

COUNCIL OWNED PARKLET GUIDELINES

1. Introduction

Parklets are repurposed car parking bays designed to create new spaces for activation of City of Darwin’s streetscape.

Parklets provide the opportunity to support local business while positively contributing to the broader community through, the provision of seating and greenery, and fostering the potential for neighbourhood interaction. The intent is for greater community activation and public amenity of car parking bays.

You can apply for a Parklet as an extension of public open space adjacent to your business or as an extension of outdoor dining. The Parklet may be for the exclusive use of patrons of the host venue/business during their *regular* trading hours. Outside of those periods the Parklet is to be available for use by the general public.

2. Eligibility

Any business, property owner, not-for-profit or community organisation can apply to host a Parklet if they meet the following location criteria.

Location Criteria

Only the parking space in front of the premises occupied by the host of the Parklet may be proposed for replacement. If the space involved partly overlaps the frontage of an adjoining property, the potential impact of the Parklet on that property’s use and access from the street will be considered in assessing the application.

A Parklet can only be located in a designated parking bay which is:

- a standard single parallel carparking bay of 6400mm x 2500mm
- located on a City of Darwin owned road that has a speed limit of 50km/h or less with street lighting,
- located in a business centre with medium to high levels of pedestrian activity and;
- located directly adjacent to/in front of the business or venue hosting the Parklet, or within a reasonable distance

A Parklet can NOT be located in a parking bay which:

- is within 10m of an intersection
- is within 20m of a signalled intersection on the approach side. These dimensions are from the kerb line

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Parklet Guidelines		Responsible Officer:	
Version	Adoption Date	History	Next Review Date
1	13/01/2022	Approved by CEO.	13/01/2023

COUNCIL OWNED PARKLET GUIDELINES

- is located within a loading zone, clearway, disabled parking bay, motorcycle parking, bus or taxi zones. (Council may consider a variation to this requirement where the applicant demonstrates that suitable alternative arrangements can be made to compensate for the loss in space.)
- contains utility access panels, fire hydrants or storm drains within the bay
- will impede or negatively impact upon pedestrian or vehicular movement or sightlines at road junctions and vehicle access crossovers
- will impeded sightlines to neighbouring businesses or;
- will impede emergency vehicle movements.

Upon review, and on a case-by-case assessment, a Parklet may be located in a parking bay which:

- is in front of a ticket machine, street sign, existing street furniture or tree
- is near a driveway

3. Responsibilities

Council

- Council will supply the design, construction, and installation of the Parklet.
- The Parklet will include some built-in furniture, planting and lighting, allowing use of the space at all times.
- The Parklet will 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 of stormwater.
- Council will provide a hand over document listing required maintenance of the Parklet.
- Council will be responsible for the removal of the Parklet at the end of the three-year lease period, if an extension to the lease agreement does not occur.
- Structural engineering – future provision of a Section 40 - Certificate of Compliance for construction and;
- Traffic Engineering/Road Safety Auditing – future provision of design approval for all potential locations possible within the parameters provided in Location Criteria

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COUNCIL OWNED PARKLET GUIDELINES

Host

- To hold public liability insurance of \$20 million that covers the Parklet and lists City of Darwin as an interested party within the policy.
- Outside of the Hosts' regular trading hours the Parklet is to be available for use by the public, this includes leaving lighting on.
- Parklets shall not conflict with, or inconvenience, other adjacent businesses. The area must not extend beyond the limits of the shopfront without the written permission of neighbouring businesses.
- Outdoor dining on the footpath is not permitted adjacent to a Parklet. Furniture that can be removed should be provided entirely within the Parklet keeping the entire adjacent footpath clear of all furniture.
- Maintenance and upkeep. The Host will provide a management plan for the Parklet that details the applicant's responsibility for the day-to-day management, upkeep and maintenance of the Parklet. Including the completion of a monthly maintenance checklist provided with hand over.
 - o The Parklet shall be kept clean of litter, grime and graffiti. The surfaces and area underneath the platform should be cleaned as detailed in the management plan.
 - o The applicant must keep plants in good health, including watering, weeding, and trimming when necessary.
 - o The City of Darwin 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 these guidelines. City of Darwin will inform the owner before removal.
- The Host can make minor changes such as changing plants or loose furniture, major changes will require council approval and must comply with accessibility requirements.
- Umbrellas cannot overhang into the travel land of the road or adjacent parking bays when fully opened. They must have a minimum canopy head clearance of 2.2m from the level of the footpath. 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, and do not contain any advertising.
- All removable items are to be removed and securely stored in the business/venue outside of regular business hours, e.g., chairs, stools, umbrellas etc.

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COUNCIL OWNED PARKLET GUIDELINES

- There is to be no advertising fixed to, inside, or on the Parklet or any of the removable items. Exceptions may be made for menu boards on a case-by-case assessment.
- The occurrence of smoking must comply with the Tobacco Act.
- If there is a change in ownership of the business, or change of tenant of the venue the exiting host will be responsible for any legal fees associated with the change over.
- Every 12 months the host will be required to submit:
 - o consent of land and business owner whose property fronts the proposed Parklet and;
 - o continued support of business and property owners immediately adjacent
- If the host business/group nominates to terminate the lease before the agreed term (three years), the removal and relocation of the Parklet will be at the expense of the exiting host.

4. Licensed Outdoor Dining

- Licensed outdoor dining requires approval from Licensing NT prior to the serving of alcohol on City of Darwin road reserves. Applications to the Liquor Commission cannot be made without Council's written authorisation as land owner.
- Outdoor dining areas contained on Council land must comply with the requirements of the *Northern Territory Tobacco Control Act* and Regulations.

5. Legislative References

Please note: that as land owner, Council may approve or refuse any parklet application whether or not the application complies with the guidelines. The Council also reserves the right to add any conditions it considers relevant to individual Parklet permits.

It is noted that the Local Government Act provides City of Darwin the authority to control and manage reserves and roads within the Darwin Municipality and as such, Council may cancel any parklet permit issued at any time, and for any reason.

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

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6. Fees and Charges

Parklets will be issued for a minimum period of three (3) years and a maximum of five (5) years. The costs associated with hosting a Parklet will be up to \$350/week, pending final construction costs.

This amount is inclusive of carparking fees up to \$5,850/year (depending on your location) and, outdoor dining fees of \$1,700/year. Council has waived outdoor dining fees until 30 June 2022 and waived the loss of car parking bays for outdoor dining until further notice in November 2017.

Council sets the fees and charges on 1 July of each year and as such, all dining permits expire on 30 June. The current fees and charges are published on City of Darwin's website.

In addition to these fees, the applicant will be responsible for the once-off cost of the preparation of the licence and agreement conditions. City of Darwin prepares non-licensed permits and is at the cost defined within City of Darwin Fees and Charges. External Solicitors prepare the licensed permits, with the applicant responsible for all costs.

7. Policies / Related Documents

- City of Darwin Policy No 011 – Outdoor Dining
- Outdoor Dining Application and Guidelines
- Darwin City Centre Master Plan
- City of Darwin Fees & Charges
- Local Government Act

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