

## Cassowary Coast Region – Parklet Policy

<b>Policy type</b>	Council
<b>Function</b>	Delivery Services
<b>Policy Owner</b>	Planning Services
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## 1. Background

Parklets are repurposed car parking bay(s) designed to create new spaces for activation of outdoor dining within the Cassowary Coast regions streetscape. Parklets provide the opportunity to support local food and beverage businesses while positively contributing to the broader community through, the provision of seating and greenery, and fostering the potential for an activated streetscape. The application of the policy is at the discretion of the Council. The policy provides the circumstances under which an application may be made by an applicant including relevant criteria. Under this policy the term 'applicant/businesses' means the person whom is making the application and will be responsible design, build, installation, removal and maintenance of the Parklet.

The intent of the Parklet Policy (the Policy) is to:

- Provide Parklet eligibility requirements;
- Detail the application process, assessment criteria and decision-making framework for Parklet applications; and
- Establish the role of Council and Food and beverage business owners in the installation and maintenance of a Parklet.

## 2. Purpose

The purpose of this Policy is to:

- Encourage activation and vibrancy in our dining centres, which makes them more enjoyable and safer for our community;
- Support our local businesses and economy to be more resilient to future economic challenges and changes to operating regulations;
- Ensure that Parklets are safe and accessible, together with consideration of neighbouring properties and amenities;
- Ensure food and beverage businesses that benefit from the commercial use of public space make a fair contribution through appropriate fees and charges;
- Provide a framework for food and beverage businesses, community, and Council to balance competing interests to ensure decision making is fair and consistent, with compliance measures; and
- Provides guidance for applicants on the application process and implementation of a Parklet.

## 3. Term

The Policy will be reviewed one (1) year after implementation to monitor the requirements and review the Parklet fees. Fees will thereafter be reviewed annually as part of Council's annual budget process.

The Parklet agreement will be issued for a minimum period of three (3) years with the possibility of extension with written approval from Council.

#### **4. Scope**

The Policy applies to food and beverage businesses located within the Cassowary Coast Region that wish to implement a Parklet in place of car parking space(s), located on a Council managed road.

The Policy outlines the requirements for a business to be eligible for a Parklet, including location requirements, responsibilities of the business and information regarding the implementation of a Parklet.

The Policy does not apply to:

- Itinerant trading;
- Events; or
- Trading within foreshore areas or reserves.

#### **5. Agreement Types and Fees**

If successful:

The applicant/business is to enter into a signed agreement with Council being a “Parklet Agreement”

The Parklet Agreement will be issued with the applicable outdoor dining permit.

Fees payable to Council include:

- Outdoor dining application fee: \$145.00
- Outdoor dining additional charges per table: \$19.60
- Design and documentation for Council approval:
  - Design certified by a registered professional engineer of Queensland (RPEQ): estimated up to \$5,000.00
  - Independent Road Safety Audit by a suitably qualified auditor estimated up to \$2,500.00
  - Traffic Management Plan: estimated up to \$3,000.00
  - Materials and construction: estimated \$8,000-\$30,000 depending on design.
  - Implementation of traffic management, installation, maintenance and removal costs.

#### **6. Applying for a Parklet**

Prior to submitting a formal application, applicants are required to contact Council to request an Initial pre-lodgement review. This will determine if the possibility exists for a Parklet to be installed (considering safety, access and other relevant matters). If the location is identified as being potentially suitable, the applicant will then be required to submit a formal application.

The Parklet application requires the following information:

- Food licence reference number;
- Outdoor dining reference number;
- The number of additional tables and chairs proposed;
- Photographs of the location;
- A description and supporting information on your plans for the Parklet;

- The proposed design of the Parklet to be approved, including certification from a registered professional engineer of Queensland (RPEQ);
- The proposed hours of operation of the Parklet;
- Whether it is intended to serve alcohol in the space and if so, approval for the extension from the Office of Liquor and Gaming Regulation – this can be provided later but must be provided prior to Council entering into a Parklet agreement;
- Your commitment to complying with this Policy and expectations; and
- Confirmation that it satisfies the consultation and engagement process outlined in this Policy.

Each Parklet application will be assessed by Council with regard to the eligibility criteria of the business and proposed Parklet location, the extent to which the Parklet may interfere with or obstruct existing fixtures such as benches, poles and bins.

Council will assess the application against the Eligibility Criteria listed below.

## **7. Eligibility Criteria**

### **Eligible Businesses Criteria**


Businesses must meet the following eligibility criteria:

- A food and beverage business;
- Hold a current food licence;
- Operate a commercial premise which serves food and beverages;
- Provide furniture/equipment to use in the Parklet; and
- Provide evidence of a Public Liability Insurance policy \$20 million dollars that covers the Parklet and lists Cassowary Coast Regional Council as an interested party within the policy.

### **Location / Traffic Conditions Criteria**

Parklets may be implemented in designated car parking bay(s) that meet the following eligibility criteria:

- Is located directly adjacent to/in front of the business hosting the Parklet;
- Is located on a Council owned road that has a speed limit of 50km/h or less with street lighting;
- Are not within a clearway, disability parking space or red parking zone (No Stopping, Loading Zone, Mail Zone, Bus Zone, etc.);
- Has a straight road geometry ensuring uninterrupted sight lines for drivers and pedestrians;
- Is more than 10 metres from an intersection (excluding an access driveway);
- Is more than 20 metres from a signalised intersection;
- Does not obstruct Council assets, utility and emergency access panels or stormwater drains;
- Has parallel parking or angled parking; and
- Does not compromise access for people with a disability, emergency vehicles, construction zones (existing or approved) or entrances to private buildings or car parks.



The applicant shall provide a traffic engineering/road safety audit by a registered professional engineer of Queensland (RPEQ) for the Parklet and implement any recommendations prior to the commencement of the use of the Parklet and must be maintained at all times.

### **Consultation and Engagement Criteria**

Prior to formally lodging of an application for Parklet, the applicant must consult with nearby businesses where the new Parklet is proposed. Written support from at least 75% of businesses within 50 meters of the applicants proposed Parklet location is required before the application can be assessed by Council.

## **8. Parklet Design**

The Parklet must be designed in such a way that it complies with Australian standards, provides safe separation between users and vehicles, incorporates universal design principles, is easily removable and will not obstruct the flow storm water.

The business has the option of sourcing or designing Parklet infrastructure. The Parklet agreement holder can purchase or hire a ready-made or “off the shelf” Parklet from a number of suppliers. The applicant shall obtain building approval for the Parklet, including a form 15 from a structural registered professional engineer of Queensland (RPEQ).

Alternatively, the Parklet agreement holder can propose their own Parklet design to Council. This must be designed by a qualified professional. The applicant shall obtain building approval for the Parklet (by either Council or private certifier), including a form 15 from a structural registered professional engineer of Queensland (RPEQ).

Parklets must be designed to ensure accessible access for people with a disability in accordance with the Disability Discrimination Act 1992.

## **9. Operation and Maintenance**

The business is responsible for ensuring the Parklet is maintained and operating as per the Policy requirements.

### **Maintenance**

It is the responsibility of the business to ensure the Parklet is:

- Maintained in a structurally sound condition at all times;
- Cleaned and kept in a neat and tidy condition including sweeping the Parklet surface, removing debris and watering plants;
- Sanitised and managed as per the business COVIDSafe Plan;
- Furniture is to be secured (tables, chairs and any unfixed items) at each day's close of business; and
- Kept clean of condiments, napkins and utensils on tables unless diners are seated.

Parklet agreement holders are responsible for carrying out repair works to any Council managed road or asset that occurs as a result of the Parklet. This will be at the cost of the applicant, and must be undertaken by one of Council's approved contractors.





## **Safety and Amenity**

The business is responsible for monitoring and managing the operation of the Parklet, ensuring it is safe for staff and patrons in accordance with the Parklet agreement conditions and this Policy. This includes ensuring furniture selected minimises potential for injury and does not disrupt sight lines for traffic and pedestrians in the area. The host is also responsible for managing patron behaviour and noise levels. No amplification equipment such as speakers are permitted within the Parklets, without Council's prior written consent.

Umbrellas cannot overhang into the travel land of the road or adjacent parking bays when fully opened. It is the responsibility of the applicant to ensure that any umbrellas included in an application are adequately secured to ensure they do not become a safety hazard and comply with high/very high wind zone loading.

All removable items are to be adequately secured within the Parklet or stored in the business/venue outside of regular business hours, e.g., chairs, stools, umbrellas etc.

## **Service of alcohol**

A liquor licence is required for the service of food and beverage in a Parklet. Approval of an extension to the liquor licencing permit from the adjacent business must be obtained prior to serving liquor within the Parklet.

Parklet agreement holders are responsible for monitoring patron behaviour and ensuring staff are accredited for the responsible service of alcohol and are in accordance with liquor licencing conditions.

## **Smoking**

The occurrence of smoking must comply with the Tobacco and Other Smoking Products Act 1998.

## **Removal of a Parklet**

A Parklet may need to be removed temporarily or permanently for emergency works as required by Council, its contractors or service authorities. Council will provide as much notice as possible in these situations. Removal must be undertaken by the Parklet agreement holder. Where this is required, the cost to disassemble, remove, store and reinstall the Parklet will be at the Parklet agreement holders' expense. Any damage that may occur during emergency works will also be at the Parklet agreement holders' expense.

In the event of a Cyclone, the Parklet is to be temporarily removed by the applicant and stored off site in a secure location.

## **Change of Ownership**

If a business changes ownership or closes permanently, Council must be informed, and the existing Parklet agreement will be cancelled. If the new business operator would like to retain the Parklet agreement, a new Parklet application is required as they are not transferable.

## Hours of Operation

The use of the Parklet is limited to the trading hours of operation of the business. Outside of the trading hours the business the use of the Parklet it is at the discretion of the business owner and can either be made available for use by the public or cordoned off to the public.

## 10. Monitoring, Evaluation and Review of Policy

Compliance with the Policy will be monitored by Council throughout the Parklet agreement duration. Council's officers will regularly inspect each Parklet to ensure safety, accessibility and compliance of the Parklet. Inspections may also be carried out by Council's officers in direct response to the receipt of any complaints from the community regarding the operation or maintenance of a specific Parklet.

The Cassowary Coast Regional Council reserves the right to remove Parklets, at the owner's cost, if in the opinion of the Chief Executive Officer, the Parklet is not regularly managed in accordance with this Policy. The Cassowary Coast Regional Council will inform the owner in writing at least twenty (20) business days before removal. The Parklet agreement holder will have the opportunity to provide a written submission as to whether the amendment/cancellation should occur.

If a Parklet agreement has expired or is revoked, the area must be restored to its original condition to the satisfaction of the Chief Executive Officer of Cassowary Coast Regional Council and at no cost to Council.

### Use of Definitions and Interpretation

<b><i>Applicant/business</i></b>	means the person whom is making the application and will be responsible for the Parklet
<b><i>Building work</i></b>	is defined in the Act.
<b><i>Car park</i></b>	means the space in the road reserve which would ordinarily be used for car parking
<b><i>Council</i></b>	means the Cassowary Coast Regional Council.

<b>Related forms, policies and procedures</b>	Parklet application form Parklet agreement
<b>Relevant legislation</b>	<i>Local Government Act 2009 (Qld)</i> <i>Planning Act 2016 (Qld)</i> <i>Cassowary Coast Local Laws</i>
<b>Reference and resources</b>	Cassowary Coast Local Laws Parklet Guidelines

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