

HOBSONS
BAY CITY
COUNCIL



Hobsons Bay Draft Parklet Policy

July 2023

Acknowledgment of Country

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

DRAFT for purpose of consultation

Contents

1. Purpose	4
2. Background.....	4
3. Scope.....	4
4. Principles.....	4
4.1. Pedestrian and Road User Safety.....	5
4.2. Transport Network Efficiency	5
4.3. Precinct Activation	7
4.4. Urban Design and Amenity	8
5. Permit Application Process	11
5.1. Permit Period	12
5.2. Parklet extension, change of ownership or removal.....	12
5.3. Proposed Fees.....	13
6. Related Legislation	14
7. Further information	14
Appendix A – Definitions	
Appendix B – Template Letter of Support	
Appendix C – Terms and Conditions	

1. Purpose

The draft Parklet Policy is intended to support eligible hospitality businesses to offer outdoor trading in car parking bays.

The Policy details the eligibility requirements, proposed application process, potential associated costs, and permit holder commitments associated with a parklet.

The draft Parklet Policy should be read in conjunction Council's Community Local Law which can be found at www.hobsonsbay.vic.gov.au under Local Laws and sits alongside Hobsons Bay Footpath Trading Program.

2. Background

The draft Parklet Policy has been prepared as part of the new outdoor trading framework 2023. This new framework for outdoor trading proposes to move from temporary Council owned and managed parklet infrastructure to parklets that are designed, constructed and maintained by businesses at their own expense.

3. Scope

The proposed parklet program is open to any hospitality business located in an activity centre that has an eligible parking bay in front of their business, and meets all parklet selection principles as outlined in the Policy.

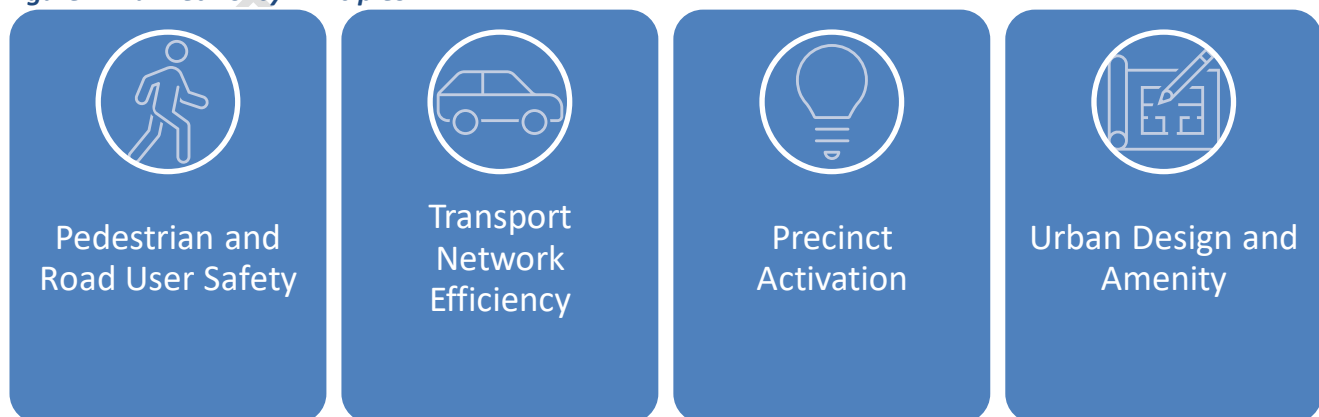
The Policy **does not** apply to hospitality businesses located in private areas and / or managed by a body corporate. Council reserves the right to amend or update this policy as deemed appropriate. Businesses that are located on a street / road that is managed by VicRoads will not be eligible under this policy.

Council reserves the right to approve non-hospitality businesses to install a parklet, or for a parklet to take up a non-parking bay location, under exceptional circumstances and where there is substantial evidence of community support.

4. Principles

The Policy is based on four principles which guide a parklets suitability.

Figure 1: Parklet Policy Principles



4.1. Pedestrian and Road User Safety

Patron safety

Goal: Outdoor dining proposals must be designed and managed so that patrons are not exposed to elevated risks from approaching or passing vehicles (Refer to the Road and Patron Safety considerations below).

Road user safety

Goal: Road users must not be exposed to increased risks from the design or operation of outdoor dining establishments (Refer to the Road and Patron Safety considerations below).

Road and Patron Safety Considerations:

- **Speed reduction** – Parklet is located in speed zones no greater than 40 km/h. If located in a greater speed zone, a speed limit reduction may be required, or additional conditions placed on the permit.
- **Intersection** – Parklets should be located at least 10 metres from an unsignalised intersection and 20 metres from a signalised intersection. Exceptions may be granted at the discretion of Council officers.
- **Access** – Access for essential and / or emergency vehicles to abutting land, driveways and other access points along the road must be maintained.
- **Visibility** – Parklets should be visible during both day and night conditions. Parklets should not impact sightlines for approaching or departing vehicles and pedestrians.
- **Infrastructure** – Parklets should be temporary in nature, and removable at short notice for works and maintenance.
- **Infrastructure** – All elements of the parklets must be stable with consideration to high winds, nuisance knocks etc.
- **Drainage** – Drainage in the area must not be severely adversely impacted.
- **Kerb outstand** – Parklets should have a kerb outstand, parking space/s or appropriate barrier on the approach side to a parklet or group of parklets.
- **Lane or road closures** – Proposals requiring lane closures or road closures of Department of Transport managed roads will not be supported.

Parklets on car parking bays on VicRoads managed roads will **not** be supported.

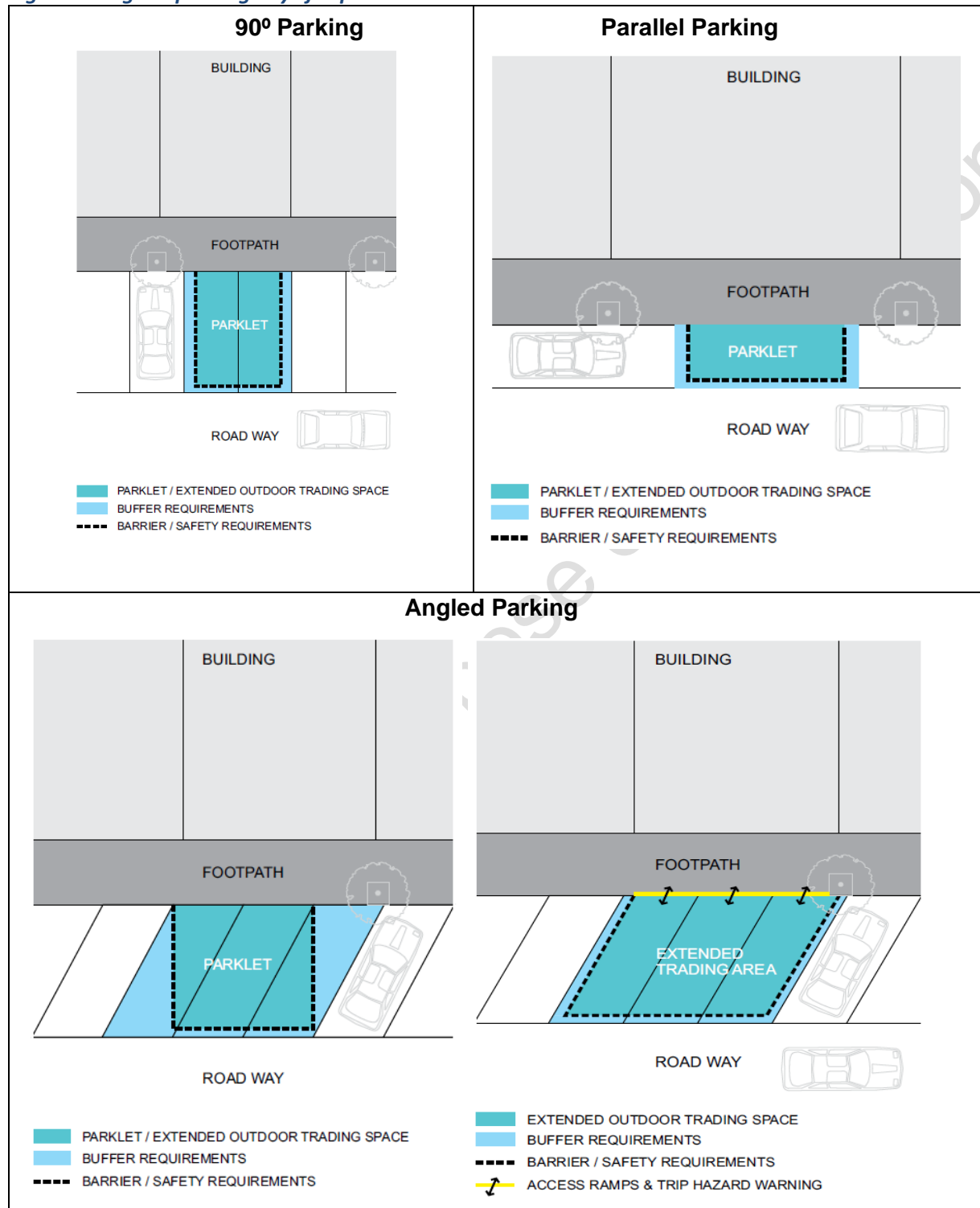
4.2. Transport Network Efficiency

Parking bays

Goal: Outdoor dining proposals must consider and where possible mitigate the impacts on road users beyond a reduction in car parking spaces.

Considerations: Parklets may be eligible in streets with the following parking bay elements (see Figure 1).

Figure 1: Eligible parking bays for parklet conversion



Parking impact

Goal: Potential parking impacts associated with the parklet are mitigated

Considerations:

- The impact of the parklet on the existing parking capacity in the activity centre
- **Parking impact assessments** – Council reserves the right to request that additional car parking impact assessments be conducted if a proposed parklet is in a high activity area
- **Letters of support** – Parklet applications should include letters of support from neighbouring businesses and residents (refer Appendix A)

Transport network

Goal: Any impacts from parklets on the efficiency of the transport network, particularly for freight and public transport are minimised.

Considerations:

- **Essential infrastructure** – A parklet cannot have any ground structure, furniture or infrastructure built over, or covering a stormwater pit or cover utility access panels.
- **Essential spaces** – A parklet must not be located in essential spaces such as accessible parking bays, police / emergency vehicle parking zones, public transport pick up zones and public biking lanes unless deemed acceptable by Council.
- **Flooding** – Areas prone to significant flooding may not be eligible and may need additional assessment by Council.

4.3. Precinct Activation

Public consultation considerations

Goal: To ensure applicants consult with, and seek consent from, neighbouring businesses and residents that may be impacted by the proposed parklet.

Considerations:

- Applications should include letters of support from:
 - *Neighbouring businesses* – adjacent on either side of the proposed parklet.
 - *Residential property owners* – that directly impacted by a parklet application, or body corporate if in front of a residential apartment block.
 - *Additional businesses or residents in nearby vicinity* – evidence of broader community support for the proposed parklet will enhance the application.

Council will review any information submitted and reserves the right to grant special consideration for parklet installation. Refer to **Appendix A** for an example letter of support.

Advertising and signage

Goal: Avoidance of excessive signage or displays of goods, which create a hazard for users including people with physical or vision impairments.

Considerations:

- **Minimal advertising** – traders may include minimal advertising on parklet infrastructure or furniture. To avoid excessive advertising there is a limit of 10% of the total area for the parklet infrastructure or furniture in a trading zone.
- **Road safety infrastructure** – Permit holders must not place any advertising on road safety infrastructure without prior approval from Council.

Service of alcohol in parklets

Applicants who have a liquor licence and intend to serve alcohol from their parklet must provide additional information with their parklet application. The Applicant must:

- apply for a permanent variation of their liquor licence with Council and the Victorian Gambling and Casino Control Commission (VGCCC) Liquor Control Victoria to extend the red line area to the parklet
- amend their existing planning permit to include the parklet area, and alter the number of patrons included in the premises
- Liquor **must not** be supplied or consumed in this area until the necessary planning permission and liquor licence variation has been granted
- for further information on how to obtain planning permission refer to Council's [website](#) or contact Council's statutory planning department

4.4. Urban Design and Amenity

Parklet design

Goal: Parklets with functional and high-quality design elements that preserve residential amenity and enhance streetscape image. *Note: a permit application must demonstrate how it will positively activate the local precinct.*

Considerations:

- **Parklet overhead structures**
 - Overhead structures with full height walls will not be permitted to be installed in a parklet due to impacts on visibility and safety for the public. Open structures built for the purpose of providing protection from shade and rain will be considered on a case-by case basis.
- **Materials**
 - Materials used for the construction of a parklet should be fit for purpose and suitable for public use. Parklet installations should be of a high-quality design that minimises visual clutter whilst being suitable for the local context and streetscape.
 - The construction materials should be long-lasting, structurally sound, have the ability to withstand exposure to climatic conditions and be visible at all times of the day.
 - The ground / floor surface must be non-slip, heel safe and in accordance with Australian Standard AS4586-2013.
 - The gap between the platform and kerb cannot exceed 1cm. If the gap is greater than 1cm or the height does not match the kerb high, a platform

threshold treatment is required. This treatment must be robust and fixed down and comply with DDA requirements.

- Non-recyclable materials such as composite materials and astroturf are discouraged.
- Materials that discourage graffiti and allow it to be easily cleaned off are encouraged.

- **Planting**

- Planting is strongly encouraged within the parklet to enable greenery and improve the aesthetics of the parklet. Plants cannot exceed a height of 1.2m from the road surface to maintain visibility.
- The maintenance and watering of the plants will be the responsibility of the business owner.
- Plant selection should consider local weather conditions and sunlight exposure, maintenance requirements and the soil volume of the planters.

- **Platform**

- All parklets must be provided with a raised platform unless special circumstances require otherwise. The platform must appear as an extension of the footpath to ensure safety and accessibility and cannot be fixed to the road surface or kerb.
- The platform should be flat to allow chairs and tables to be placed straight. The design must ensure that water drains effectively and does not pool on the adjacent footpath or within the parklet area.
- The platform must be able to be removed to allow for road sweeping or drainage maintenance to occur if required.

- **Drainage**

- Parklets are not permitted in areas subject to significant flooding. This should be checked with Council before you apply.
- Parklets should not be placed over drainage grates or pits.
- A 20cm gap underneath the platform and next to the kerb is required, to allow water to drain freely along the channel as usual. A rubbish grate must be placed at either end to prevent rubbish and debris from collecting under the platform. The business owner will be responsible for collecting rubbish that builds up against the grate.

- **Accessibility**

- Parklets are to be accessible for all, and unobstructed paths of travel must be provided for patrons using mobility devices such as wheelchairs, prams and walkers.
- At least one point of access from the footpath to the parklet must have a width of at least 1.5m. the parklet is to include a wheelchair turning area with a minimum diameter of 1.5m

- **Tables and chairs (Furniture)**

- Furniture can be either fixed or removable. Fixed infrastructure must be integrated into the design and removable furniture must be sturdy and wind resistant, yet portable to be stored inside the premises out of operation hours.
- All moveable furniture must be removed from the parklet when forecast winds are expected to be in excess of 30 knots.
- Any tables or chairs that are proposed to be part of the parklet – whether fixed to the parklet structure or moveable – must be noted in on the Site Plan (see below) and included in the application.

- Permit holders will not be required to pay for a Footpath Trading Permit for moveable furniture located on the parklet, as long as this furniture is clearly identified on the Parklet Site Plan upon application.
- Failure to correctly note fixed or moveable furniture items on the Site Plan could result in a breach of the permit and enforcement by Council under the Local Law.
- Umbrellas can be used but must be suitable for commercial outdoor settings and must not obstruct traffic signals. When raining, water run-off from large umbrellas must not fall onto the pedestrian footpath.
- **Lighting**
 - Lighting can be provided within the parklet to contribute to the aesthetic and ambience of the parklet. Lighting must be stable (not flashing) and point downwards (i.e. It must not distract drivers or pedestrians). Any lighting fixture must have a min clearance of. 2.4 m above the parklet.
 - Lighting must be resistant to water, dust and dirt and for outdoor use.
 - Electrical cables must not extend across the footpath and lighting must not be attached to any trees or public infrastructure.
 - Solar lighting should be considered where possible.

Areas within a heritage overlay

Goal: Parklets that are located in areas within a heritage overlay must adhere to Council's urban design guidelines and heritage controls for that area, including any impact on sightlines.

Considerations:

- **Heritage overlay** – any proposed structures within a Heritage Overlay will be referred to Council's Heritage Advisor. Structures that impede views to significant heritage frontages will not be supported. Any proposed structures will be referred to Council's Statutory Planning team to determine whether the structures are appropriate to the streetscape.
- **Screens** – exceeding 1.2 metres in height are unlikely to be approved by Council.
- **Colour** – the colour of any structures shall be consistent with the heritage objectives of the location.
- For further information on the planning process refer to the Hobsons Bay Planning Scheme at www.hobsonsbay.vic.gov.au

Site plan

Goal: Applications are clear to read with information on parklet placement in relation to the streetscape.

Considerations:

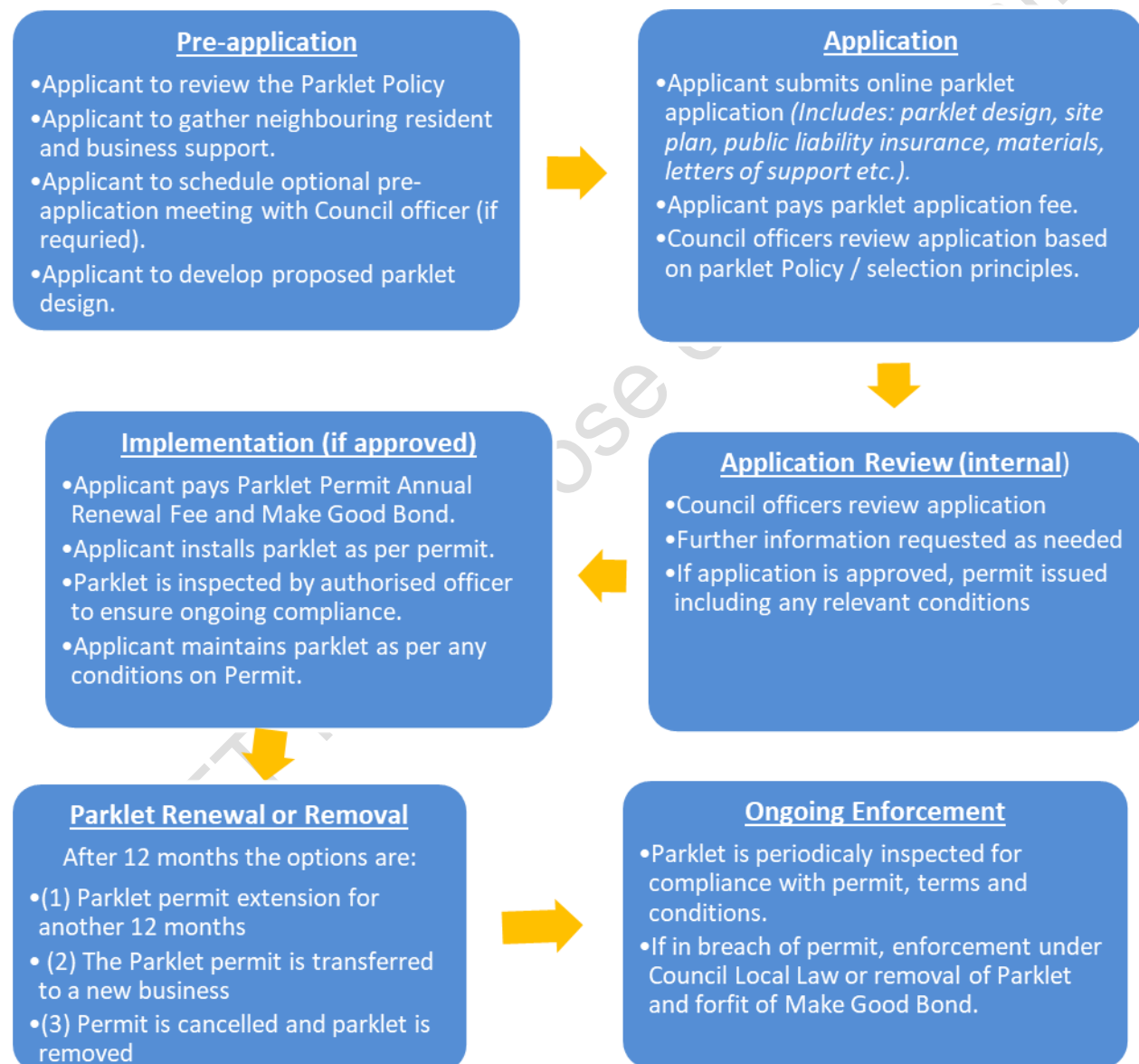
A site plan must be submitted along with the parklet application. The site plan should accurately show the area and layout of the proposed Parklet. This includes:

- **Furniture** – the proposed number and location of any fixed or moveable chairs, tables, screens, heaters, umbrellas, advertising signs, etc. This furniture will not be interchangeable with furniture located on the footpath.
- **Obstacles** – Existing trees, light poles, signs, existing street furniture, pits, fire hydrants, car parking and other features or traffic conditions.

- **Neighbouring buildings** – The proximity to neighbouring premises and residential dwellings should also be included along with specifications of all proposed furniture and infrastructure. Reference imagery is encouraged.
- **Photos** – In addition to the site plan photos of the site are required to support your application. These photos should clearly show the proposed outdoor dining area relative to buildings and existing features in the footpath.

5. Permit Application Process

The following diagram outlines that process that would be required in order to obtain a parklet permit. *Note: this process will be finalised following consultation on the draft outdoors framework.*



5.1. Permit Period

The following timeframes relate to the Permit Period:

- **Commence** – 1 September each year
- **Conclude** – conclude 31 August the following year

Permits will generally be approved for a period of 12-months. However, Council reserves the right to amend the length of the permit period (e.g., shorten or lengthen) where it deems appropriate (e.g., to extend a permit into another financial period).

Applications made outside the permit period may be eligible for a pro-rata deduction to the Parklet Permit Annual Renewal Fee (refer to Proposed Fees and Associated Costs) at the discretion of Council.

5.2. Parklet Extension, Change of Ownership or Removal

Parklet extension

Approved permits will be automatically extended 12 months at the conclusion of the agreed term provided the permit holder:

- Pays the required Parklet Permit Annual Renewal Fee.
- Provides proof of valid public liability insurance for the duration of the new Permit term.
- Has not amended the quantity or type of fixed or moveable furniture placed in the Parklet.
- Has not received in the proceeding 12 months a written warning or infringement notice by Council in relation to the Permit.

Request to transfer the permit to a new business

The permit holder may request a transfer of the permit to a new business. This involves:

- The current Permit Holder completing a Transfer Parklet Permit Form
- The New Permit Holder signing the agreement and paying the Make Good Bond
- Upon receipt of the New Permit Holder's payment, the current Permit Holder's Make Good Bond will be returned to their nominated bank account.

Cancel the permit and remove the parklet

At the end or earlier termination of a parklet permit, the permit holder will be required to 'make good' – removing any property, parklet infrastructure or equipment and returning the land to its original state.

Upon successful removal of the parklet, Council will refund to the permit holder's nominated account the Make Good Refundable Bond.

Failure to 'make good' will result in Council retaining the Make Good Refundable Bond and obtain ownership of the parklet infrastructure. Council then reserves the right to remove the parklet.

If the parklet is not formally transferred or cancelled Council reserves the right to remove the parklet within 14 days of issuing written notice to new business owners.

5.3. Proposed Fees

Council charges for the commercial use of its land and the income from this will be used to administer the policy, including the maintenance and operations of our streets.

The following fees and associated costs are proposed to be required when applying for a parklet.

Figure 2: Proposed Parklet Permit Fees and Associated Costs

Fee Type	Indicative Fee	Period
Parklet Permit Application Fee*	\$500	One-off fee
Parklet Permit Annual Renewal Fee**	\$125 per square metre	Renewable 12 months
Make Good Bond***	\$1,000	Refundable at termination of The Permit

* Application fees are non-refundable

**Note this charge is the 2023-24 Parklet Fixed Area fee and inclusive of any furniture (e.g. tables and chairs) within the space

***A bond will be retained for 'make good' requirements. See Parklet Removal and Change of Ownership for more information.

5.3.1. Other associated costs

In addition to the above fees, there may be other costs associated with the installation of a parklet as outlined in the table below.

Type	Estimated Cost	Frequency	Notes
Parklet Design*	up to \$5,000	Upfront payment	Business to source parklet design from a qualified vendor
Parklet Materials* and Construction	\$5,000 to \$80,000	Upfront payment	Cover costs related to materials and construction of parklet depending on design elements
Annual Parklet Maintenance	\$1,000+	Annual	To cover costs associated with cleaning, maintenance and other ad-hoc works

*Estimates drawn from other parklet programs including the Merri-bek Parklet Program

5.3.2. Parklet Suppliers

Businesses can select a company or contractor of their choice to construct parklet infrastructure in accordance with a permit issued by the Hobsons Bay City Council, as long as it aligns with the Policy.

Hobsons Bay City Council does not endorse or recommend any specific suppliers, but can provide a register of suppliers as suggestions for investigation by businesses wishing to establish a parklet on request.

Plans and proposals must be submitted for Hobsons Bay City Council for approval **prior** to any construction and operation of a parklet. Failure to receive the appropriate approval will result in the parklet being removed, at the expense of the business.

6. Related Legislation

Food Act 1984

Local Government Act 2020

Planning and Environment Act 1987

Public Health and Wellbeing Act 2008

Environment Protection Act 2017

7. Further information

For further information concerning this policy please contact the Economic Development Team on T: 1300 179 944 or E business@hobsonsbay.vic.gov.au.

Appendix A – Definitions

Parklet	A car parking space that is converted into an extended outdoor trading area
Parklet Permit or Permit	A permit that gives access to a parklet area for commercial use provided Applicants pay relevant fees and meet the terms and conditions
Applicant	Refers to any person, primarily business owners, applying for a Permit under the Policy
Permit Holder	Refers to any person, primarily business owners, who obtains a Parklet Permit
Council	Refers to Hobsons Bay City Council
Footpath Trading Permit	Refers to The Hobsons Bay's Footpath Trading Permit which permits eligible businesses to trade on footpaths provided they pay relevant fees and meet the terms and conditions
Footpath Trading Code of Practice	The Code of Practice outlines requirements that local traders must comply to ensure there is clear, safe and unobstructed access for pedestrians of all abilities on Hobsons Bay's footpaths.
Permit Period	The length of time the Permit Holder is legally allowed to retain a Parklet
The Policy	Refers to all related terms and conditions as detailed within this document
The Parklet Permit Renewal Fee	The annual fee that must be paid to retain a Parklet Permit
Activity Centre	Areas that provide a focus for services, employment, housing, transport, and social interaction. They range in size and intensity of use from smaller neighbourhood centres to major suburban centres and larger metropolitan centres. A detailed list of activity centres can be found under the Hobsons Bay <i>Activity Centres Strategy 2019-36</i>
Liquor Licence	A liquor licence is a government issued permit to sell, manufacture, store, or otherwise use alcoholic beverage.
Red Line Plan	An Applicant who has a liquor wants liquor to be supplied and consumed. This is shown by a red line drawn on a plan of the premises - a red line plan
Site Plan	Plan that accurately shows the area and layout of the Parklet

Appendix B – Letter of Support Template

Insert Date

[Business Name / Resident Address]

[Address]

[Suburb] VIC [Post Code]

To Whom it May Concern,

RE: Parklet Letter of Support – [Business applying for parklet]

I am writing to express my support for a parklet to be constructed in front of [Business Name] located at [Address of Proposed Parklet].

I [name of applicant] support the application for test to install a temporary parklet out the front of their business:

[Yearly Parklet: from DATE to DATE]

I confirm the applicant has informed me of the location of the carparking bay/s to be occupied by the Parklet, and I am happy to express my support.

I understand the applicant will be required to operate the Parklet in accordance with the conditions of the Parklet permit issued by Hobsons Bay City Council.

This parklet will be a great asset to the neighbourhood in addition to being a space for patrons of the [Street Name of Proposed Parklet] businesses to congregate without blocking the sidewalk or venturing into the street.

Sincerely, _____ (Signature) _____

Name (printed) Contact (phone or email) _____

Address Date

Appendix C – General Terms and Conditions

Overview

Permits are reviewed towards the end of each Permit Period to ensure equity and accessibility for parklet owners. All permit renewals will be processed with consideration to current demand for parklets and the impact on local businesses and the Hobsons Bay community.

To apply for Parklet Permit, businesses must meet the following terms and conditions:

- **Public liability insurance** – Applications must include a Certificate of Currency for Public Liability insurance to the sum of \$20,000,000 and noting “Hobsons Bay City Council” as an interested party, and commitment to maintaining currency.
- **ABN** – If applying as a business or company, Applicants must provide proof of business or company registration (ABN).
- **Amenity** – At no stage must a parklet directly or indirectly cause or allow to be caused a civil nuisance or, in the opinion of a Council Officer, an unreasonable disruption to another party. Regard must also be given to the nuisance provisions of the Public Health and Wellbeing Act 2008 and the unreasonable noise requirements of the Environment Protection Act. If an authorised officer observes a breach in amenity associated with the parklet Council reserves the right to require a noise and amenity complaint mitigation procedure be developed.
- **House of Operation** – Trading within a parklet area is to cease by 11pm for hotels and bars, and 1am for restaurants and cafes – unless over-ridden by a planning permit or at the request of an authorised officer. These times are in place to ensure nearby residents are not negatively affected; Council reserves the right to determine Parklet trading hours.
- **Hygiene and cleanliness** – To ensure the hygiene and cleanliness of a Parklet is maintained, the following standards apply:
 - litter must be cleared from the trading area by the permit holder at all times.
 - food scraps and any other rubbish within the immediate area must be removed and deposited within the permit holder’s own bins kept within the premises.
 - litter generated by parklet trading must not be swept into the street gutter, or adjacent footpath areas. It must be picked up and deposited within the permit holder’s own bins kept within the premises.
 - trade waste must not be placed in public street bins.
 - Council’s street cleaning services operate in the early morning to ensure minimum disruption to local businesses. However, the permit holder has a responsibility to keep the parklet area and nearby street or footpath clean and must work with the Council to ensure this is achieved.
 - Any damage or graffiti must be dealt with as soon as practical by the Permit Holder.
- **Tobacco Act requirements** – The parklet must comply with the requirements of the Tobacco Act 1987. No smoking is permitted within a 4m buffer of food being served of adjoining premises. No smoking, shishas or vaping may take place in the parklet.
- **Subletting** – The parklet must not be sublet to another entity during the term of the agreement
- **Termination of Permit or Non-Compliance:**
 - Council may terminate a parklet permit and require the business to remove the Parklet if the business breaches the terms and conditions set under The Policy and, if the breach is capable of being remedied, does not remedy the breach within 7 calendar days of receipt of written notice from the Council.
 - Further, non-compliance may leave the parklet owner in breach of Hobsons Bay Community Local Law.
 - Council reserves the right, irrespective of anything contained in this policy, to revoke, suspend or cancel a permit that has been issued, or the approval of a parklet. Council may refund on a pro-rata basis any permit application fees that have been paid, but will not be liable for any lost business, income or other business cost associated with the exercise of this clause.

- **Events and capital works** – Businesses must accept any Council approved major events, minor events, capital projects and/or maintenance works will take precedence over parklet permits.
- **Display of permit** – A current copy of the parklet permit must be provided to an authorised parklet officer when requested while conducting activities on Council owned and managed land.
- **Additional Approvals** – Council may require approvals from other relevant regulatory bodies such as Victoria Policy, Worksafe, Department of Transport or the VGCCC as relevant.

DRAFT for purpose of consultation