



COUNCIL GUIDELINES

Activating Adelaide – Pilot Projects

Document Owner:

Position: Executive Program Manager, City Design and Character
Phone: 8203 7833

Activating Adelaide – Pilot Projects

Adelaide City Council values and promotes the increasing popularity of outdoor activities and activation of the public realm. Outdoor activities encourage an increased social and cultural life within the City, providing a heightened sense of identity, animation, security and relaxation. To facilitate outdoor activities on a trial basis, Council has an expedited process of issuing approvals for temporary use to cafes, restaurants and other merchants for the footpath space in front of their premises.

Council must also consider other competing uses of City footpaths and establish a practical balance among the various user groups. Footpaths are the property, refuge and transit lanes of pedestrians. The issuing of a permit for private use, such as outdoor dining or retail activity, does not grant exclusive rights over the relevant public space and cannot exclude the general public. At the same time, Council wishes to support the appropriate use of public spaces for outdoor activities and welcomes the enhancement of street life that flows from this.

PROJECT OBJECTIVE

To manage the competing needs and interests of pedestrians and business owners by allowing outdoor activities in a manner that improves the usage, quality and image of the City's public realm.

PROJECT STATEMENTS

1. Adelaide City Council encourages the use of public footpaths for outdoor activities in appropriate locations for the enhancement of street life that flows from this use.
2. Outdoor activities are encouraged when they are designed to protect and enhance the character of its surrounding streetscape and built form.
3. Adelaide City Council supports outdoor activities when they consider the needs of all users of the street, including the safety of pedestrians.
4. Adelaide City Council encourages businesses to activate the public realm with appropriate activities, and recognises that granted rights over the relevant public space do not exclude the general public from the public realm.

Scope

These guidelines are an integral component of the City's suite of public realm policies, which include public furniture, public art, landscaping, signs, lights, and objects on public footpaths. Generally, outdoor activation applications will be considered on their individual merits and assessed against the project guidelines. Proposed outdoor activation locations will also be assessed in terms of safety and may require the installation of pedestrian safety devices if the site is deemed to otherwise be an unsuitable location.

Guidelines for Activating Adelaide Effective Implementation

Several urban design principles aimed at enhancing the functions of the City's footpaths underscore the approval process for an Activating Adelaide permit. Addressing appearance, streetscape amenity and safety, as well as comfort and enjoyment, they are largely a matter of common sense and consideration is given towards both pedestrians and patrons.

The City's footpaths are public property and have to be always respected and treated as such. Outdoor activities shall not occur on any public street or public place until permission has been issued by Council in writing.

Definition

Outdoor activity is defined as the use of the public footpath for the purpose of extending the services of adjacent premises. Such premises include restaurants, cafes, and retail establishments. Outdoor activity should be directly associated with the business that holds the outdoor activity permit and should only operate when those premises are open for business. Outdoor activity should contribute to the vibrancy and conviviality of street life.

General Principles

Safety

It is understood that outdoor activity should provide a sense of safety and security for patrons and pedestrians at all times. Outdoor activity can also contribute to a sense of safety and security for residents and pedestrians because the street is under the customers' and operators' 'passive' surveillance.

- As safety is of major importance for both pedestrians and patrons, outdoor activities are required to:
- Be located in an area that is considered safe for patrons and avoid locations that are deemed unsuitable;
- Meet the clearances and setbacks specified in ACC's **Outdoor Dining Policy**.
- Ensure wheelchair access to pedestrian ramps ('pram ramps') is not compromised;
- Ensure the safety of adjoining buildings is not compromised by restricting access or adding unreasonably to fire potential; and
- Not obstruct pedestrian flow.

For outdoor activity areas to be approved, applicants will need to meet requirements for public access and circulation including for people with disabilities. Council will assess each proposed outdoor activity location individually.

Location and Siting

Outdoor activation is preferred in those streets where there is adequate footpath space to accommodate it, while not compromising pedestrian access and other streetscape activities. Location and siting considerations include:

- Pedestrian and vehicular traffic, queuing and other waiting areas;
- Access to public street furniture such as seats, bicycle parking, drinking fountains,
- rubbish bins, telephone booths and post boxes;
- The safety, interests and concerns of particular groups already using a street;
- Access to services, infrastructure, ramps and building entrances; and
- Access to parking, taxis, loading zones and bus zones.

Outdoor activation locations are limited to those areas not required for existing or proposed public use. Outdoor activation will not be supported where its location, size or layout may compromise public access, circulation, safety or other street activities.

Generally, an outdoor activation area will be located directly outside or adjacent to the associated business premises. Activation areas may extend beyond the area defined by a perpendicular extension from each side boundary of the premises, between the property line and the kerb with the written approval of adjoining businesses.

An outdoor activity area must generally be located along the kerb and allow a clear movement path along the building frontage. This principle ensures unobstructed movement along the City's footpaths for all user groups, including the visually impaired who frequently navigate along building frontages.

Outdoor activation areas should be well set back from intersections of major streets carrying substantial amounts of traffic to ensure patron's safety and unobstructed pedestrian movement at crossing points. The location of pedestrian ramps and clear access to those ramps for people in wheelchairs must also be considered in the location of outdoor activation areas.

Amenity and Appearance

An outdoor activity area should relate to its surroundings, to protect and enhance the urban, heritage and streetscape appearance and character, including the quality of built form.

- Outdoor activity areas should minimise feelings of exposure to vehicular traffic;
- Trees and other significant streetscape elements such as public art, heritage structures, and bus shelters should not be obstructed, covered, removed, relocated or modified as a result of an outdoor activity area operation;
- Screens can be appropriate in selected locations to provide shelter from both wind and the proximity of vehicular traffic;
- A constant presence by the operator is required for the regular cleaning and maintenance of the activity area to a high standard.

Advertising

No additional advertising is allowed in any outdoor activation area.

Free standing signs placed on the footpath, such as A-Frames (also called removable signs or sandwich boards) restrict pedestrian movement and represent a potential hazard in areas of high pedestrian use and are not permissible within, or in association with outdoor activity dining areas.

Location Criteria

Outdoor activity locations must allow for safe pedestrian circulation and access, and also improve or maintain the existing streetscape amenity. Outdoor activity areas must suit - and not constrain - convenient use of the footpath for such public purposes as seating, drinking fountains, telephones, parking meters, post boxes and major crossing points. Nor should they compromise or restrict motorists' sight lines. To facilitate a balance between the different uses of the footpath and to ensure safety for all users, clearances and setbacks for outdoor dining areas have been specified. Outdoor activities are not permitted:

- In King William Street between North Terrace and Victoria Square;
- In streets with footpath width of less than 3.2 m;
- Adjacent to bus zones and taxi zones;
- Adjacent to designated disabled parking spaces;
- Adjacent a roadway or footpath construction zone during the period of the project; and
- Adjacent to a loading zone unless sufficient width (i.e. 0.9 m) is available for unloading onto sack trolleys and for goods delivery to premises.

Council undertakes a continual review of parking and loading zones throughout the City and may consider re-locating a loading zone to facilitate outdoor activity if an appropriate alternative location is available.

Safety

Pedestrian safety measures may be required at outdoor activity locations. Pedestrian safety will be assessed on a case-by-case basis. If pedestrian safety cannot be reasonably addressed, approval will not be issued.

Activity Beyond Permit Holder's Boundary

The extension of outdoor activity along the footpath into areas that are not directly outside the associated business will be permitted under specific conditions.

Extension of outdoor activity beyond the principle premises is dependent on permission being granted from the operator of the adjacent business and should that permission be withdrawn or the adjacent business change operation, outdoor activity must be removed from this area immediately. Where an outdoor activity area has been granted permission to extend along the footpath, the permit holder must take responsibility for any liability issues which arise and that are associated with the outdoor activity area.

Footpath Clearances

Activity areas must provide a minimum 0.9 metre footpath clearance. 'Footpath clearance' refers to the distance between a building frontage or property boundary and the inner extremities of an outdoor activity area (including ALL associated items such as umbrellas, tables and chairs, planter boxes etc) when being used by patrons. Council requires a minimum clear width of footpath to be maintained between the immediate front of the building and the licensed activity area.

Food Trucks

Food trucks are permitted if they meet the following conditions:

- An **On-Street Trading Permit** is required
- The truck must be parked in a legal parking space
- Trucks are not allowed on streets or areas subject to no stopping conditions during peak traffic periods
- Width of "food truck" to be no wider than parking space width
- Serving area to be from footpath-side of the truck only
- Truck does not require external power connection

Other Setbacks

Council may require other setbacks for activity areas according to individual site conditions. These setback standards are contained in ACC's **Outdoor Dining Policy**

Layout, Design and Appearance of Outdoor Activity Fixtures & Elements

The layout, design and appearance of outdoor activity fixtures and elements should:

- contribute to the desired character and sense of place within the street;
- relate appropriately to heritage places;
- make the adjoining premises as attractive, welcoming and amenable as possible; and
- meet circulation, resting places and traffic safety requirements.

The following principles apply:

- Permanent fixtures and elements are not permitted
- Should not obstruct views of main areas of street activity and significant sight lines to important landmarks, landscapes and structures;
- Should be sturdy and windproof, and without sharp edges or other features likely to cause injury;
- Should be made of quality materials and be well designed and constructed to be safe to use;
- Outdoor furniture and fixtures must not be placed where they present a barrier
- and subsequent danger to pedestrians crossing the street or kerbside usage by
- motorists;
- Must be positioned to allow reasonable access to service covers and existing services; and
- All items positioned within the permitted boundaries for outdoor activity are the permit holder's responsibility.

The placement of outdoor fixtures requires the Council's approval.

Management

The outdoor activity permit holder is to take full responsibility for the care, appearance, maintenance of their activity area and the effect on other street life. It must be understood that outdoor activity area remains public space. This means operators and patrons do not have exclusive occupancy of the area. This can sometimes be a contentious issue; proprietors must not display signs that declare the site to be available only to customers.

Maintaining Amenity

Council can condition, modify or revoke an outdoor activity permit as it sees fit.

Maintenance and Cleaning

Having been granted a permit for an outdoor activity area, the applicant is required to comply with all health and maintenance aspects of the entire operation, including the conditions of the Outdoor Activity Permit. Specific requirements are:

- Street furniture and fixtures must be kept in a safe and well-maintained condition at all times;
- The outdoor activity area must be regularly cleaned during all hours of operation presenting a continuous well cared for image.
- No waste material, including sweepings, is to be disposed of into the gutter;
- Where outdoor activity areas adjoin nature strips or garden areas, operators have to ensure that all waste from their premises is promptly removed;

The outdoor activity area must be maintained at a level of cleanliness consistent with Council's Cleansing Service Standards for footpaths. Failure to comply with the conditions of an Outdoor Activity Permit may result in the permit being revoked.

Removal of Furniture and Fixtures

An outdoor activity area must be vacated of all outdoor activity infrastructure in events such as approved street functions (including parades and marches) or civic works. Where possible, 3 weeks' notice will be given but shorter time frames may be required. All outdoor activity infrastructure must be removed by 1 April, 2012.

Removal of outdoor activity items is at the permit holder's expense. If outdoor activity items are not removed, Council can both remove the items and under Section 144 of the Local Government Act, issue an invoice for the works, give opportunity for the owner to pay, and if not, to show the outstanding amount on the rates.

Removable items such as tables, chairs, and other fixtures must be removed from the footpath and stored securely out of sight at the close of each day's business. Removable items have to be removed within 24 hours of notification by Council or Service Authorities to allow street cleaning, servicing and maintenance work to occur.

Consumption of Alcohol

Applicants are required to advise if they are applying for a liquor licence. An application for the consumption of alcohol at an outdoor dining area must be made initially to the Corporation's Environmental Health Unit (8203 7414) and subsequently to the Office of the Liquor and Gambling Commissioner (8226 8410). Alcohol can only be served and consumed in the area designated. Should the Outdoor Dining Permit lapse or be revoked, the Office of the Liquor and Gambling Commissioner will be advised immediately. Outdoor dining proposals involving the consumption of liquor will also be considered by Council in relation to its Liquor Licensing Policy.

Stormwater Management

The Environmental Protection Authority's Storm Water Pollution Prevention Code of General Practice for the Community requires:

Washdown Water

Do not hose down or in any way discharge waste water or washdown water from the cleaning of open air stalls, shop frontages, outdoor restaurant areas and the like to the stormwater system. Dry sweep, collect and dispose of solid wastes. Wet clean by mopping with waste water discharged into the sewer. Contractors are available who steam clean paved surfaces and vacuum the waste water to a holding tank prior to disposal to the sewer. Where waste water is to be disposed into a sewer, it will be necessary to complete an Application to Discharge Trade Waste Form, available from the SA Water Property and Technical Audit Branch, East Thebarton, telephone 8207 1420, or 8207 1412, for further details.

How To Apply

Where To Apply

Outdoor activities and any temporary structure associated with the outdoor activity area require permits. The Council's Customer Centre at 25 Pirie Street will provide potential applicants with the following information:

- An application form;
- A copy of the Outdoor Activity Guidelines which outlines standards required for safe outdoor activation.

A site plan, while not required, may benefit the application by clearly showing the proposed concept. A preferred site plan will be prepared at a scale of 1:100, accurately showing the area of the proposed location and the arrangement of all proposed infrastructure (e.g., tables, chairs, and fixtures) including all setback dimensions.

Do I Need Development Approval?

No. Activating Adelaide – Pilot Projects is a test program. No permanent fixtures are permitted; changes to the public realm are not permitted. Development Approval is not required

Approval Process

The power to issue an Activating Adelaide Permit is delegated to the Chief Executive Officer of the Corporation. The Corporation will notify the applicant and issue an Activating Adelaide Permit if the Permit application is approved.

Fees

There are no fees associated with the Activating Adelaide Permit

Permit Renewal and Cancellation

An Activating Adelaide Permit is valid until 31 March, 2012 upon approval, and may be cancelled or amended if:

- The proprietor fails to comply with the permit conditions; or
- There are changed conditions affecting the outdoor activity area in its particular location, such as increased risk to health or safety; or
- Other valid reasons require cancellation, such as streetscape upgrades or
- refurbishment.

Public Risk Insurance

Permit holders must take out and keep current a public and product liability insurance policy noting specifically the Adelaide City Council as an interested party. The policy must insure for the amount of at least TWENTY MILLION DOLLARS (\$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 lesser amount public and product liability insurance might be accepted by Council but this decision will be subject to a risk assessment process. A Certificate of Currency for the policy must accompany the application or renewal of an Outdoor Activity Permit.

Contacts in Adelaide City Council

Customer Centre

25 Pirie Street, Adelaide SA 5000

8:30am to 5pm, weekdays 8203 7203

Activating the Public Realm – Pilots Projects 8203 7833