Councillor Couros - MoN - Reinstatement of Parklet for Jack and Jill's Restaurant and Bar and Review of Parklet Fees

Tuesday, 24 June 2025
Council

Council Member
Councillor Mary Couros

Public

Contact Officer:
Jo Podoliak, Director City Community

MOTION ON NOTICE

Councillor Mary Couros will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council requests the Chief Executive Officer:

1. To reinstate the parklet previously installed for the use of Jack and Jill's Restaurant and Bar at the expense of the City of Adelaide, and in consultation with the business regarding its preferred design and timeframe for reinstallation.
2. To waive the Outdoor Dining & Loss of Carparking Revenue Fees applied to all Parklet holders for the 2023/24 due to inconsistent charges applied.
3. To prepare a report to Council in July 2025 reviewing each individual parklet owner's fees and charges applied and paid in 2024/25 alongside their proposed fees for 2025/26, with the intent of supporting fairness, transparency, and business viability across the city.'

ADMINISTRATION COMMENT

1. Reinstatement of Jack and Jill's Parklet

1.1 Council's preference was, and always had been, for the parklet permit fees to be paid, the permit to be renewed and the parklet to remain operational.

1.2 Despite repeated contact, fees totalling over $34,000 across the 2023/24 and 2024/25 financial years remained outstanding.

1.3 During this time the parklet continued to operate in the public realm, generating revenue for the business without a valid permit.

1.4 The fees charged to Jack and Jill's were in accordance with the Council endorsed fee rates of 2023/24 and 2024/25 which were affirmed by Council at its meeting on 10 December 2024.

1.5 Administration engaged with the business on numerous occasions to seek a positive resolution to this matter. This included offers of a payment plan, in addition to ways the business could reduce the outstanding fee by approximately $11,000. These offers were not taken up.

1.6 Engagement with the business also included discussion with the owner around the option for owner to remove and retain the parklet infrastructure.

1.7 Administration initially advised the owner that the parklet would be removed if fees weren't paid in November 2024. Since then, Council provided more than four further dates in which to agree to a payment plan before removal would occur.

1.8 On each occasion, enforcement action was delayed while Administration continued to negotiate in good faith to achieve an outcome that allowed the parklet to remain in place.

1.9 With no valid permit in place for the structure, a payment plan not agreed, and over $34,000 of fees outstanding, Administration considered the only remaining option was to take enforcement action and remove the parklet.

1.10 The business owner was advised that the structure would be removed and disposed of, in line with Council's powers under the *Local Government Act 1999* (SA).

1.11 As the structure has been removed and disposed of, it cannot be reinstated.

1.12 The cost to construct a new parklet has not been costed.

1.13 Council's financial contribution and budget impact for the parklet at Jack and Jill's to date has included:

1.13.1 $11,000 – contributed by Council towards construction the parklet in the form of a grant issued to the business owner in 2022.

1.13.2 $34,000 – invoiced permit fees which remain unpaid for the parklet's use across 2023/24 and 2024/25.

1.13.3 $30,000 – estimated additional forgone paid parking revenue since the parklet was installed, beyond what is considered within the permit fee.

1.13.4 $9,500 – cost to remove and dispose of the unauthorised structure from the public realm.

1.14 Reinstatement of the parklet by Council will present significant reputational risk for Council and will increase challenges to the broader collection of fees for all permit activities, and the ability to enforce compliance to permit conditions when required.

2. Waiving 2023/24 Fees for Parklet Operators

2.1 The Motion on Notice (MoN) seeks to waive 'Outdoor Dining & Loss of Carparking Revenue Fees' for all parklet operators.

2.2 The 2023/24 endorsed parklet fees included two components:

2.3 A fee related to amount of space occupied by the parklet, on a per square metre basis.

2.3.1 The per square metre rate was discounted if a business had no access to footpath outdoor dining.

2.4 Loss of paid parking revenue if a parklet occupied a paid parking bay, where relevant.

2.5 The parklet fee is distinct from outdoor dining fees, which are set at a lower per square metre rate.

2.6 There are over 550 businesses operating outdoor dining on the footpath, which pay outdoor dining permit fees.

2.7 It is possible for a business to operate both outdoor dining on the footpath, and a parklet on the road/parking bay, and therefore pay both fees.

2.8 It is understood the intent of Part 2 of the Motion on Notice (MoN) is to waive both components of the 2023/24 parklet fee, rather than waive outdoor dining fees for all outdoor dining permit holders.

2.9 Part 2 of this MoN would have the same effect as the MoN moved on 10 December 2024.

2.10 Regulation 12 sections (3) and (4) of the *Local Government (Procedures at Meetings) Regulations 2013* (SA) states that:

(3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.

(4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—

(a) until after the expiration of 12 months; or

(b) until after the next general election, whichever is the sooner.

2.11 As such, this component of the MoN is ultra vires.

3. Parklet fees in 2024/25 and 2025/26

3.1 In accordance with the 10 December 2024 resolution of Council, the parklet fee model was reviewed as part of the draft 2025/26 Annual Business Plan & Budget.

3.2 A 15 April 2025 City Finance and Governance Committee workshop demonstrated the impact of a newly proposed parklet fee model on each individual parklet operator. The workshop content is available at the following link – PowerPoint Presentation.

3.3 Following the 15 April 2025 Committee workshop and report, the adopted 2025/26 parklet fee simplifies the approach to a single rate of $165 per square metre per annum and no longer considers the loss of paid parking revenue.

3.4 The 2025/26 Business Plan & Budget – Review of Fees and Charges report was endorsed on 22 April 2025, link - 2025/2026 Business Plan and Budget Review of Fees and Charges. The report noted that the revised parklet fee was not intended to be applied retrospectively:

13. New fees and charges reviewed include:

13.1. A change to 2025/26 Parklet fees to simplify the model and introduce quarterly invoicing. This fee is recommended to be applied from 2025/26 on and not applied retrospectively.

3.5 The annual permit is from 1 September – 31 August and the table below shows:

3.5.1 The 2024/25 fees for each parklet operator and the current payment status. All fees were charged in accordance with the endorsed 2024/25 fee schedule.

3.5.2 Anticipated 2025/26 fees based on the recently endorsed fee model.

3.6 The majority of parklet operators will receive a reduction in their fee under the revised model, collectively saving parklet operators approximately $50,000 per annum.

3.7 Any fee increase is by CPI, with a maximum increase of $120 per annum.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	The unauthorised structure was removed from the public realm as per Council's powers in the *Local Government Act 1999.*
Impacts on existing projects	Should point 1 of the Motion on Notice be endorsed, it creates risks to the ongoing collection of other permit fees and management compliance to permit conditions.
Budget reallocation	Should point 1 of the Motion on Notice be endorsed, budget would need to be found in the 2025/26 financial year. Should point 2 of the Motion on Notice be endorsed, refunds of permit fees would need to be absorbed in the 2025/26 budget.
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Should point 1 of the Motion on Notice be endorsed, staff time will be required to assist planning and constructing a new structure. Exact time is not known and is subject to design considerations.
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 5 hours.

- END OF REPORT -