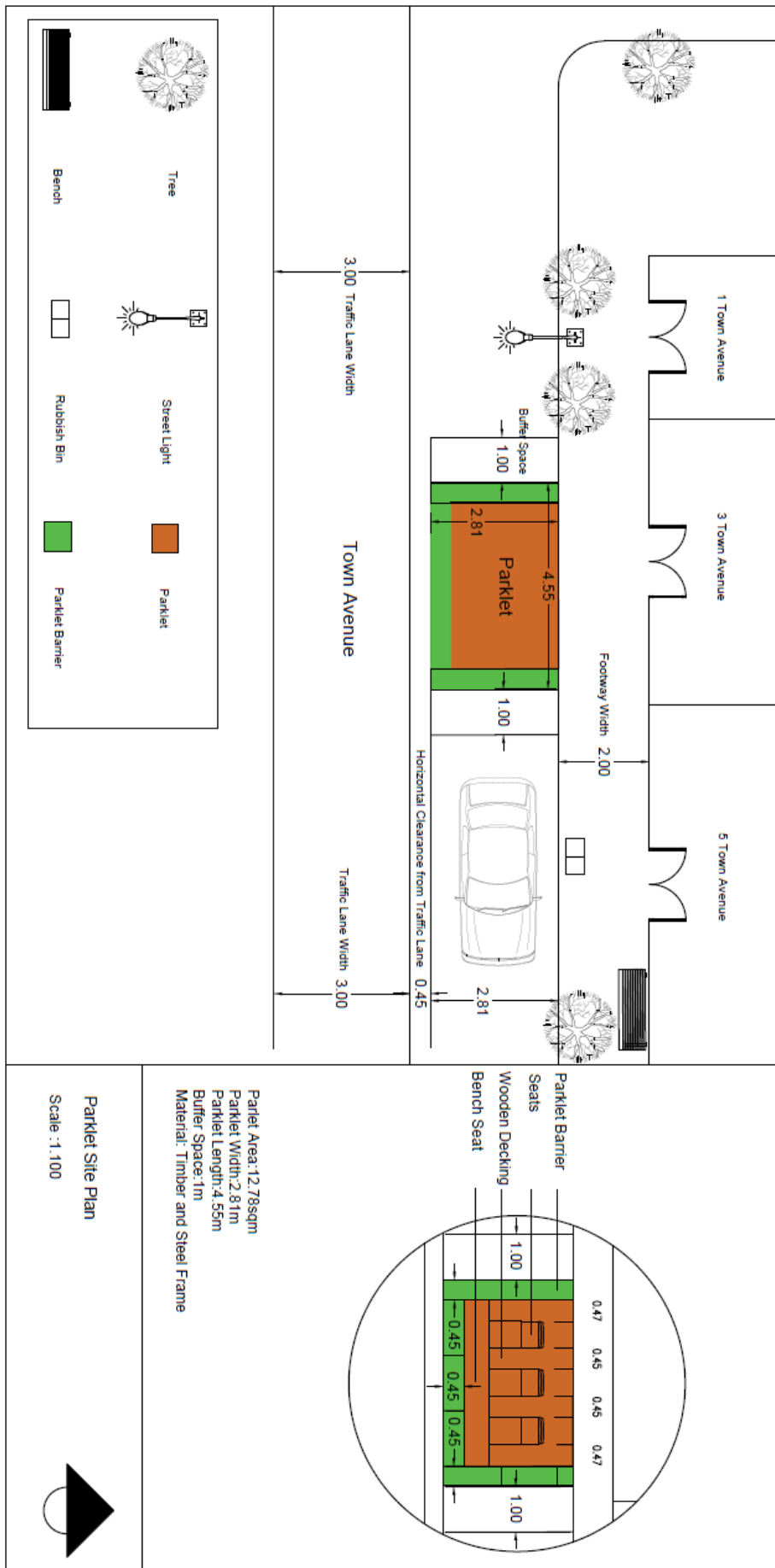


Figure 1: Example of Site Plan.

Notes:

- A separate application to [Liquor & Gaming NSW](#) (L&G NSW) is required by applicants if they are proposing to extend the licensed area to into the proposed parklet area.
- All applications for the Parklet Program will be placed on public notification for 14 days.
- All applications for the Parklet Program will be reported to a formal Woollahra Local Traffic Committee meeting followed by a report to a meeting of Council.
- Whilst not mandatory, it is advised that applicants concurrently lodge a Plan of Management (PoM) in support of their application. This document should identify day-to-day operational and management information including, but not limited to:
 - Business information
 - Trading hours
 - Areas of and access to the proposed parklet from the primary place of business
 - Staffing and responsibilities
 - Safety, security and emergencies
 - Evacuation procedure
 - Noise management
 - Cleaning and general hygiene
 - Waste management
 - Complaint management (amenity impacts for local residents)

7. PARKLET COMPLIANCE

7.1 Terms of Parklet Approval

Under section 125 of the Roads Act 1993 (the Act) Council will issue an Approval in the form of an Approval Notice for a period of up to 12 months with the potential for extension.

7.2 Display of Approval

Council will issue an Approval in the form of an Approval Notice. Business Operators must display the Approval Notice as well as signage which identifies the patron capacity limit and hours of operation in a prominent position on their premises and make it available to any authorised Council officer on request. In addition to their other statutory powers, authorised Council officers may order the removal of any items on the parklet that are not:

- part of the Approval; or
- otherwise permitted under another approval or policy of Council.

7.3 Liquor Licences

Any applicants who lodge an application for a pub or small bar wishing to serve liquor in the area for which the parklet approval is sought must have an appropriate liquor licence which extends to the parklet area and must comply with the terms of the liquor licence and the *Liquor Act 2007*. Note: applicants will be required to obtain an extension to the boundaries of their licensed premises via the Liquor and Gaming Authority once they receive the parklet approval. The parklet operator must not serve alcohol in the parklet area until they have been granted approval by the Liquor and Gaming Authority and evidence of this is provided to Council.

Restaurants that do not have a liquor licence may not make an application for the issue of On Licence/Restaurant Permit (under the Liquor Act) for an approved parklet dining area without prior written consent of Council.

Failure to comply with the liquor licence or Liquor Act may result in termination of an Approval.

7.4 Change of Operator

The parklet approval applies to the Business Operator that applied for and received the Approval. The Approval cannot be sold, reassigned or transferred.

If the business is sold or leased to another person or entity during the term of the parklet approval period, the new owner/tenant will need to make an application for a new Approval. However, Council may waive public notification and Traffic Committee requirements if the operational conditions will be unchanged.

7.5 Revoking, Suspending or Amending a Parklet Approval

An approval granted under section 125 of the Roads Act 1993 (the Act) may be terminated, or temporarily suspended, immediately if it is necessary for safety reasons or otherwise upon giving the holder of the approval at least 7 (seven) days' written Notice.

Specific circumstances where Council may revoke, suspend or amend an Approval include but are not limited to:

- the conditions of the Approval are breached;
- the conditions of a liquor licence or the Liquor Act are breached;
- the use of the parklet for the purposes of the Approval is causing public safety and/or public access to be compromised;
- the use of the parklet is causing disturbance to the amenity of the neighbourhood;
- the parklet area is needed for public works;
- the parklet area is needed for a special event; or
- the parklet area is needed to manage an increase in pedestrian or vehicle traffic.

Repeated and/or continuous failures to comply with an existing Approval and/or the reasonable directions of Council officers may result in the termination of an Approval and will be considered where any subsequent applications are made by the offending party and or their associated companies or businesses.

7.6 Lighting

Lighting must comply with relevant Australian Standards and be:

- Safe
- Non-invasive to adjoining businesses and or residences and
- Located in the parklet area.

7.7 Pedestrian Safe Barriers

Parklet structure and design can vary widely and there are numerous temporary and semi-permanent examples nationally and abroad. Any applicants seeking to partake in the program must be able to show clearly how their proposed parklet structure complies with pedestrian safety standards. All barriers must exhibit a high level of design quality and comply with the following safety requirements:

- be crash-proof or hold a crash rated certification to the speed limit of the road environment in which they are proposed
- be reflective and be visible in all-lit conditions
- not protrude into the traffic lane
- be at a minimum height of 900mm
- be in accordance with the Australian Standards AS1742.3 and the RMS guide to Traffic Control.

A Traffic Control Plan showing the barriers must be prepared by a qualified person holding an RMS "Design and Inspect Traffic Control Plans" accreditation. Further information can be found on the [Transport NSW website](#).

7.8 Road Safety

When nominating the parklet site in your application, you should consider the following minimum buffer areas and considerations:

- If the parklet projects onto the carriageway, a horizontal clearance of 450mm from the traffic lane is acceptable so the barriers need to be positioned sitting 450mm within the parking bays on three sides.
- A minimum clearance width of 3.0 metres for the adjacent traffic lane must be maintained at all times.
- Minimum 1.0 metre buffer space is required between the parklet boundary and a vehicle parking bay.
- A pedestrian ramp over the kerb between footpath and roadway must be in accordance with Work Cover Specification to permit safe pedestrian, wheelchair and pram access.
- A Traffic Control Plan (TCP) illustrating the set out of the safety barriers shall be in accordance with the Australian Standards AS1742.3 and must be prepared by a qualified person, holding an RMS “Design and Inspect Traffic Control Plans” accreditation.

7.9 Public Amenity and Responsibilities

Activities in parklets should contribute to public amenity and a well-managed environment. In order to cultivate a positive relationship between the private and public realms, requirements listed below should be adhered to:

- No footway dining in parklets is permitted to occur other than as approved by Council.
- Footway dining in parklets is intended to be outdoors and should look and feel as such. Environmental and weather conditions should be accommodated without the addition of excessive infrastructure that encloses the space, such as roofs or other structures that project above the seating area.
- Patrons must be seated in the parklet area as identified in the Approval.

7.10 Live or amplified music

Entertainment and amplified music are not permitted in parklets. No loudspeaker, amplifier or other audio equipment may be used to direct sound into the public domain or outdoor areas without the prior consent of Council and any other relevant parties.

7.11 Minimum Clearance Widths and Distances

In considering the suitability of a parklet for Restaurant purposes, the applicant must satisfy, at all time, the clearance requirements of footway dining in their approved footway dining area for pedestrian activity. Detailed information can be found on [Footway Dining Guidelines](#).

7.12 Neighbouring Parking Bay(s)

The plan should relate to parking bay(s) directly adjacent to the premises. If the application proposes to include any neighbouring parking bay(s) the Applicant will need the written consent of the adjoining business operator(s) for the use of parking bay(s) by the applicant. An approved plan will need to be displayed at the premises.

Note: As previously set out, where there is an existing concentration of footway dining and/or parklet approvals, a parklet may be limited to occupy only one parking space per business.

7.13 Umbrellas, Canopies and other shade structures

Umbrellas used in parklets must comply with the following requirements:

- Where umbrellas are used, they must have a height clearance of two metres from the ground for pedestrian movement and safety.
- Umbrella bases should be safe, simple and compact to avoid causing a trip hazard for passing vehicles and pedestrians.
- Where there is more than one umbrella, they should be of a single solid colour.

Additionally, drop-down blinds, enclosures and canopies are not permitted. Umbrellas connected together by zippers or similar means are considered a canopy.

7.14 Outdoor Heaters

Outdoor heaters will only be approved where the safety of people and property is not compromised. Outdoor heaters should turn off automatically if overturned to prevent injury to patrons and damage to property, and should be stored safely within the premises when not in use.

As previously outlined, the location of any outdoor heaters should be clearly indicated in plans.

7.15 Outdoor Furniture

Council encourages the use of diverse, high quality, removable outdoor furniture in styles that enhance the identity of the business and the quality of the streetscape.

Furniture and other parklet equipment, must:

- be located and kept in the parklet when in use
- securely stored away when the parklet is not in use
- be loose furniture that is removed from the parklet out of trading hours
- not include extraneous windbreaks, A frames and unnecessary items
- be safe for patrons and pedestrians by avoiding sharp edges, hinges and moving parts
- be accessible for all users
- be strong, durable, weather resistant and designed for outdoor use
- not cause damage to the road and footway
- have rubber and or noise reducing bases on tables and chairs
- reflect the character of the business, the building and the surrounding area
- have an open appearance and not be cluttered.

7.16 Commercial Signage

At the time of preparing these guidelines, the use of 'A' Frame advertising structures are not permitted under Council's *Woollahra Local Environmental Plan 2014*.

7.17 Maintenance and Cleaning

A parklet operator must maintain the structure and cleanliness of the parklet. The following criteria must be adhered to:

- 1) Any damage that is sustained to the structure must be immediately rectified, and the parklet must be closed and unused until all necessary repairs are made.
- 2) Parklets should be cleaned daily and waste must be disposed of appropriately.
- 3) Public bins are not to be used for the disposal of waste.
- 4) Parklet operators must not use disposable tableware in the parklet.
- 5) Any vegetation must not exceed 1.2 metres in height as measured from the base of the parklet.
- 6) Where a parklet has been in operation for multiple years, it is expected that parklet structure must be restored (every 2 (two) years) to its original condition.

7.18 Smoking

Smoking, including e-cigarettes is prohibited in parklets and within (four) metres of entry areas. The Business Operator must ensure that smoking is not permitted by any person, at any time, in and around the parklet and shall display signage to this effect.

7.19 Insurance

Public liability insurance for a minimum value of \$20 million for any single incident. In addition to the requirement to include Council as an interested party, an applicant's Public liability insurance must also note the interests of

Transport NSW where applicable. The Public liability insurance must be held for the full duration of the parklet approval term.

7.20 Fees and Charges

All parklet approvals will be subject to the relevant fees and charges as set out in Council's adopted Fees and Charges.

The Business Operator must pay to the Council all relevant fees and charges in advance on the first day of each month by direct payment or as the Council may from time to time direct.

All other costs associated with the Approval, installation, maintenance, supply of parklet and reallocation of signage (if required) are to be covered by the applicant of the approved parklet.

7.21 Transitional Provisions

Any parklet applications that were submitted prior to the commencement of the current revisions of the Parklet Program Policy and Guidelines dated 1 July 2023 will need to be resubmitted for a Parklet Approval and be assessed under the current conditions however they will not be subject to a new Parklet Application fee as set out in Council's adopted Fees and Charges.

Similarly, existing parklet operators wishing to renew their Parklet Approval will be required to re-submit a parklet application within an agreed timeframe as directed by Council and will be assessed under the new Parklet Program Policy and Guidelines. Existing parklet operators will be eligible to operate their existing parklet until a decision has been made on the new parklet application during which time they will not be subject to parklet rent and an application fee. They will be subject to parklet rent only following Approval of the new parklet application.

Existing parklet operators who do not wish to renew their Parklet Approval will be required to remove the parklet within an agreed timeframe as directed by Council. Failure to do so within the agreed time frame may result in compliance action.