



1.0 Purpose

The Street Parklet Program Policy (Policy) sets out Canterbury-Bankstown Council's (Council) management principles for the commercial use of street parklets under the care and control of Council and establishes the licensing criteria for businesses that apply to use street parklets for additional outdoor dining.

This Policy aims to support local businesses to contribute to the activation of outdoor areas in commercial centres and shopping precincts by increasing vibrancy and neighborhood identity across the Local Government Area (LGA) and delivering economic and social benefits to the community.

2.0 Scope

This Policy applies to all Council Officials and to local food and/or drink premises seeking approval, or approved for street parklet use on kerbside parking on roads under the care and control of Council. It is to be read in conjunction with the *Street Parklets Program Guidelines*.

The Policy does not apply to:

- Footpath trading
- Itinerant trading
- Street parties
- Events
- Trading within foreshore areas or reserves
- Road and/or laneway closures.

Note: Applications to install permanent infrastructure within the public space cannot be made as part of a Street Parklet Program application.

3.0 Terms and Definitions

In this Policy the terms below have the following meanings.

Term	Definition
Applicant	The person who applies for the Street Parklet Licence and must be the owner of the associated business.
Council Asset	Council owned infrastructure assets of road pavements, pathways, board walks, street furniture, road signs and bus stops.
Council Official	Includes Councillors, Council employees, administrators, committee members, and delegates of Council, full time, part time, casual, temporary and fixed term employees, agency staff and contractors engaged through a third party provider, volunteers, trainees and students on work placements.
Development Application	<i>An application made under the Environmental Planning and Assessment Act 1979 (NSW) for the use and development of privately owned land.</i>
Food and drink premises	Means premises that are used for the preparation and retail sale of food and drink (or both) for the immediate consumption on or off the premises and includes but is not limited to restaurants, cafes, takeaway food and drink premises, pubs and small bars.



Outdoor Dining	The arrangement of tables, chairs and related furniture and fittings for outdoor café, restaurant or dining purposes placed on Council owned or controlled land.
Outdoor Trading	Overarching term used to describe the commercial use of footways and kerbside parking spaces.
Premises	The land on which the commercial business is approved to operate.
Street Parklet	A temporary built element on kerbside parking space that has been approved for the use of outdoor dining through the appropriate process and may include traffic barriers, platforms, tables, chairs and signage.
Street Parklet License	A certificate valid for 12 months that proves such granted authority under Governmental Licence has been given.
Street Parklet Licensee	The holder of a Licence from Council.

4.0 Policy Statement

Council supports and encourages outdoor dining as a means of creating vibrant streetscapes and creating opportunities for businesses to grow and prosper. It strengthens local shopping precincts and supports businesses to improve amenity for residents and visitors. Council is committed to activating business centres in our LGA and supports the individual expression of each business to help develop a sense of place.

This Policy is aligned to the Prosperous and Innovative destination of the *CBCity 2036 Community Strategic Plan* that supports a smart and evolving City of Canterbury Bankstown with exciting opportunities for investment and creativity.

5.0 Policy Criteria

5.1 Principles

The underlying principles of the Street Parking Program are to:

- Extend outdoor dining for food and/or drink premises;
- Encourage outdoor dining in areas that are suitable for that purpose;
- Have a clear approval process for the reallocation of road space as outdoor dining areas;
- To provide businesses with clear and consistent information on applying for the Street Parklet Program;
- Encourage high quality outdoor dining areas that enhance amenity, bring activities to the LGA and contribute to economic development;
- Ensure that pedestrian and traffic safety and accessibility is not compromised by dining activities.

The use of street parklets throughout the City are subject to the following provisions and conditions.

5.2 Role of Council

Council will manage the commercial use of street parklets under the care and control of Council in order to:

- Maintain public safety
- Ensure equitable access
- Develop vibrant, open and multifaceted street life
- Provide an attractive city in keeping with the local character
- Support economic vitality and local commercial development
- Balance the use of the public space



- Maintain effective footways management
- Ensure the protection of infrastructure.

5.3 Eligible businesses

To be eligible for the Street Parklet Program, businesses must be a food and drink premise. The business must commit to the operation and maintenance, safety, access and amenity requirements outlined in this policy. Businesses must meet the following eligibility criteria:

- Operate a commercial food and drink premise
- Are able to provide furniture/equipment to use the street parklet at their own expense (applies to street parklets not constructed with fixed tables and seating)
- Must provide evidence of \$20M (\$20,000,000) Public Liability Insurance policy
- Demonstrate ability to maintain and upkeep the street parklet in good order, including appropriate waste disposal practices, with the provision for an annual conditions audit
- Business location is not an exclusion zone
- Planning permit conditions have provision for extra capacity
- Building regulation permits increase in patronage.

5.4 Commercial use of street parklets

All commercial use of street parklets under the care and control of Council requires approval. This is granted through a Street Parklet Licence that can only be issued by Council. Council will consider Licence applications and renewals on an individual case-by-case basis.

Applications must comply with the provisions of this Policy, the associated Guidelines and documents, and relevant legislation, including the Liquor Act 2007 (NSW) and *Smoke Free Environment Act 2000* (NSW).

5.5 Street parklet application requirements

Applications for Street Parklets on kerbside parking must be submitted by the business owner (referred to as the applicant).

The applicant is responsible for providing the required information to Council as set out in the *Street Parklet Program Guidelines* to allow for the reasonable assessment of the proposed use. Council will only enter into a Licence Agreement where the commercial business (to which the Licence relates) is operating in accordance with the terms of any development consent or similar approval that regulates the use of the premises.

5.6 Street Parklet Licence agreement

Street Parklet License Agreements are valid for 12 months.

Once Council has entered into a Licence agreement, the Licensee (the associated business owner who has been granted permission) is responsible for complying with all conditions applicable to the Licence agreement. A failure to comply with any/all conditions may result in Council taking action and may result in termination of a Licence Agreement.

Failure to pay the Licence fees or provide evidence of current Public Liability Insurance will result in the Licence Agreement not being renewed/cancelled.

A full list of the relevant fees is listed in Council's *Schedule of Fees and Charges*.



6.0 Approval and Review

6.1 Policy Owner

Manager, City Business and Engagement, City Future

6.2 Authorisation

Adopted by Canterbury-Bankstown Council on [DD/MM/YYYY].

6.3 Reviews and Modifications

The next review is due on [DD/MM/YYYY].

7.0 Related Documents

7.1 Laws and Standards

- *Environmental Planning and Assessment Act 1979 (NSW)*
- *Food Act 2003 (NSW)*
- *Food Regulation 2015 (NSW)*
- *Liquor Act 2007(NSW)*
- *Local Government Act 1993 (NSW)*
- *NSW SEPP (Exempt and Complying Codes) 2008*
- *Public Health Act 2010 (NSW)*
- *Roads Act 1993 (NSW)*
- *Smoke Free Environment Act 2000 (NSW)*
- *Work Health and Safety Act 2011 (NSW)*

7.2 Policies and Procedures

- *Advertising & Signage DCP 2005*
- *Alcohol Free Zones and Alcohol Prohibited Areas Policy*
- *Australia New Zealand Food Standards Code*
- *Bankstown Local Environmental Plan 2015*
- *Bankstown Development Control Plan 2012*
- *Building Code of Australia*
- *Canterbury-Bankstown Local Environmental Plan 2023*
- *Canterbury-Bankstown Development Control Plan 2023*
- *Commercial Use of Footways Policy 2018*
- *Schedule of Fees and Charges*