

# Review of Outdoor Dining on Leigh Street, Peel Street and Topham Mall

Tuesday, 6 August 2024

City Planning, Development and Business Affairs Committee

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## EXECUTIVE SUMMARY

This report responds to a petition from businesses and a 24 October 2023 Council resolution ([Link 1](#)), which sought a review of pedestrian access and the placement of outdoor dining furniture in Leigh Street. Given the proximity of locations, Peel Street and Topham Mall were included in the review.

The review has involved an evaluation against relevant legislation, policies and guidelines, namely the *Disability Discrimination Act 1992* and Council's Outdoor Dining Guidelines. In addition, engagement has been undertaken with stakeholder groups along with the commissioning of an Access Consultant.

The report recommends maintaining the current positioning of outdoor dining furniture in Leigh Street. Council's Outdoor Dining Guidelines do provide flexibility for when building-aligned furniture may be considered, however these aspects are not present in the high-volume pedestrian thoroughfare of Leigh Street. This view is supported by the stakeholder agencies engaged. The report also notes a series of recommended street upgrades that would be required if further consideration was to be given to altering the furniture layout.

The report also identifies enhancements to pedestrian access and layout in Peel Street and Topham Mall, with these actions already underway.

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## RECOMMENDATION

The following recommendation will be presented to Council on 13 August 2024 for consideration

THAT THE CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE

1. Notes the outcomes of the review of pedestrian access and outdoor dining furniture in Leigh Street, Peel Street and Topham Mall as contained in this report.
  2. Notes that outdoor dining furniture is to remain located at the kerb in Leigh Street in line with Council's Outdoor Dining Guidelines, advice from stakeholder groups, and in consideration of the *Disability Discrimination Act 1992*.
  3. Notes the continued use of building-aligned outdoor dining furniture in Peel Street as supported by the Outdoor Dining Guidelines, with improvements made to consistency and shorelines.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Places - Create safe, inclusive and healthy places for our community
Policy	The recommendations of this report have no impact on current policies or guidelines. Council’s Outdoor Dining Guidelines are due for review in the second half of 2025.
Consultation	Formal public consultation was not required. Engagement with stakeholder agencies including Council’s Access and Inclusion Advisory Panel, Consumer & Business Services and SAPOL did occur.
Resource	The recommendations can be implemented with existing resources and budget.
Risk / Legal / Legislative	An external Access Consultant was engaged to provide a report detailing the legislative requirements under <i>the Disability Discrimination Act 1992</i> and Australian Standards relating to Design for Access and Mobility for these specific streets/environments. The cost of this exercise was \$8.5k, noting it covered multiple streets.
Opportunities	The outcomes of the review provide guidance for the management of outdoor dining in similar Shared Used laneways, which are expected to be beneficial in future scenarios and laneway activations.
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

# DISCUSSION

## Background

1. On 15 October 2023, a petition containing 14 signatories was received asking Council to:
  - 1.1. Enable traders on Leigh Street to set up their outdoor dining furniture in a way that allows pedestrian access and thoroughfare through the centre of the street.
  - 1.2. Change the current practice of allowing a 1.5m walkway between the building line and the outdoor dining area as well as allowing a walkway in the centre of Leigh Street.
  - 1.3. Allow traders (particularly those with Liquor Licenses) to better manage their outdoor dining areas on Leigh Street
2. On 23 October 2023, it was resolved that Council:
  - *Notes Leigh Street is part of the Market to Riverbank Link Project;*
  - *Requests administration to review relevant Council policies in order to streamline pedestrian thoroughfare and give Leigh Street traders a degree of flexibility with setting up their outdoor dining furniture.*
3. Council's Temporary Use of Public Space Policy, [Link 2](#), and Outdoor Dining Guidelines, [Link 3](#), provide the framework for creating vibrant city streets through outdoor dining, while ensuring pedestrian access is maintained.
4. The Outdoor Dining Guidelines have a principal position of furniture being aligned to the kerb, allowing space for pedestrians to travel along the building shoreline.
5. Council's Guidelines are based on disability legislation and expert advice, and support Council's Strategic Plan and Disability Access and Inclusion Plan, which all seek to create an inclusive and accessible environment.
6. Kerb-aligned outdoor dining furniture is considered best practice from an access perspective, with consistent feedback provided from groups such as the Royal Society for the Blind and Council's Access and Inclusion Advisory Panel highlighting people with a vision impairment often use the building shoreline for guidance.
7. Council's Outdoor Dining Guidelines provide for some flexibility regarding the location of furniture, based on location and merit.
8. Clause 5.2 of the Guidelines outlines circumstances which guide decisions for when building-aligned furniture may be supported. Such conditions include:
  - 8.1. Pedestrian only or low-vehicle traffic environments
  - 8.2. Shared use zones
  - 8.3. Narrow reserves
  - 8.4. Outdoor dining needs to be consistent for the entire length of the street
9. There are examples of building-aligned furniture in several locations throughout the City, such as James Place and Vardon Avenue. Importantly, these areas include footpaths that are narrow, are low in pedestrian volume, and all businesses within the area align furniture consistently.
10. Prioritising pedestrian access along the building line is consistent with the approach taken by other Australian capital cities, shown in the benchmarking table in [Link 4](#).

## The Review

11. Following the Council resolution, a thorough review has been undertaken of Leigh Street. The review was extended to the nearby areas of Peel Street and Topham Mall.
  - 11.1. Peel Street was included due to Council's Access and Inclusion Advisory Panel providing feedback on difficulties navigating due outdoor dining encroaching further than permitted into the pedestrian walkway
  - 11.2. Topham Mall was included following a request from a business owner to increase their outdoor dining area.
12. Engagement has been undertaken with some of the business owners, Council's Access and Inclusion Advisory Panel, SAPOL, Consumer and Business Services (CBS), and a disability access consultant. Feedback from each of these parties is included in this report.

13. Further engagement has not been undertaken with all individual business operators in Leigh Street. The decision not to engage individual businesses was made for several reasons, including:
  - 13.1. The petition submitted by Leigh Street outlines the views and preferences of many of the traders, [Link 5](#).
  - 13.2. Administration is aware many hospitality businesses across the City and beyond would prefer furniture located against the building line, as it is often easier to manage from a staffing perspective.
  - 13.3. Administration is in contact with Leigh Street traders (along with all outdoor dining permit holders) on an ongoing basis and understands many of their concerns and preferences
  - 13.4. Administration's review was therefore undertaken with the assumption that if given the option, business operators in this location would prefer to locate their furniture against the building line.
  - 13.5. Further engagement was not conducted to avoid creating unrealistic expectations of how their feedback would be considered.
14. In addition to engagement with key agencies, a review of the function and nature of Leigh and Peel Streets was undertaken, noting the configuration and use of these streets vary significantly from each other, as seen in [Link 6](#).

### **Leigh Street – Function and volume**

15. Leigh Street and Topham Mall form part of the 'Market to Riverbank' link, hosting 25,000+ daily pedestrians making their way to work, transport networks, the Market Precinct and Adelaide Oval.
16. There are many restaurants, bars and clubs located on the ground floor, with varying types of office-based businesses and organisations operating from the upper levels. This results in pedestrian movements and business needs differing during the day and night.
17. Vehicle access and parking are available at either end of Leigh Street, with a full road closure in the centre of the street.
18. The current design allows pedestrians to transition easily from/to Currie and Hindley Streets, using a consistent clear path of travel for the full length of the footpath in Leigh Street. Bikes and E-Scooters naturally gravitate to the closed section of road, segregating pedestrians from these modes of transport.
19. Awnings and verandas above the current pedestrian area offer protection from the weather.
20. Based on the function, pedestrian usage and layout, Leigh Street is not considered to meet the conditions for building-aligned furniture as per Council's Outdoor Dining Guidelines.

### **Leigh Street – Feedback from Access & Inclusion Advisory Panel**

21. The current configuration provides a consistent clear footpath allowing those with visual impairment to use the buildings as a shoreline to navigate the street.
22. The current design aligns with the *Disability Discrimination Act 1992* requirements.
23. Should amendments be made to the positioning of outdoor dining, this needs to be consistent for the whole of the street and operate in the same manner day and night.
24. If moving towards creating a central pedestrian access, consideration would need to be made as to how a safe transition from/to Currie and Hindley streets using the central alignment on Leigh Street would be achieved, particularly as the central pedestrian access will be shared with cyclists and e-scooters.

### **Leigh Street – Feedback from Access Consultant**

25. The consultant report highlighted concerns for access and discrimination if moving to the building line in the current set up. Specifically, the report stated:
  - 25.1. *Within the current design and layout of Leigh Street, we do not recommend that trading/dining/queuing zones be permitted along the building line at any time of day or night...Should trading be permitted in this location, it is our professional opinion that this would result in a condition that would be discriminatory for persons with disability.*
26. The full Access Consultant's report is available in [Link 7](#).
27. Should building line furniture be desired, the below public realm upgrades/alterations were recommended to ensure it remains accessible for all:
  - 27.1. Zones for trading, with barriers as applicable
  - 27.2. Minimum 1.8 metre pedestrian path beyond the trading zone.

- 27.3. Consideration of footpath treatments and materials to enhance wayfinding.
  - 27.4. Consideration of zones for e-scooters and delivery bike zones able to be clear of pedestrians wherever possible.
  - 27.5. Consideration for provision of shelter and shade for pedestrian amenity.
28. It was noted that given the location of some existing infrastructure and trees, such a redevelopment would need a further feasibility study to include impact on drainage, current vehicle use and loading/business parking access, and any changes required to the street type and shared zones.

#### **Peel Street – Function and volume**

- 29. Peel Street is a narrow laneway, which does not have footpaths and operates as a Shared Use Zone.
- 30. Due to the width of the street, it is not feasible to achieve 1.8 metre clear path on both sides of the street as set out in the Australian Standards.
- 31. Pedestrian volume is significantly less than in Leigh Street and Topham Mall, with previous data showing up to 75% less foot traffic than Leigh Street.
- 32. The northern section of Peel Street contains mostly hospitality businesses, with business premises located towards the southern end.
- 33. Peel Street is identified within the Outdoor Dining Guidelines as meeting the criteria for supporting furniture along the building line.
- 34. Council has worked repeatedly with business owners in Peel Street to improve compliance with their Outdoor Dining Permit conditions, however the creeping of furniture and patrons into the pedestrian walkway continues to persist.

#### **Peel Street – Feedback from Access & Inclusion Advisory Panel**

- 35. As Peel Street has been operating with central pedestrian access for several years, users are accustomed to navigating this street.
- 36. Navigation becomes challenging when furniture or patrons straddle outside the outdoor dining area, causing obstructions in the central pathway for those using wheelchairs, mobility scooters or walking aids.
- 37. The variety of screening and barriers used for outdoor dining presents an inconsistent shoreline for correctly navigating the area.

#### **Peel Street – Feedback from Access Consultant**

- 38. The consultant recognised this is a narrow, Shared Use Zone which does not have footpaths.
- 39. Due to the width of the laneway, it is not possible to achieve 1.8 metres on each side of the street. However, compliance with the *Disability Discrimination Act 1992* can be achieved by:
  - 39.1. Installation of screening and barriers by businesses to offer a consistent path of travel for those with impaired sight.
  - 39.2. Providing permanent and clear delineation of the authorised area to assist business owners to set up and maintain furniture and patrons within the area during hours of operation.

#### **Feedback from CBS and SAPOL**

- 40. CBS and SAPOL did not identify a strong preference for either kerb or building-aligned furniture.
- 41. Both agencies raised the importance of clearly delineating the authorised outdoor dining area to assist effective compliance, and noted any actions to assist queue management would be beneficial.

#### **Outcomes and Next Steps**

- 42. Following the review, Administration will be undertaking the following actions.
- 43. Leigh Street
  - 43.1. Maintaining current kerb-aligned outdoor dining furniture to ensure pedestrian access along the building line in support of movement and access in this high-volume thoroughfare.
  - 43.2. Ensuring the building line remains free of all permanent/temporary infrastructure to support a consistent path of travel with suitable width for safe and easy movement.
  - 43.3. The review noted hospitality businesses are responsible for effective queue management for their venues, and therefore need to consider how to operate both outdoor dining and queue management.

This may include utilising some or all of the area authorised for outdoor dining to facilitate queuing in the evening, if required. This situation is not unique to Leigh Street.

- 43.4. A redevelopment of Leigh Street is considered required to achieve building-aligned outdoor dining while meeting the *Disability Discrimination Act 1992*.
  - 43.5. Should Council determine that furniture is preferred against the building line, it is suggested this occurs after the recommendations of the access consultant report have been completed.
  - 43.6. Preliminary costs for this work are approximate only and would need further assessment if proceeding, however it is anticipated to potentially require \$50,000 to complete a feasibility study, then an additional \$125,000 (concept design), \$375,000 (detailed design) and \$5,000,000 for construction, which is not currently budgeted in 2024/25 or the Long Term Financial Plan.
44. Peel Street
- 44.1. Maintaining the existing building-aligned outdoor dining furniture in Peel Street, as currently defined in the Outdoor Dining Guidelines, with accessibility to be improved by:
    - 44.1.1. Establishing a consistent central walkway at a minimum 1.5 metres, ensuring the centre is left free of furniture to enable access for wheelchair and cane users.
    - 44.1.2. Installing discs on the ground to clearly delineate approved outdoor dining and licensed areas.
    - 44.1.3. Engaging with permit holders to explore specific outdoor dining furniture to offer an additional shoreline.
45. Topham Mall
- 45.1. Topham Mall was included in the review to consider an individual request of a business/permit holder in line with the surrounding streets of Peel and Leigh Street.
  - 45.2. Following the review, the permitted outdoor dining area for the business in Topham Mall has been revised to maintain access to the shoreline incorporated into the Topham Mall design, enabling unimpeded pedestrian movement through the Market to Riverbank link during peak times, see [Link 8](#). This information has been communicated with the impacted business.

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## DATA AND SUPPORTING INFORMATION

**Link 1** – Minutes from Council Meeting 23 October 2023, Item 17.2

**Link 2** – Temporary Use of Public Space Policy

**Link 3** - Outdoor Dining Guidelines

**Link 4** - Capital Cities Benchmarking

**Link 5** - Leigh Street Traders Petition

**Link 6** - Leigh Street Pedestrian Movement

**Link 7** - Report from Access Consultant

**Link 8** - Revised Weekend Outdoor Dining Area for Topham Mall

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## ATTACHMENTS

Nil

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- END OF REPORT -