



Parklet Trial Program Guidelines



November 2022

1. INTRODUCTION

1.1 Overview

COVID-19 had a major impact on the hospitality industry both nationally and within our LGA. In simple terms, COVID-19 and associated social distancing requirements dramatically reduced the amount of patrons that hospitality businesses could typically accommodate. As has been widely publicised, this represents a major loss of income for local businesses within the LGA. Since March 2020, Woollahra Municipal Council has invested more than \$7 million into Covid-19 support /relief measures. The outbreak and state imposed lockdown orders led Council to initiate a suite of additional support measures for the local community.

As Council supports and encourages footway dining as a means of creating vibrant streetscapes and creating opportunities for businesses to grow and prosper, a parklet trial program was introduced. 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 is a simple temporary initiative that Council can deploy to provide immediate support to local cafes, bars and restaurants. The trial program will provide valuable insights and community feedback on how Council could make this temporary physical change permanent. The parklet trial program is not specific to a location. A 'trial period' will be granted to eligible businesses to operate a parklet until 30 June 2023. Council will then review the parklet program, and decide whether it should be extended.

At the time of preparing these guidelines, Council has resolved to issue a maximum of twenty approvals to businesses within the Woollahra LGA.

1.3 NSW Government Legislative Support

The introduction of parklets into the Woollahra LGA would be 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 trial 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.

The outdoor dining trial has provided an opportunity for councils to streamline the approval pathway for the operation of outdoor dining in their LGA. Woollahra Municipal Council participated in the trial and streamlined the approval process for Footway Dining and Display of Goods on Footway in February 2021 to help local businesses to recover from the impacts of the COVID-19 pandemic.

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

1.4 Strategic Alignment

Parklet trial programs align 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’

2. COUNCIL OBJECTIVES

Parklets, as part of footway dining, are supplementary to the Restaurant’s² internal trade and seating. Through the parklet trial programs, Council endeavour 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 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 trial parklet program;
- to test, measure, and evaluate the effectiveness of parklets within the Woollahra LGA on a temporary basis;
- 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 activation 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 natural 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.

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.

4. IMPLEMENTATION APPROACH

Council will offer successful applicants a trial lasting until 30 June 2023 to install and operate a parklet. That trial will involve the following key steps:

- 1) Lodgement of an [online application](#)
- 2) Initial assessment of applications
- 3) Public notification for 7 days
- 4) Successful applicants to be referred to Traffic Committee for approval
- 5) Granted under sections 138 and 139 of *the Roads Act NSW*, Parklet approval issued to successful applicant
- 6) Installation of parklet to occur within four weeks of notification of approval

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.

The parklet trial opportunity will be offered to a maximum of twenty businesses. All parklets to be implemented in this trial will be based upon a 'user-pays'/business-led model. Ultimately, the 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 Trial 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 trial 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
1. Applicant eligibility	To be eligible for the parklet trial program, applicants must: <ol 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 Approval³. e. be proposing to install their parklet within road space that is next to or directly adjoining their businesses.
2. Parklet site suitability	Council will not consider applications proposing parklets in unsuitable locations. Sites considered to be unsuitable for parklets include: <ol style="list-style-type: none"> a. bus stop or bus zones

³ Businesses who do not have an existing Footway Dining Approval can apply for it while submitting a Parklet Trial Program Application to Council.
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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. 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. loading zone d. taxi zone e. no parking zone <p>It is foreseeable that there will be other parking areas, not listed in this 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>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, inherent parking restrictions and the neighbouring businesses and road environment.</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 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. hold a current Footway Dining Approval g. hold a current COVID-19 Safety Plan in place and electronic check-in facilities h. road space for consideration to be adjacent to their business, not in front of another businesses. i. 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. j. the maximum number of parking bays a parklet can occupy is limited to two parking bays per application. Joint applications (where multiple businesses jointly submit one application for a parklet across more than one parking bay) will be assessed based upon the location suitability and amenity impacts.

Evaluation Criteria	Description
	<p><i>Note: 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.</i></p> <p>k. parklets must adhere to maintain a minimum 3.0 metre travel lane width for the adjacent traffic lane at all times.</p> <p>l. 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.</p> <p>m. parklet construction materials must be recycled or sustainably sourced.</p> <p>n. any public art proposed must be original in concept and execution, and must exemplify artistic excellence.</p> <p>o. trading hours must be consistent with an existing footway dining approval. Maximum trading hours in the LGA are:</p> <p style="padding-left: 40px;">Cafes, unlicensed, licensed restaurants, pubs and small bars:</p> <p style="padding-left: 40px;">7am to 10pm Sunday to Thursday</p> <p style="padding-left: 40px;">7am to 11pm on Friday and Saturday</p>

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).
- 2) **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.
- 3) **Photographic identification** – The applicant is required to provide a photocopy of a passport or drivers licence.
- 4) **Traffic Control Plan** – showing that the parklet is suitable to the speed limit on the roadway and has Transport NSW accredited barriers.
- 5) **Bump in/out** for installation and removal of parklet
- 6) **Insurances** – Applicants to provide copies of Workers Compensation and Certificates of Currencies for Public Liability to the value of \$20 million (nothing Woollahra Council and Transport for NSW if applicable, as an interested party).

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

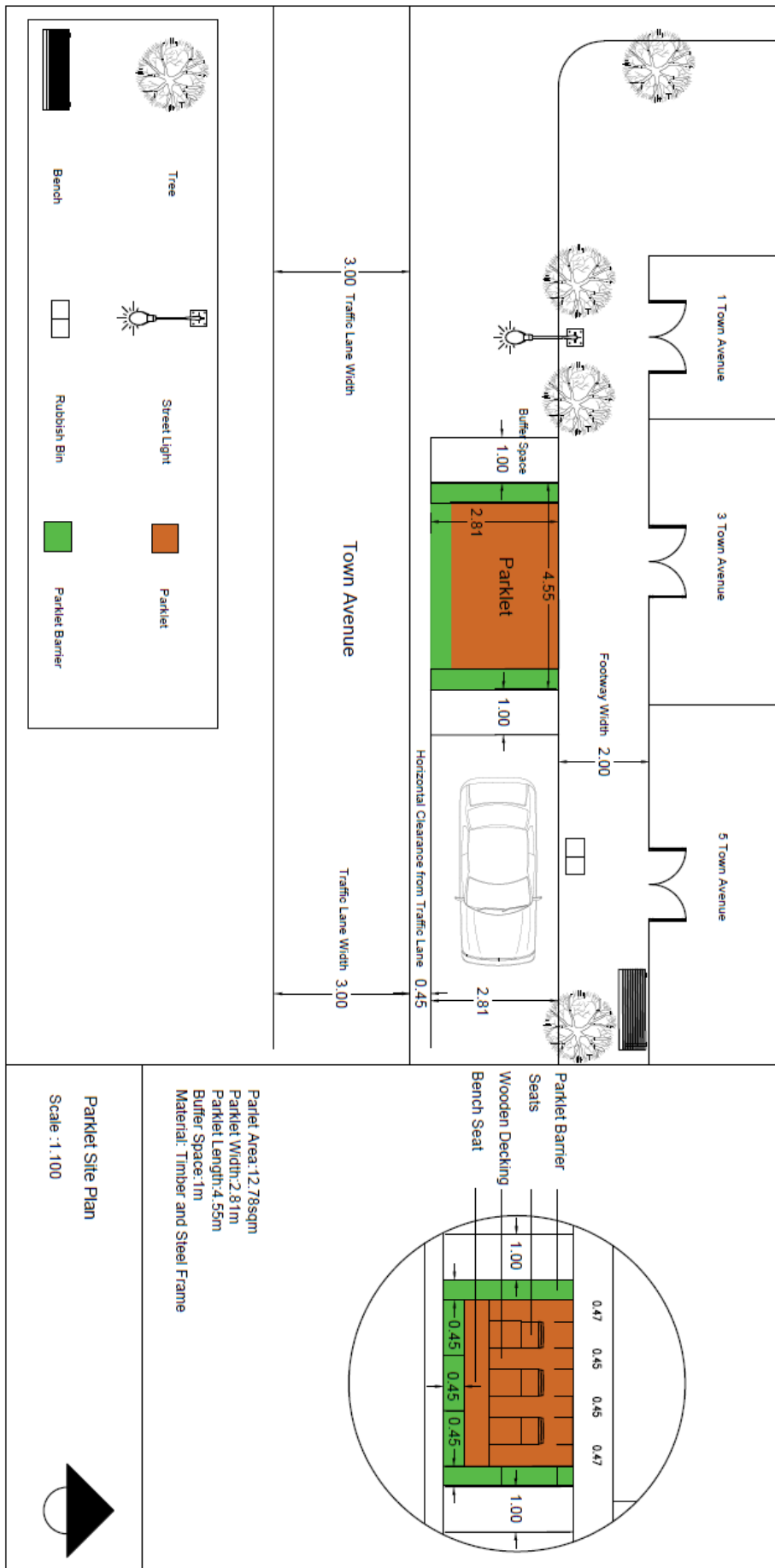


Figure 1: Example of Site Plan.

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 Trial Program will be placed on public notification for 7 days.
- All applications for the Parklet Trial Program will be reported to the Woollahra Local Traffic Committee.
- Whilst not mandatory, it is advised that applicants concurrently lodges 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 Display of Approval

Council will issue an Approval in the form of an Approval Notice. Business Operators must display the Approval Notice 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.

7.2 Liquor Licences

Any applicant who lodge an application for a pub or small bar wishing to sell liquor 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*.

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.

7.3 Change of Operator

The parklet trial 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 trial 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.

7.4 Revoking, Suspending or Amending a Parklet Trial Approval

As footway dining in parklets is an activity occurring on a public road, Council may, as a Roads Authority, revoke, suspend or amend an Approval at any time and for any reason.

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.

7.5 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.

7.6 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 trial 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](#).

7.7 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.

7.8 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.

7.9 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.

7.10 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](#).

7.11 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.

7.12 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.

7.13 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.

7.14 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.

7.15 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*.

7.16 Maintenance and Cleaning

Business Operators using a parklet must maintain the area by regular cleaning throughout the day and at the close of trade each day. The following criteria must be adhered to:

- 1) Waste and litter must be removed promptly from the parklet and disposed of properly.
- 2) Public bins are not to be used for the disposal of waste by the Business Operator.
- 3) Business Operators must not use disposable tableware in the parklet.
- 4) Parklets should be dry swept and solid waste disposed of appropriately.
- 5) Wet cleaning should be done with a mop/cloth and bucket of water and waste water must be disposed of responsibly.
- 6) Commercial contractors can be engaged by the Business Operator to steam clean the parklet surfaces.

7.17 Smoking

Smoking, including e-cigarettes is prohibited in parklets and within 4 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.

7.18 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 trial.

7.19 Fees and Charges

Any Council fees associated with parklets will be waived during the trial period.

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.

7.20 Transitional Provisions

Any parklet application that is submitted prior to the commencement of the current revision of the Guidelines (dated 17 November 2022) may be assessed under the previous revision dated July 2021.