

# PARKLET OPERATING GUIDELINES

18 October 2021

administration

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**PARENT DOCUMENT:** Temporary Use of Public Space Policy

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## ACKNOWLEDGEMENT OF COUNTRY

The City of Adelaide acknowledges that we are located on the traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past, present and emerging.

We recognise and respect their cultural heritage, beliefs and relationship with the land. We also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.

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## PURPOSE

We encourage and invite applications that are creative, safe, and complimentary to the location in which they take place. This guideline implements Council's [Temporary Use of Public Space Policy](#) and the principles which guide our approach to how public space can be used and activated for business purposes.

The purpose of these operating guidelines is to provide clear guidance for the design and development of parklets that contribute to:

- Increasing street activity and vibrancy
- Enhance community safety
- Support local businesses
- Test future permanent changes to street configuration

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## OPERATION

### APPLYING FOR A PARKLET PERMIT

Expressions of interest for parklets may be submitted by:

- Business owners i.e. café, restaurant or shop operators
- Property owners
- Community and not-for-profit groups
- Business organisations
- Private individuals
- Groups of the above.

Given parklets are located on the road there are certain locations that are suitable for parklets and others that are not suitable due to safety and service requirements.

Expressions of interest may be submitted if the following locational criteria can be met:

### Acceptable locations

Parklet Permit applications will be considered in the following circumstances:

- located more than 10 metres from an intersection with another road or laneway and 20 metres from a signalised intersection.
- the parklet occupies no more than 2 parallel parking bays, (use of angled parking bays will be considered on a case-by-case basis).

- the parklet does not restrict or impact stormwater flow rates along the street
- located on streets with a minimum road pavement width of 5 metres
- the parklet is in proximity to and/or under an existing streetlight to improve the night visibility of the parklet for safety.

### Unacceptable locations

Applications for a parklet permit will not be considered if any of the following criteria apply:

- Any sections of streets as shown in the map in Appendix A as these are main traffic and/or transport routes in the City
- Over service access points
- Within the vehicle traffic lane
- Within 2 metres of stormwater drain/catchpit
- Where it would interfere with a bus lane or bus stop
- Roads where the signed speed is greater than 50km/h
- Where it would remove a taxi rank or loading zone
- Within No Parking or No Stopping zones
- Where it would remove permit zones
- Where it would remove an accessible parking bay
- Within 1 metre of a fire hydrant
- Within 1 metre of street furniture and services (including parking ticket machines)
- Within 1.5 metres of a dedicated waste bin(s) collection point

If the expression of interest is supported by Council administration an application for a Parklet Permit can be submitted.

All Parklet permit applications must include the following:

- A completed Parklet Permit application form.
- A detailed to scale, existing site plan, proposed site plan and elevation plans showing the proposed layout including setbacks from intersections and infrastructure
- Details of the proposed materials, fixtures and furniture
- A current copy of the Certificate of Currency for Public and Product Liability Insurance to the value of \$20 million, which notes City of Adelaide as an interested party.

### PARKLET CRITERIA

If the parklet location is acceptable the application should demonstrate the parklet will meet the following:

1. It will be constructed of high quality, durable and low maintenance materials, based on the suite of materials in the [Adelaide Design Manual](#).
2. it will not incorporate horizontal elements that could pose a spearing hazard if hit.
3. it avoids the use of materials that produce glare, discomfort or danger to pedestrians and users of vehicles.
4. it is easily removable and will not damage the road surface or infrastructure.

5. it will not affect traffic signs or visibility of traffic control devices e.g., traffic signals (note parking signage may be considered for relocation or removal at the cost of the applicant).
6. it avoids impeding access to all above ground and subsurface services in the public road reserve.
7. it will not present a safety risk to users of the parklet, pedestrians or other users of the public road.
8. it avoids impeding sightlines or mobility for pedestrians i.e., at bus stops and crossing roads.
9. it has a 300mm buffer from a traffic lane including a bicycle lane
10. it meets requirements under the *Disability Discrimination Act 1992* (Cth)
11. any proposed plants will be maintained, pruned and watered by the permit holder, as required to ensure plant health and pedestrian safety.

In addition, the application must include any other information requested by Council, i.e., Traffic Impact Study.

### **STRUCTURAL/DESIGN REQUIREMENTS**

The design and construction of Parklets MUST:

1. ensure clear line of sight for all road users is maintained by ensuring solid elements, including plantings, do not exceed one metre in height
2. ensure clear line of sight for all road users and the function/operation of security cameras are maintained when awnings or pergolas are proposed
3. include a certificate of structural adequacy from a structural engineer
4. Provide access below the deck and along the kerb for street drainage, including access panels to allow for regular inspection
5. Allow for street cleaning and maintenance, including sufficient clearance for leaf blower access
6. Not be bolted or fixed to the kerb or road surface
7. Be open to the footpath with level access (maximum 10mm gap between kerb and platform)
8. Include reflectors along all sides to maximise visibility
9. Include traffic management signage for safety

The design stage should consider:

- micro-climate conditions of the site (i.e., winter/summer shade, prevalence of wind etc)
- ease of maintenance/cleaning (i.e. minimise gaps that can capture litter/cigarette butts/food etc)
- making the space welcoming and inviting for all
- limiting potential for anti-social behaviour
- opportunities for public art to be incorporated into the parklet
- ensuring pedestrians on either side of the street can see into the parklet
- opportunities for additional greening/landscaping
- Increasing opportunities for bicycle parking

All parklet permit applications will be assessed on a case-by-case basis.

Any necessary safety features that are identified may be installed by Council at the applicant's expense. This may include chevron signage, rubber wheel stops etc.

### **FURNITURE**

The parklet may incorporate fixed features such as bench seating, planters and bike racks whilst retaining flexible space available for moveable furniture. Integrated benches and small permanent seats enable the space to be functional at all hours. Moveable furniture adds interest and allows for adaptive use of the parklet. Parklet furniture should allow for simple set up/pack down and any moveable items are required to be stored securely outside of business hours.

Fixed seating and furniture needs to be designed to deter anti-social behaviour after hours to minimise impacts on amenity for neighbouring residents and businesses.

### **Umbrellas**

Umbrellas are required to meet the following criteria:

- have a central support post
- have a minimum clearance from the lowest point of the main canopy to the footpath or parklet platform of 2.1m
- a canopy in a high quality material such as canvas and of neutral colours
- must not obstruct CCTV lines of sight
- fully removable umbrellas must be properly weighted on the parklet during use without creating a trip hazard or impeding movement. More information regarding this can be found in the Umbrella Stability Guide
- semi-fixed umbrellas may be used subject to development approval

### **Lighting and Heating**

Given the temporary nature of parklets, connection to mains power is not permitted so lighting and heating options are limited.

Adequate lighting must be provided where outdoor dining occurs outside of daylight hours (from dusk). Where the light spill from the street lighting is obscured Council will advise the permit applicant to provide additional lighting. Provision of lighting will be the permit applicant's responsibility. All lighting must be vandal resistant, glare/intrusive-free and maintained in good working order by the applicant.

For more information on required lighting requirements to meet Councils' standards please contact Council's Asset Manager – Lighting on 8203 7203.

If portable heaters are proposed it is the parklet operator's responsibility to make sure:

- gas heaters are stable,
- gas bottles are covered by the base casing of the heater (no naked gas bottles will be permitted),
- heat sources are not within reach of children, and
- that heat sources are not placed where they may pose a fire hazard including close proximity to flammable material.

Details of any portable lighting or heating must be included in the application.

## ACCESSIBILITY

The parklet application should demonstrate that it meets the relevant requirements of the Disability Discrimination Act 1992.

This will not only ensure accessibility for people with disability and/or mobility challenges, including those with wheelchairs and vision impairment, but will also help to make the space attractive to all patrons including older people and families with children and prams.

It is suggested that the parklet should meet the following criteria:

- flush with the kerb
- ensure sufficient space for manoeuvring wheelchairs
- appropriate colour/luminance contrast at the interface between the parklet and kerb for maximum visibility
- at least some of the outdoor dining furniture meets the following criteria:
  - a table surface height of between 750mm and 850mm
  - a seating height of between 450mm and 520mm
  - positioned so that a wheelchair user can access the table without impeding the pedestrian zone

## CONSULTATION

Council will undertake consultation of each parklet application and its impacts on parking as per in the following:

- Letter to adjacent property owners and business operators (including all tenants in multistorey buildings)
- Notice in the window of the associated business
- Submissions will be considered in decision making under delegation

## APPLICATION AND ISSUING OF PERMITS

The authority to issue a Parklet Permit is defined under the *Local Government Act (1999)* SA. Applications are assessed and Permits issued by the Business Centre. Where an individual site presents circumstances that may limit the potential for a parklet, a variation to the criteria of the Guidelines may be considered providing it is consistent with the overall intent and purpose of the Parklet Operating Guideline and Temporary Use of Public Space Policy.

Authority to approve applications at minor variance to the guidelines is delegated to the Associate Director, Regulatory Services. Applications at major variance to the guidelines or where there is mixed stakeholder feedback require a decision by the Chief Executive Officer. Where there is significant objection to the impacts on parking the application will be referred to Council.

Parklet Permits will be issued for a period of 12 months, with the option to apply for a renewal annually, subject to maintaining compliance with the original conditions/agreement and payment of annual fees.

A City Works Permit will also be required to undertake the installation and any constructions works in the public realm.

### **ADVERTISING**

Council seeks parklets that are visually attractive and not dominated by advertising. To that end, Council supports advertising on removable umbrellas where the visual appearance of the item is characterised by the material the item is made from (e.g. canvas) and the advertising does not dominate.

Only advertising in the form of the business logo or name, or the logo of products used/sold by the business is permitted. Advertising of items not related to the business is not permitted in parklets.

### **SMOKING**

As of the 1 July 2016, smoking is no longer permitted in public outdoor dining areas under section 52 of the *Tobacco Products Regulation Act 1997*. Parklets must be smoke-free at all times when food is offered or provided. Further information regarding the Tobacco Products Regulation Act can be accessed from SA Health.

### **LIQUOR LICENSING**

Parklet Permit applicants are required to advise Council at the time of their application if they are also intending to apply for a Liquor Licence. Parklet Permit applications involving the consumption of liquor will also be referred to apply for a Liquor Licence from Consumer and Business Services.

A Parklet Permit may be issued subject to certain conditions such as trading times or number of tables and chairs. A Liquor Licence cannot extend the conditions of the Parklet Permit but may impose additional conditions.

### **MAINTENANCE AND CLEANING**

Businesses operating parklets must maintain the area through regular cleaning throughout the day and at the close of trade each day.

### **OTHER**

#### **Development Approval**

If a parklet proposal meets the criteria in these Guidelines, the proposal may also require development approval under the *Planning, Development and Infrastructure Act 2016* (SA) as decking and some fixed or semi fixed furniture may be considered structures.

If Development Approval is required, the applicant will be notified of the need to lodge a development application and advised on the process and requirements by Council. Additional fees and timelines apply.

Development Approval cannot be granted for a building or structure proposed to be erected or installed on Council footpath, road or other land unless Council authorisation under the *Local Government Act 1999* and/or relevant Council by-laws has been provided. Council will seek to streamline the process as much as possible.

### **Heritage Areas**

Impacts on bluestone kerbing and other heritage items will be subject to a referral to Council's Heritage Adviser as part of the assessment of the application.

### **LIABILITY AND INSURANCE**

The permit holder is responsible for any liability issues associated with the parklet.

Permit holders must take out and maintain a current public and product liability insurance policy specifically noting City of Adelaide as an interested party. The policy must insure for at least \$20,000,000 and must cover injury, loss or damage to persons or property arising out of the activity carried out under this Permit or the granting of this Permit by the Council.

A Certificate of Currency for the policy must accompany the initial application for an Parklet Permit and annual Permit renewal paperwork.

### **REMOVAL OF PARKLET INFRASTRUCTURE**

Council requires the Permit holder to provide a bank guarantee to ensure the timely cleaning and maintenance of the parklet as well as cover the removal of the parklet and any remediation, should the permit holder default on maintenance/management or vacate the site without notice.

The value of the bank guarantee will be determined by Council based on the risk exposure of the parklet regarding the cost of removal and/or remediation of the site.

On termination of the Parklet Permit (for any reason) all infrastructure associated with the Parklet Permit must be removed within 30 days and the roadway returned to its previous state, including any reparations to the kerb, at the permit holder's expense unless alternative arrangements have been agreed in writing by Council.

This infrastructure includes but is not limited to all removable items and previously approved fixed or semi-fixed items such as decking, furniture, umbrellas, Energy Absorbing Bollards and any other item placed or installed in or on the road by the permit holder.

If removal and remediation has been undertaken to the satisfaction of Council the bank guarantee will be returned to the permit holder within 30 days.

In the event that the parklet is not removed by the permit holder within 30 days of closure or departure from the adjoining business, Council will remove the parklet and remediate the site.

If Council is required to remove the parklet and/or remediate the site, the bank guarantee will be called on by Council.

### STORM WATER MANAGEMENT

The Environmental Protection Authority's Storm Water Pollution Prevention Code of General Practice for the Community states that wastewater from washing down outdoor dining areas should not be discharged in the storm water system. Outdoor dining areas should be dry swept and solid waste disposed of appropriately. Wet cleaning should be done with a mop/cloth and bucket of water which is discharged into the sewer system.

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### OTHER USEFUL DOCUMENTS

#### related documents

- **Temporary Use of Public Space Policy**
- Adelaide Design Manual
- Planning and Design Code

#### relevant legislation

- *Local Government Act 1999 (SA), s 222*
- *Planning, Development and Infrastructure Act 2016 (SA)*
- *Liquor Licencing Act 1997*
- *Tobacco Products Regulation Act 1997*

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### GLOSSARY

Throughout this document, the below terms have been used and are defined as:

**adjacent land:** properties within 60 metres of the proposed parklet, including across a road or laneway.

**fixed furniture:** any furniture permanently fixed to the parklet platform structure, including but not limited to, benches, tables and umbrellas.

**moveable furniture:** any furniture that can be removed from the parklet, including, but not limited to, chairs, tables, umbrellas, lighting or heating.

**street:** the pavement section of a road, not including any footpaths.

**street furniture:** Any fixed furniture/services in the public realm including, but not limited to, benches, bins, telephone boxes, post boxes, bicycle racks and ticket machines.

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## ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **3** years unless legislative or operational change occurs beforehand. The next review is required in **2024**.

**review history:**

| Trim Reference | Authorising Body | Date/ Decision ID                      | Description of Edits                          |
|----------------|------------------|--|---|
| ACC2021/138388 | Council          | 14 September 2021<br>Decision ID 21267 | New Parklet<br>Operating Guideline<br>created |

**contact:**

For further information contact the Regulatory Services Program

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