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|  | <b>COUNCIL POLICY</b>   |                                     |
|   | Parklets Council Policy |                                     |
|   | Policy Number           | CP092                               |
|   | Directorate             | Strategy, Community and Development |
|   | Owner                   | Ken Diehm                           |
|   | Last Approved           | 26/06/2024                          |
|   | Review Due              | 26/06/2025                          |

## 1. PURPOSE

This policy provides the framework for the operation of Council’s Fraser Coast parklet program ensuring it is administered in a consistent, fair, and equitable manner.

## 2. SCOPE

This policy outlines the requirements for a hospitality business to implement a parklet in place of car parking bay(s) located on a Council managed road.

The policy outlines the eligibility requirements for a parklet, including the location and responsibilities of the business and Council, and provides information regarding the implementation of a parklet.

## 3. HEAD OF POWER

A permit will be issued under the Subordinate Local Law No 1 (Administration) 2019 – Schedule 6: Alteration or Improvement to local government-controlled areas and roads, with conditions suitable for the installation and operation of a parklet.

## 4. DEFINITIONS

To assist in the interpretation of this Policy the following definitions apply:

**LGA** means the Local Government Area, in this case, that is governed by Fraser Coast Regional Council.

**DA** means Development Application.

**Parklet** are an urban space for sitting, dining, or enjoying the greenery, established where the sidewalk meets the street, which is often repurposing on-street parking spaces as part of the sidewalk.

**Local Law** means Fraser Coast Regional Council Local Laws

## 5. POLICY STATEMENT

### 5.1 Eligibility

The program is exclusively for hospitality businesses on the Fraser Coast.

There are certain location and traffic conditions required for approval, refer to the Fraser Coast Parklet Design Guidelines.

Eligible parklets are to be:

- a) Certified by a structural Registered Professional Engineer Queensland (RPEQ).
- b) Able to demonstrate how vehicle impact protection is incorporated into the design structure, or as a separate consideration, where devices are contained within the application car space.
- c) Built of high-quality materials able to withstand weather extremes.
- d) Shall provide a safe functional environment suitable for public use, transitions from footpath to have minimal steps, and allow for disability access.
- e) No wider or longer than the applicable car space, including vehicle impact protection and setback requirements.
- f) Located directly adjacent to/in front of the business or venue hosting the parklet.

## **5.2 Application, Assessment and Approval**

Eligible businesses must follow the application and assessment process outlined in the Design Guidelines.

Council will assess the proposal against the Parklets Policy and the Guidelines to determine approval.

On successful assessment of a parklet application, a 5-year approval will be issued to the applicant. The approval requires payment of an annual permit fee as detailed in guidelines. At the end of the 5-year period, businesses may re-apply to continue their parklet approval.

## **5.3 Responsibilities**

Council:

- a) Assist the applicant to follow the application process for applying for a parklet.
- b) Assessment of applications for permits and /or the renewal of permits will be conducted as per the criteria

Hospitality Business:

- a) Will ensure that all the required details are provided in their application for a parklet permit.
- b) Will liaise with adjacent businesses to the proposed location to inform and gauge support for a parklet.
- c) Are required to abide by all policy and guideline requirements in setting up a parklet. Upon approval from Fraser Coast Regional Council, the applicant will be provided an approval letter which will inform of specific conditions for installation of the parklet.
- d) Will communicate the permit conditions to staff and customers (where relevant).
- e) If the business changes ownership or closes permanently, Council must be informed, and the existing permit will be cancelled and the parklet removed. However, if the new owner wishes to continue with the parklet, they will be able to pay a parklet renewal fee and host the parklet in line with the parklet conditions set.
- f) Parklets are to be designed for removal and re-installation in case of an emergency.

- g) Parklets must not compromise waste vehicles access or obstruct loading, construction zones or entrances to private buildings and carparks.
- h) Hospitality service to the parklet must cease by the time and conditions outlined in the Parklet Approval Letter.
- i) Parklets must not interfere with Council owned trees.
- j) Cleaning and maintenance of parklet spaces will be the responsibility of the permit holder.
- k) Major changes to the appearance of the structure of the parklet, such as change the materials, façade, function, or size; permit holders will need to apply for an amendment to their parklet permit.

#### 5.4 Insurance

The insurance requirements must indemnify the local government and the State against all actions, proceedings, claims, demands, costs, losses, damages, and expenses which may be brought against, or made upon, the local government or the State as a result of the activity. The parklet permit holder is required to maintain a valid public liability policy, noting Fraser Coast Regional Council as an interested party.

### 6. ASSOCIATED DOCUMENTS

- Fraser Coast Parklet Design Guidelines 2024 (eDocs # 5000532)
- Parklet Application Form (eDocs # 4958530)

### 7. REVIEW

This Policy will be reviewed when related legislation/documents are amended or replaced, other circumstances as determined from time to time by Council or at intervals of no more than one year to allow a review of parklet fees applicable.

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#### Version Control

| Version Number | Key Changes | Approval Authority | Approval Date | Document Number |
|----------------|-------------|--------------------|---------------|-----------------|
| 1              | New Policy  | Council            | 26/06/2024    | 4974854         |
| 2              |             |                    |               |                 |