

Council Policy

Council policy title:	Parklet Policy (2022)
Council policy sponsor:	Matthew Cripps
Adopted by:	Bayside City Council
Date adopted:	To be considered at 17 May 2022 Council Meeting
Scheduled review:	TBC
Document Reference:	DOC/22/71251

([Council Policy](#) is a high level public statement formally resolved by Council, which clearly states Council's requirements, intent or position with regard to a particular matter or issue. It is not intended to be procedural in nature.)

1. Policy Intent

The intent of the Parklet Policy (the Policy) is to:

- Provide parklet eligibility requirements;
- Detail the application process, assessment criteria and decision-making framework for parklet permit applications;
- Provide information regarding parklet permit types;
- Establish the role of Council and Traders in the installation and maintenance of a parklet.

2. Policy Purpose

This Policy:

- Provides guidance on implementation of parklets for both short and long term periods;
- Ensures there is a consistent, transparent, simple and equitable process for the application of parklet permits;
- Aims to ensure that parklets are safe and accessible, together with consideration of neighbouring properties and amenities;
- Provides guidance for applicants around the consultation process during lodgement of a parklet application;
- Aims to:
 - Support local businesses within activity centres as a whole rather than only supporting Permit Holders only;
 - Activate streets and provide a space for the community to gather and socialise;
 - Create an improved sense of community;
 - Contribute to a positive neighbourhood character.

3. Scope

The Policy applies to businesses located within the City of Bayside that wish to implement a parklet in place of car parking space(s), located on a Council or Department of Transport (DoT) managed road.

The Policy outlines the requirements for a business to be eligible for a parklet, including location requirements, responsibilities of the business and information regarding the implementation of a parklet.

The Policy does not apply to:

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

This policy should be read in conjunction with the Parklet Design Guidelines

4. Policy Statement

Council's Parklet Program supports eligible businesses to offer outdoor pedestrian areas such as dining spaces in what was previously used as car parking bays.

Council initially implemented a temporary Parklet Program for a short-term, immediate response to the COVID-19 restrictions, allowing businesses to expand their outdoor area and increase capacity numbers.

This policy should be read in conjunction with the Parklet Design Guidelines

5. Eligibility

5.1 Eligible businesses

To be eligible for the Parklet Program, businesses must commit to the operation and maintenance, safety, access and amenity requirements outlined in this Policy.

Businesses must meet the following eligibility criteria:

- Hold a current 'Footpath Trading Permit'.
- Operate a commercial premise in a Bayside activity centre;
- Are able to provide furniture/equipment to use in the parklet (applies to parklets not constructed with fixed tables and seating);
- Must provide evidence of a Public Liability Insurance policy for an amount determined appropriate by Council in the Parklet Permit;

- Hold a COVIDSafe Plan and comply with patronage limits for outdoor spaces in accordance with the prevailing requirements of the Department of Health.
- Demonstrated ability to maintain and upkeep the parklet in good order with the provision for an annual conditions audit.

Applications and location eligibility will be assessed on a case-by-case basis. All applications must be supported by a Road Safety Audit and provide consent from the Department of Transport for declared main roads (if applicable).

5.2 Location / traffic conditions

Parklets may be implemented in locations that meet the following eligibility criteria:

- Have a speed limit of 40km/hr or less.
- Are not within a clearway, disability parking space or red parking zone (No Stopping, Loading Zone, Mail Zone, Bus Zone, etc.).
- Have a straight road geometry ensuring uninterrupted sight lines for drivers.
- Are more than 10 metres from an intersection.
- Are more than 20 metres from a signalised intersection.
- Does not obstruct Council assets, utility and emergency access panels or storm drains.
- Have parallel parking or angled parking.
- Does not have any utility access panels or storm drains within the parking space.
- Does not compromise access for people with a disability, emergency vehicles, construction zones (existing or approved) or entrances to private buildings or car parks.

5.3 Maximum number of parklets within areas

To minimise the potential impacts to on-street parking availability within each main activity centre, a recommended maximum number of parklets within each area has been determined.

The maximum number of parklets for each main activity centre has been determined based on the number of publicly available on- and off-street parking spaces, locational factors and community feedback through the initial temporary parklet period.

Location	Maximum number of parking bays to be used for parklets
Bay Street Activity Centre	10
Sandringham Activity Centre	10
Black Rock Activity Centre	0 ¹
Martin Street Activity Centre	5
Beaumaris Concourse	14
Hampton Street Activity Centre	6 (Ratho Ave to Holyrood St) 10 (Holyrood St to Crisp St)
Church Street Activity Centre	10

¹ Parklets are not permitted in Black Rock on account of the 60km/h speed limit

Parklets for minor activity centres are not permitted.

5.4 Consultation and Engagement

Upon receipt of a Parklet application, Council will determine the extent of notification to minimise any material detriment to the activity centre and adjoining residents and businesses. The extent of notification is not prescribed to enable site specific considerations.

The following notification requirements will apply:

- The notification period will be 2 weeks
- Council will undertake notification to occupiers and property owners
- Public Notice of the Parklet application to be displayed at the applicant's premises for duration of the notification period

It is encouraged that prior to formally lodging of an application for parklet, the applicant consults with nearby businesses and residents that will be potentially affected by the proposed parklet to proactively address any concerns as part of the application process.

5.5 Sharing a parklet

A parklet can be shared between two businesses at different times of the day, to be agreed on by the businesses. Each business is required to hold a permit to use the space and both businesses are responsible for the maintenance and management of the parklet.

For example, Permit Holder A (eg. a café) can utilise the parklet between the hours of 6:00am-4:00pm, and Permit Holder B (eg. a restaurant) can utilise the parklet between the hours of 4:00pm-11:00pm.

A signed agreement between businesses will be required to outline responsibilities and use to the satisfaction of Council.

6. Parklet Design

The business has the option of sourcing or designing parklet infrastructure that meets the Parklet Design Guidelines.

The Permit Holder can purchase or hire a ready-made or “off the shelf” parklet from a number of suppliers, as long as it has been approved by Council.

Alternatively, the Permit Holder can propose their own parklet design to Council. This must be designed by a qualified professional, with structures designed by a registered Engineer or Architect. The Engineer must certify the structural design by submitting a Certificate of Compliance (Reg 126) – Design. Upon completion of construction, the Engineer must inspect and issue a Certificate of Compliance (Reg 126) – Inspection. The parklet must be installed by a registered builder.

Parklets must be designed, where practically possible, to ensure accessible access for people with a disability in line with the Disability Discrimination Act 1992. Requirements are specified in the Parklet Design Guidelines.

7. Permit Types and Fees

Businesses can apply for either a 6-month (summer/spring) parklet permit or a 12-month parklet permit. Fees payable to Council include:

- Parking permit application fee: This covers the cost of Council processing the application and (if necessary) inspecting the site. A flat fee is charged regardless of the size, location or type of permit.
- Annual and seasonal permit fees: This represents the value of the public space that will be occupied. Fees are based on Council's Footpath Trading Permit Scheme having regard to a typical average number of tables and seats per parklet. Seasonal permits will be charged at 50% of the annual permit fee.

A 50% discount will apply until August 2022 in line with the Bayside Local Economic Recovery Plan and Footpath Trading Policy. Fees will be charged pro rata until August, after which Council will issue a new invoice payable for the remainder of the permit period.

7.1 6-month permits

Council recognises that some businesses may wish to operate a parklet during the warmer months only. The 6-month permit runs from October 1 to March 31 annually. The fees involved for a 6-month permit are as follows:

- Parklet permit application fee: \$250
- Seasonal permit fee: \$1,482 per parking space

Permit fees will be payable on a pro-rata basis.

7.2 12-month permits

This permit type allows a permit to be renewed each year, allowing a more permanent year-round parklet installation. The permit will align with the footpath trading permits, expiring on the 31 August each year. The fees involved for a 12-month permit are as follows:

- Parklet permit application fee: \$250
- Annual permit fee: \$2,964 per parking space

Permit fees will be payable on a pro-rata basis.

7.3 Other Costs

Other costs that may apply include:

- Design and documentation for Council approval (applies to custom-designed parklets only): estimated up to \$5,000.
- Independent Road Safety Audit by a suitably qualified auditor estimated up to \$2,500.
- Traffic Management Plan (if required by Council): estimated up to \$3,000.

- Materials and construction: estimated \$8,000-\$30,000 depending on design.
- Implementation of traffic management, installation and removal costs.

These fees must be borne by the Permit Applicant.

7.4 Permit Renewal

Parklets will be installed for either 6 or 12 months with the option to renew the permit annually. Permit Holders must submit a Parklet Permit renewal application to Council for assessment.

7.5 Review of Fees

Council reserves the right to review fees annually at any time.

8. Applying for a Parklet

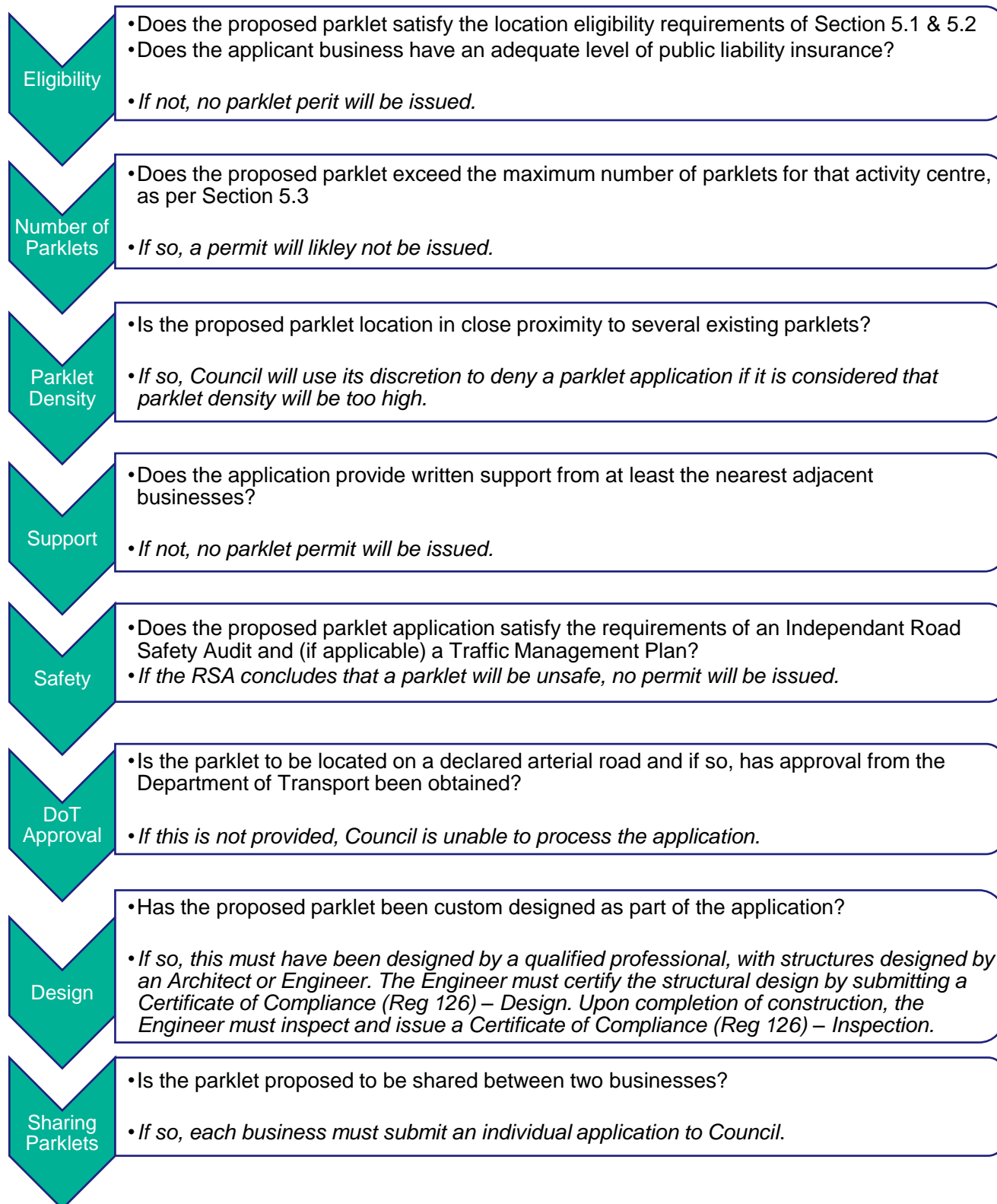
Prior to submitting a formal application, applicants are required to contact Council to request an initial review. This will determine if the possibility exists for a parklet to be installed (considering safety, access and other relevant matters). If the location is identified as being potentially suitable, the applicant will then be required to submit a formal application.

The application requires the following information:

- Your Footpath Trading Permit number;
- Photographs of the trading space;
- The proposed design of the parklet to be approved, including certification from a structural engineer (for any parklet that is not ready-made or “off the shelf”)
- A description and supporting information on your plans for the space;
- The proposed hours of operation of the parklet;
- Whether you intend to serve alcohol in the space and if so, approval for a red line extension from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) – *this can be provided later but must be provided prior to Council issuing a parklet permit.*
- Your commitment to complying with this Policy and expectations.
- Confirmation that it satisfies the consultation and engagement process outlined in Section 5.4 of this Policy.

Each permit application will be assessed by Council with regard to the eligibility criteria of the business and proposed parklet location, the extent to which the parklet may interfere with or obstruct existing fixtures such as benches, poles and bins.

Council will assess the application against on the following criteria:



9. Operation and Maintenance

The parklet host/s is responsible for ensuring the parklet is maintained and operating as per the Policy requirements.

9.1 Maintenance

It is the responsibility of the host business to ensure the parklet is:

- Maintained in a structurally sound condition at all times;
- Cleaned and kept in a neat and tidy condition including sweeping the parklet surface, removing debris and watering plants;
- Sanitised and managed as per the business COVIDSafe Plan;
- Cleared of furniture (tables, chairs and any unfixed items) at each day's close of business;
- Kept clean of condiments, napkins and utensils on tables unless diners are seated.

9.2 Management of safety and amenity

The parklet host business is responsible for monitoring and managing the operation of the parklet, ensuring it is safe for staff and patrons in accordance with the permit conditions. This includes ensuring furniture selected minimises potential for injury and does not disrupt sight lines for traffic and pedestrians in the area.

The host is also responsible for managing patron behaviour and noise levels. No amplification equipment such as speakers are permitted within the parklets, without Council's prior written consent.

A detailed list of operation, safety and amenity requirements is provided in the Parklet Design Guidelines.

9.3 Service of alcohol

A liquor licence is required for the service of alcohol in a parklet. A temporary limited licence is available on application to the Victorian Commission for Gambling and Liquor Regulation (VCGLR). Approval for a red line plan extension must be submitted with the parklet application.

Permit holders are responsible for monitoring patron behaviour and ensuring staff are accredited for the responsible service of alcohol and are in accordance with the liquor licence.

9.4 Removal of a parklet

A parklet may need to be removed temporarily or permanently for emergency works as required by Council, its contractors or service authorities. Council will provide as much notice as possible in these situations. Removal must be undertaken by the Permit Holder.

Where this is required, the cost to disassemble, remove, store and reinstall the parklet will be at the Permit Holder's expense. Any damage that may occur during emergency works will also be at the Permit Holder's expense.

9.5 Change of ownership

If a business changes ownership or closes permanently, Council must be informed, and the existing permit will be cancelled. If the new business operator would like to retain the parklet, a new permit application is required as they are not transferable.

Fees will be refunded on a pro rata basis to the Permit Holder.

9.6 Hours of operation

The hours of operation of the parklet must be consistent with the footpath trading permit conditions for the business.

If a business changes ownership or closes permanently, Council must be informed, and the existing permit will be cancelled. If the new business operator would like to retain the parklet, a new permit application is required as they are not transferable.

9.7 Repair of Council assets

Permit holders are responsible for carrying out repair works to any Council managed road or asset that occurs as a result of the parklet. This will be at the cost of the Permit Holder, and must be undertaken by one of Council's approved contractors.

10. Monitoring, Evaluation & Review of the Policy

Compliance with the Policy will be monitored by Council throughout the permit duration. Council's Local Laws/Asset Protection Team will regularly inspect each parklet to ensure safety, accessibility and compliance of the parklet. Inspections may also be carried out by Council's Local Laws unit in direct response to receipt of any complaints from the community regarding the operation or maintenance of a specific parklet.

Council reserves the right to order a parklet be removed if:

- It is found to not comply with the requirements of the Policy;
- The parklet is found to be significantly underutilised and therefore not maximising the value of the public space that it occupies. To make a determination in this matter, a minimum of three (3) inspections will be carried out by a Council officer at times of expected ordinary peak usage. Council's discretion will be used to determine whether the parklet is underutilised but as a guide, a parklet should be at least 50% occupied during a busy Friday or Saturday lunchtime or dinnertime period on a day of fine weather.

Should Council decide to amend or revoke a permit, the Permit Holder will have the opportunity to provide a written submission as to whether the amendment/cancellation should occur.

Council's Complaint Handling Policy can be viewed at:

<https://www.bayside.vic.gov.au/council/plans-strategies-and-policies/feedback-and-complaints>

11. Review of the Policy

The Policy will be reviewed one (1) year after implementation to monitor the requirements and review the parklet fees. Fees will thereafter be reviewed annually as part of Council's annual budget process.

12. Related Documents

Legislation	Local Government Act 2020 Bayside Neighbourhood Amenity Local Law 2021
Policies	Footpath Trading Policy 2018
Strategies/Plans	Bayside 2050 Community Vision Economic Development Strategy Retail, Commercial & Employment Strategy 2016-2031 Bayside Integrated Transport Strategy Bayside Walking Strategy
Procedures/Processes	Parklet Design Guidelines
Other	n/a

Please note: This policy is current as at the date of approval. Refer to Council's website (www.bayside.vic.gov.au) to ensure this is the latest version.

13. Glossary - Definitions and Abbreviations

Term	Meaning
Council	City of Bayside
Parklet	Parklets are re-purposed parking bays to create spaces for pedestrian activity such as outdoor dining. These are the subject of this Policy.
Permit	Refers to an approval issued under the Bayside Neighbourhood Amenity Local Law and associated guidelines that authorises a use or activity.
Permit Holder	A person to whom a permit has been issued under the Local Law.
Public Liability Insurance	This is insurance to help protect against claims of personal injury or loss of or damage to property as a result of the business (or parklet) operation.