

## Parklet Guidelines



Bass Coast Shire Council (Council) is committed to facilitating economic opportunity, vibrant streetscapes and welcoming outdoor spaces.

These guidelines aim to provide guidance for hospitality businesses wishing to apply for a parklet in Bass Coast.

Parklets allow businesses to safely extend their outdoor trading area beyond the footpath. It usually involves the temporary use of on-street carparking spaces for outdoor dining and trader use.

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## Document Intent and Purpose

The intent of this document is to:

- Specify the parklet eligibility requirements;
- Clearly outline the application process, assessment criteria and decision-making framework for parklet applications;
- Illustrate the design and layout requirements to ensure parklets are safe and functional;
- Establish the role of Council and Traders in the operation and maintenance of parklets; and
- Detail the permit types and fees and inform on any additional costs that may arise.

## Scope

These guidelines apply to businesses located within the Bass Coast Shire Council that wish to implement (or continue operating) a parklet in place of car parking space(s) located in a Council or Department of Transport and Planning (DTP) managed road.

The Bass Coast Planning Scheme exempts the use and development of street trading where it has been approved under a local law. Parklet permits are governed by the Bass Coast Local Law and are therefore exempt from the planning scheme.

These guidelines do not apply to:

- Footpath trading;
- Street parties / events;
- Trading within foreshore areas or reserves;
- Road and / or laneway closures; or
- Streetscape works.

These guidelines relate to trading in the Parking (or Parklet) Zone as per Figure 1. For outdoor dining and trading within the Trading Zone, refer to the [Footpath Trading Guidelines](#).

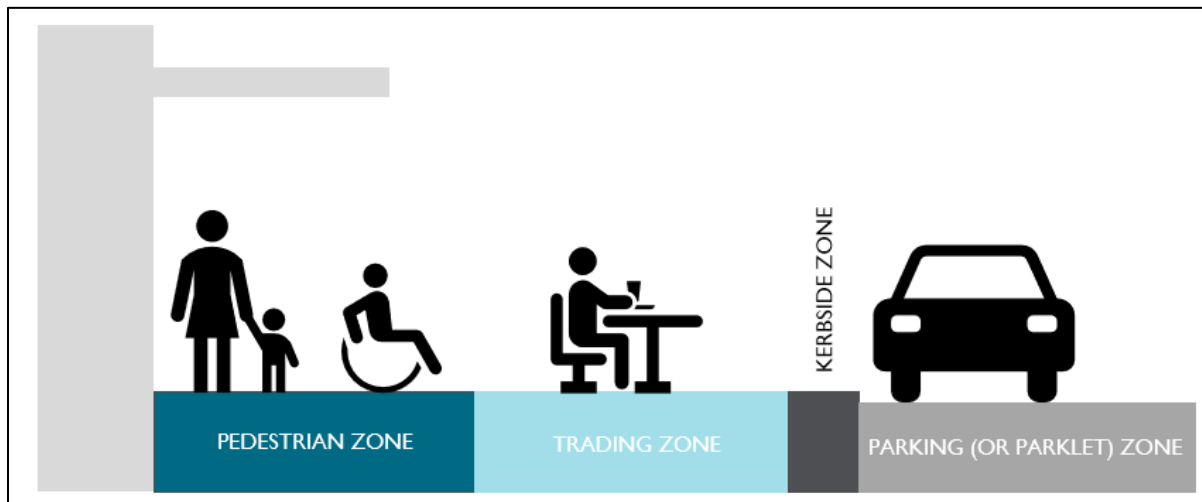


Figure 1 – Footpath zones



Businesses located within the Cowes Streetscape Masterplan area (refer Figure 2) wanting to implement a parklet are also subject to the *Cowes Activity Centre Public Realm Style Guidelines*. The parklet guidelines herein this document must be adhered to, to ensure safety and functionality. The streetscape guidelines specify requirements in regard to the design palette, look and feel, materials and furniture selection, to be implemented in parklets to ensure consistency across the Cowes Activity Centre.



Figure 2 – Cowes Masterplan site area

## Eligibility

### *Are you eligible?*

Applications and location eligibility will be assessed on a case-by-case basis.

Applicants must provide consent from the Department of Transport and Planning (DTP) for parklets on declared main roads. To find out if a road is declared, click [here](#).

Businesses must meet the following eligibility criteria:

- Operate a commercial hospitality premise, be registered with Council's Environmental Health team and meet the requirements under relevant Acts and Codes.
- Are able to provide furniture/equipment to use in the parklet (applies to parklets not constructed with fixed tables and seating).
- Permit holder must provide Council with a current copy of their Public Liability Insurance detailing cover of \$10m. Public Liability Insurance must remain valid for the life of the permit.
- Demonstrated commitment to the operation and maintenance, safety, access and amenity requirements listed in these guidelines.

### *Location and Traffic Conditions*

Parklets will be considered in locations that meet the following location eligibility criteria.

Eligible if the location...

- Has a speed limit of 40km/hr or less;
- Has parallel parking or angled parking;
- Is on a straight section of road that enables the parklet to be readily perceived by drivers;
- Can provide access to utility access panels or storm drains within the parking space; and
- Ensures a Tree Protection Zone (TPZ) is maintained where applicable.

Not eligible if the location...

- Involves a clearway, disability parking space or red parking zone (No Stopping, Loading Zone, Mail Zone, Bus Zone, etc);
- Obstructs Council assets, utility and emergency access panels or storm drains; This includes but is not limited to gas, water, power, fire hydrants and telecommunications;
- Compromises access for people with a disability, emergency vehicles, construction zones (existing or approved) or entrances to private buildings or car parks; and
- Is subject to significant flooding; This should be checked with Council before applying.

### *Consultation and Engagement*

Prior to lodging a formal application, the applicant will need to obtain sign off from at least one adjacent neighbour and include in application form. Council will provide a templated letter for the applicant to share with businesses.

### *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.

Both businesses must complete an application for the parklet, however the costs can be shared.

### **Parklet Fees**

The parklet program offers annual parklet permits, valid for a period of 12-months, with annual parklet fees charged for renewal.

Fees payable to Council can be found on Council's [Fees and Charges page](#) and include:

- Application and inspection 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 parklet.
- Annual parklet occupancy fee per parking space – this represents the value of the public space that will be occupied. Fees are charged per carparking space.

All application and permit fees are non-refundable. In the instance where removal of a parklet is required outside of the permit holders' control (such as due to capital works or maintenance of Council assets), the permit fees may be refunded on a pro rata basis for the duration of the parklet closure.

### *Potential Additional Costs*

In addition to the standard fees, other costs may arise for the permit applicant depending on the proposed parklet location and design. These are summarised in Table 1.

Table 1 – Potential additional costs

Potential Additional Item	Reason / Purpose	Indicative Cost Estimate
Temporary Traffic Management Plan	For installation by external contractor including traffic management, installation and removal costs.	Estimated \$500 to \$3,000.
Structural Engineer	To ensure safety of design in some cases, particularly for parklets with a roof or raised decking.	Estimated \$1,000
Road Safety Audit	To be undertaken by a suitably qualified auditor in some circumstances for significant works or where there are safety concerns.	Estimated up to \$3,000.
Materials and construction	Dependent on the design.	Estimated \$8,000-\$30,000
Liquor licence red line alteration	If serving alcohol, applicant will need to apply for a change of liquor licence.	Costs relevant to liquor license application
Non-road activity permit	This will be supplied by Council's Sustainable Transport and Movement team.	No cost as part of permit approval.
Other	Might include registered builder, building surveyor and architect depending on your build design.	Varying

## Application Process

Prior to submitting a formal application, applicants are required to submit an Expression of Interest (EOI). This will allow Council to determine if the location and proposal is feasible (considering safety, access and other relevant matters).

Please allow 6 – 8 weeks for a standard EOI and application to be processed and approved.

When completing an Expression of Interest (EOI), the applicant will need to provide the following:

- Business details;
- Contact details;
- A site plan of your parklet proposal;
- Photos of the site;
- Number of car parking spaces required;
- Date required;
- If assets will need to be relocated;
- If alcohol will be serviced (if so, the red line plan will need to be extended);
- Hours of business operation; and
- Whether the parklet will have a roof or raised floor.



Council officers will work with the applicant to confirm if the site and design is suitable according to the eligibility criteria and what supporting documentation will be required for the application.

Once suitability has been confirmed, Council will send a link to the formal application via email to complete. The application will require the following:

- Business details such as the Trading Name, ABN and address;
- Business owner details such as name and contact details;
- Certificate of Currency for Public Liability Insurance including the proposed parklet area (minimum \$10,000,000 cover);
- The proposed design of the parklet to be approved, including certification from a structural engineer (if required);
- Photographs of the trading space;
- Current Liquor Licence (if service of alcohol permit is required);
- Liquor Licence Red Line Plan and proposed extension to red line (if service of alcohol permit is required);
- Your commitment to complying with this Policy and expectations; and
- Written support from minimum one (1) neighbouring business.

If your application is approved, a permit will be issued by our Local Laws team following payment of permit fees.

## Parklet Design Requirements

If your parklet has a decking or roof, your design will be referred to Council's Building team. In some cases, you may be required to provide a Certificate of Compliance (Reg 126) with an inspection by a registered Engineer. Parklets are to be installed by a registered builder.

The parklets must be designed so that they:

- Continue to appear as a parklet even when/if furniture is packed away, to prevent vehicle access at all times;
- Can be easily packed up and moved if required, to allow for any utility, maintenance or capital works; and
- Maintain the function and amenity of the footpath, leaving adequate unobstructed footpath width as set out in the [Footpath Trading Guidelines](#).

The following section outlines the general spatial and safety requirements to consider in the parklet design to ensure it is protected and functional.

### Buffer Space

The buffer space refers to the setbacks required between the parklet edge and the adjacent parking spaces and traffic or cycling lanes. This space is to be kept clear of physical barriers and planting.

There must be a minimum 30cm buffer against the traffic lane with the intention to protect the parklet and diners within.



When installed next to angled parking spaces, a minimum 30cm buffer is required to allow for vehicle door opening and to protect the parklet from vehicle manoeuvres.

When installed next to parallel spaces, a minimum 1 metre buffer is required to ensure that the adjacent spaces can remain conveniently accessible to cars.

The required buffer zones are depicted in Figure 3 for parallel parking spaces and Figures 4 – 5 for angled parking spaces.

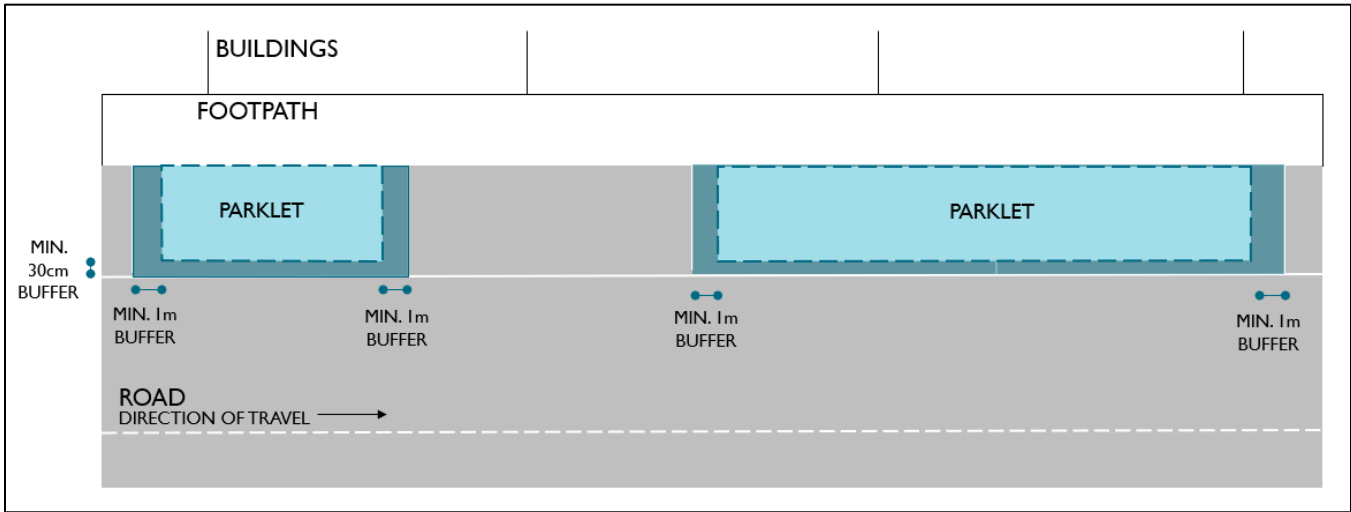


Figure 3 – Edge buffer zones for parallel parking spaces

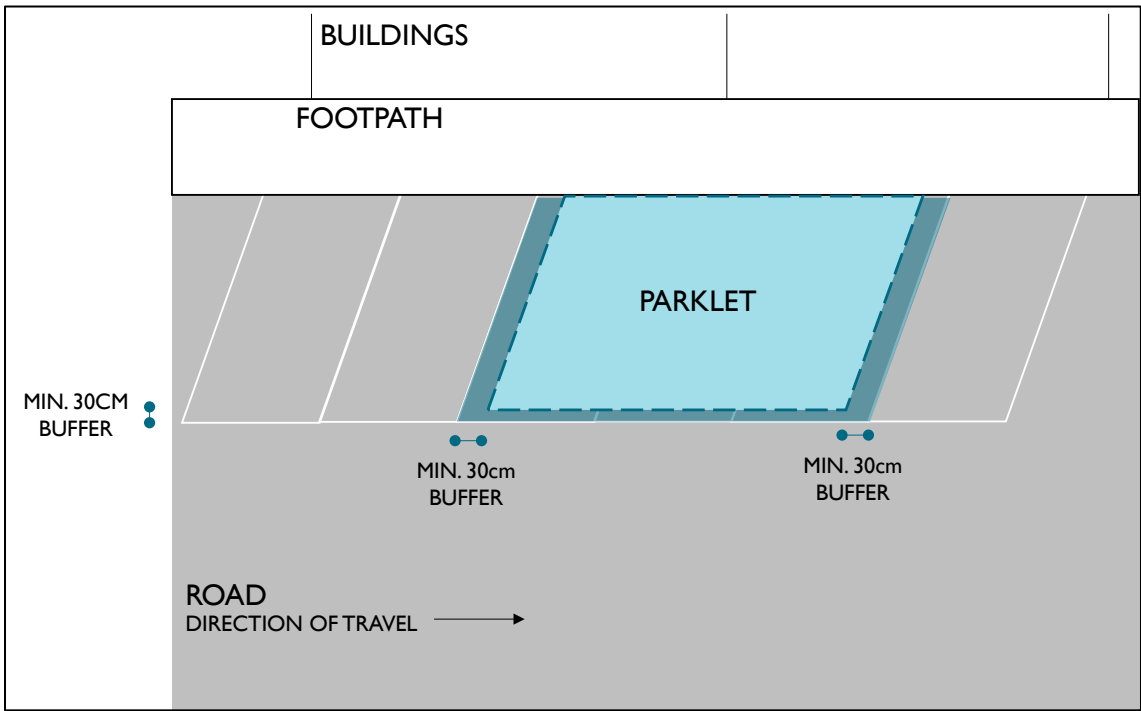


Figure 4 – Edge buffer zones for angled parking spaces

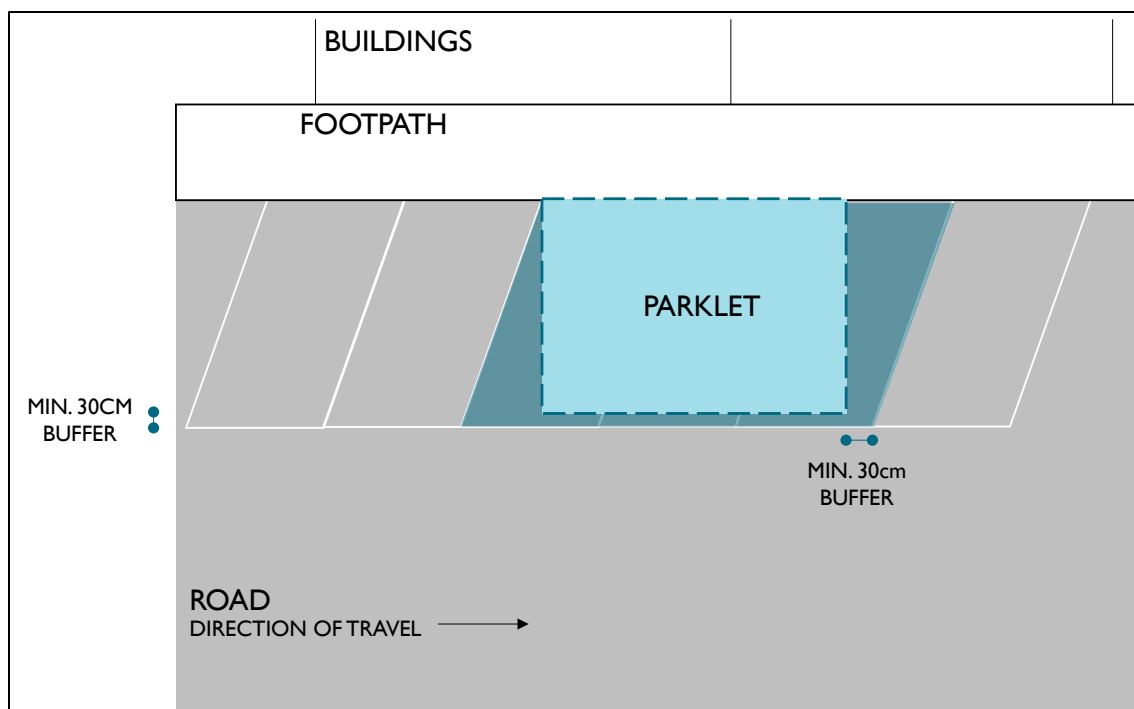


Figure 5 – Edge buffer zones for angled parking spaces (Parklet square to kerb)



Figure 6 – Buffer zones example

## Physical Barriers

The following physical barriers are required for all parklets:

- Fencing or planter boxes around the outside edge up to 1.2m height to keep patrons within the area and protect from vehicles;
- Concrete blocks (which can double as planter boxes) at the outside corners to protect against errant vehicles and vehicles entering and exiting adjacent parking spaces;
- A chevron sign to alert drivers to the presence of a parklet is required on the approach side corner of the parklet.
- Reflective markers around the outside edge of the parklet to maintain visibility at all times. These must be fixed securely and spaced apart at intervals not exceeding 2 metres.

Where a parklet is proposed adjacent to a kerb outstand (rather than a parking space) the buffer zone and concrete block at that end are not required.

The protective treatment layouts are depicted in Figure 7 and Figure 8, with real-world applications in Figure 9 and Figure 10.

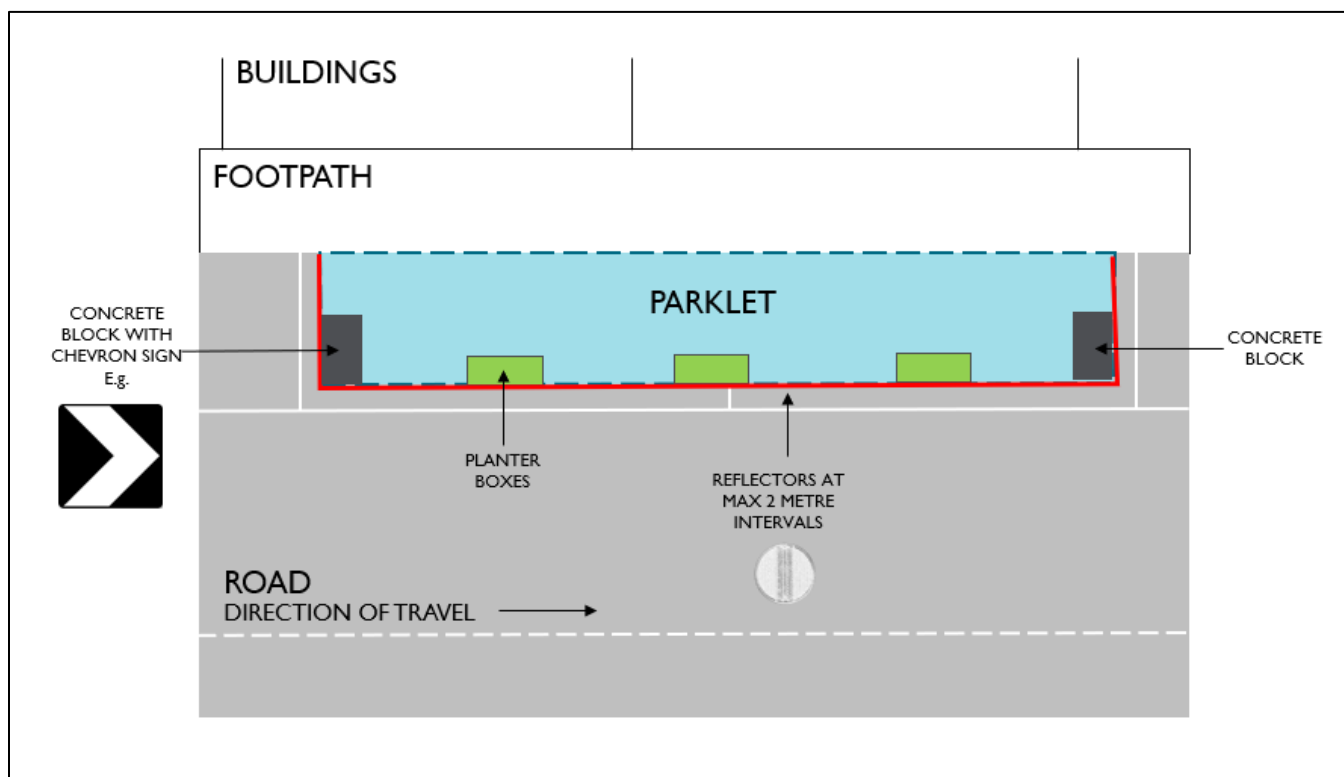


Figure 7 – Physical barriers layout

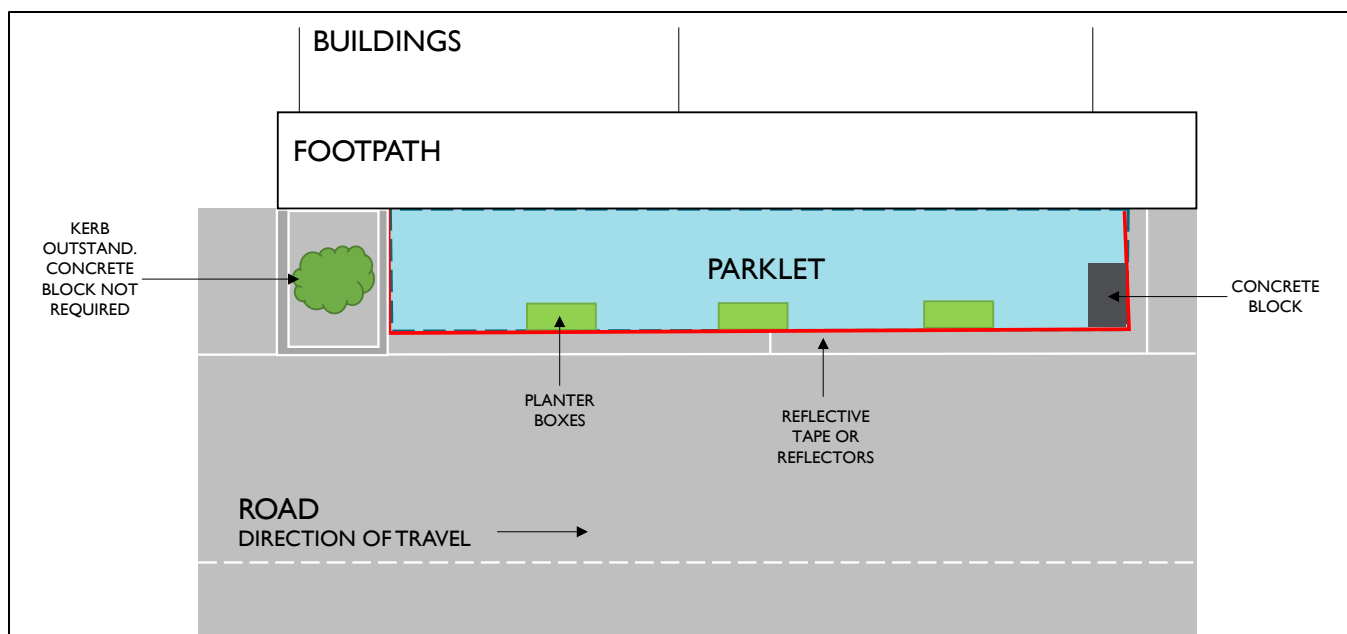


Figure 8 – Physical barriers layout with kerb outstand



Figure 9 – Physical barriers example 1





Figure 10 – Physical barriers example 2

### Parklet Entry

The point of entry to the parklet 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 or parklet base needs to be relatively flat to allow tables and chairs to be placed comfortably. The surface of the parklet is to be non-slip, heelsafe and meet relevant Australian Standards. The design must ensure that water drains effectively and does not pool in the space or on the adjacent footpath.

Any gaps greater than 1cm between a parklet base and the kerb should be bridged with a threshold treatment or ramp to minimise the tripping hazard and improve accessibility (including for prams and wheelchairs). This treatment is to be robust and fixed down.

Examples of these platform treatments are provided in Figure 11 - Figure 13 with examples from existing parklets provided in Figure 14 and Figure 15.

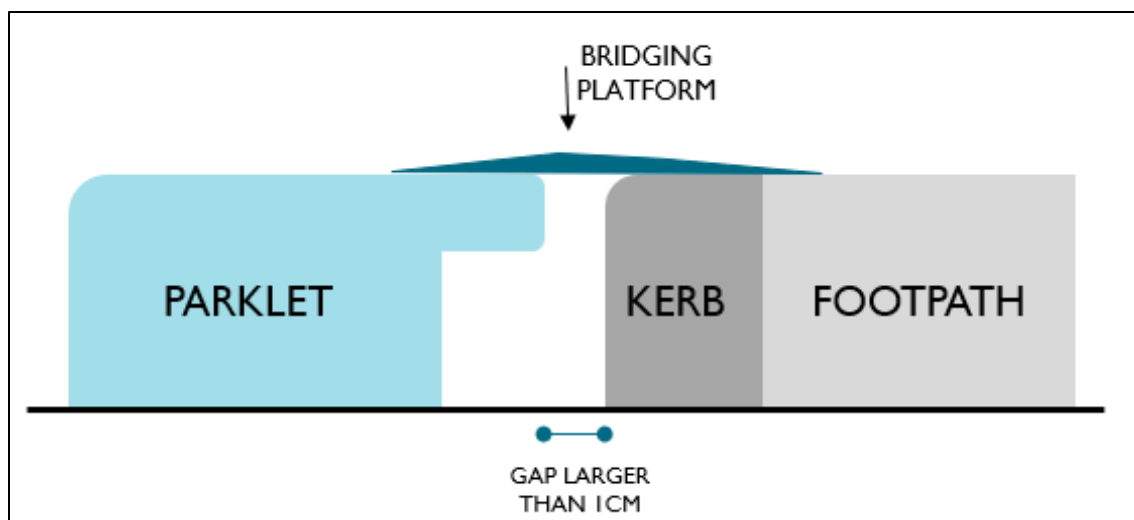


Figure 11 – Platform gap treatment

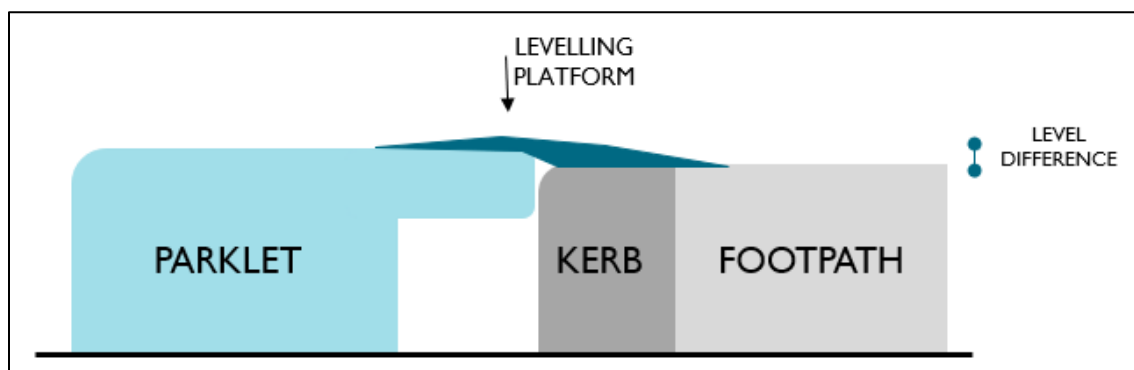


Figure 12 – Platform height treatment

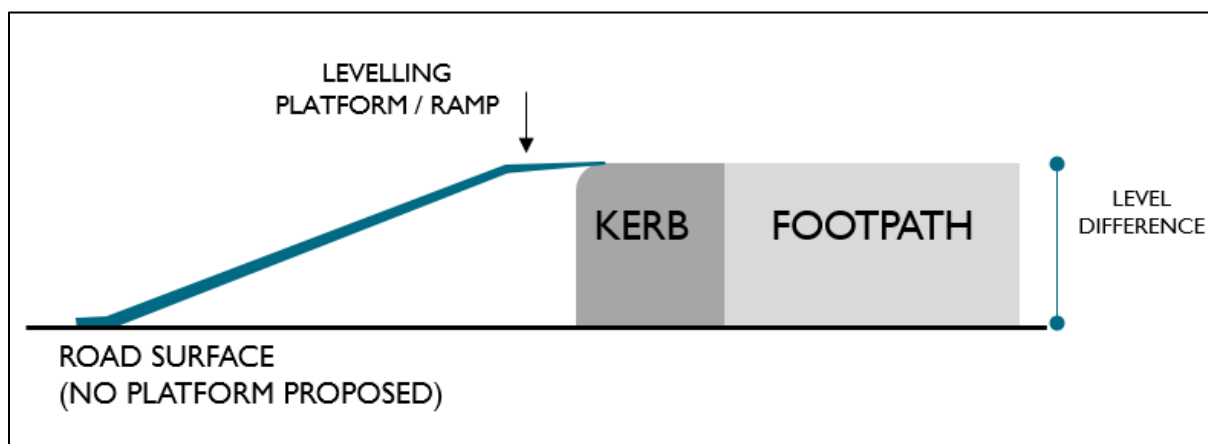


Figure 13 – No platform height treatment



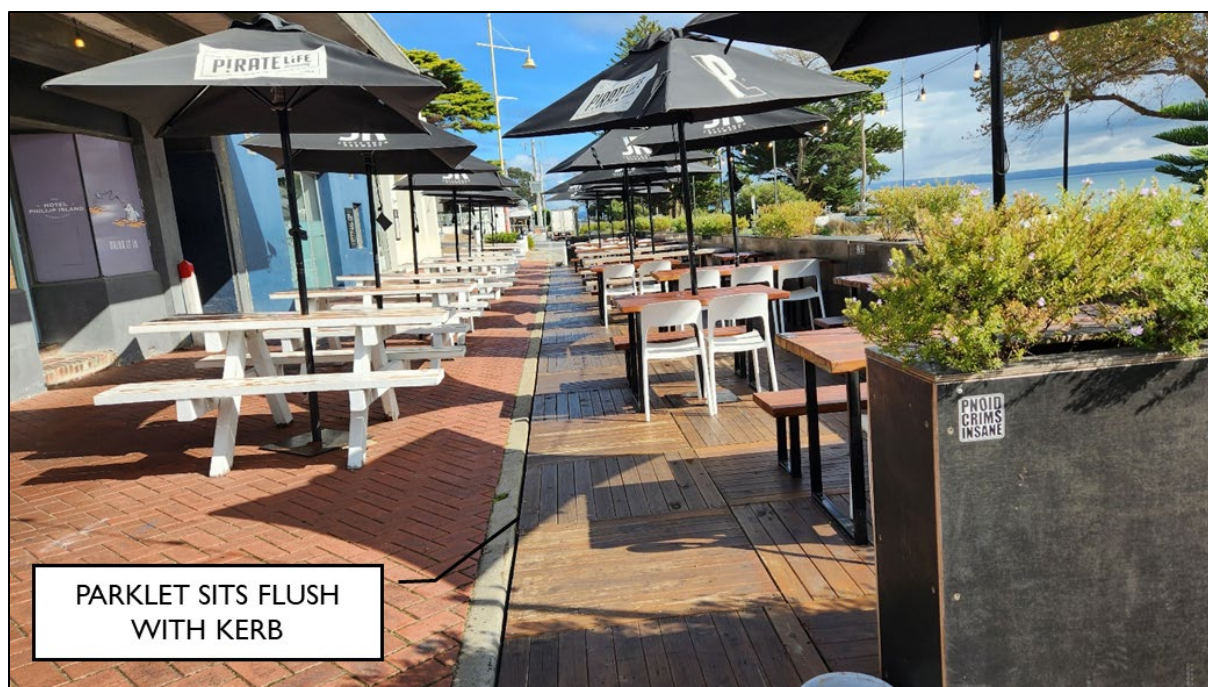


Figure 14 – Platform example 1



Figure 15 – Platform example

### Drainage

Parklets should not be placed over drainage grates or pits, otherwise an inspection lid must be placed where a stormwater pit is located underneath a platform.

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 is to be placed at either end to prevent rubbish and debris from collecting under the platform. The business owner shall be responsible for clearing rubbish and leaves that builds up against the grate.

Parklets are not permitted in areas subject to significant flooding. This should be checked with Council before you apply.

The drainage requirements are depicted in Figure 16.

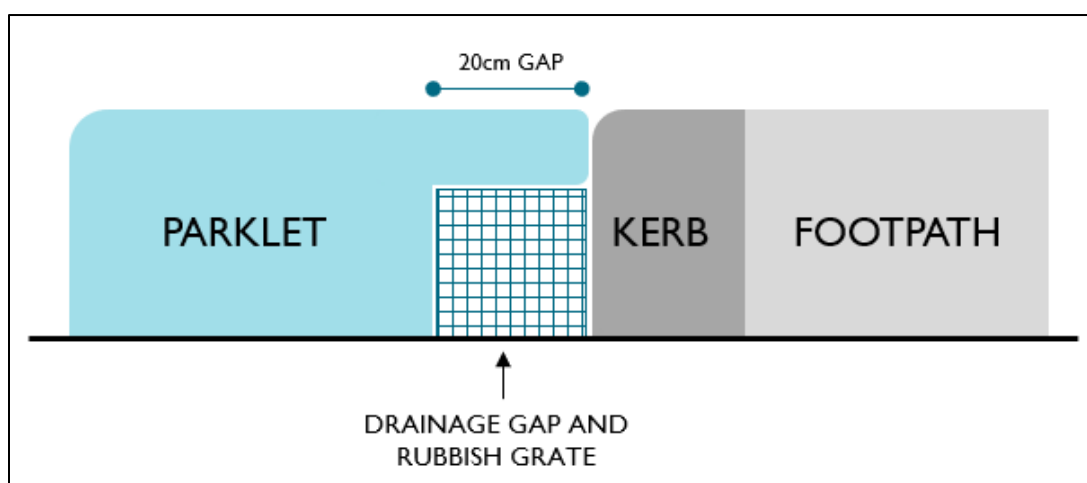


Figure 16 – Drainage requirements

### Overhead Structures

Structures such as canopies and marquees can be considered to provide further weather protection to the parklet, subject to a structural engineering assessment.

These must have a minimum height of 2.4m and must not protrude into the required buffer zones, so as to not cause hazard to passing people or vehicles. They must allow rainwater to discharge to the kerb and channel and not cause runoff onto the footpath.

The overhead structures must be open above the planter/fencing height (1.2m) and lightweight in appearance to avoid obstructing visibility for vehicles and traffic signals.

The requirements for overhead structures are depicted in Figure 17.



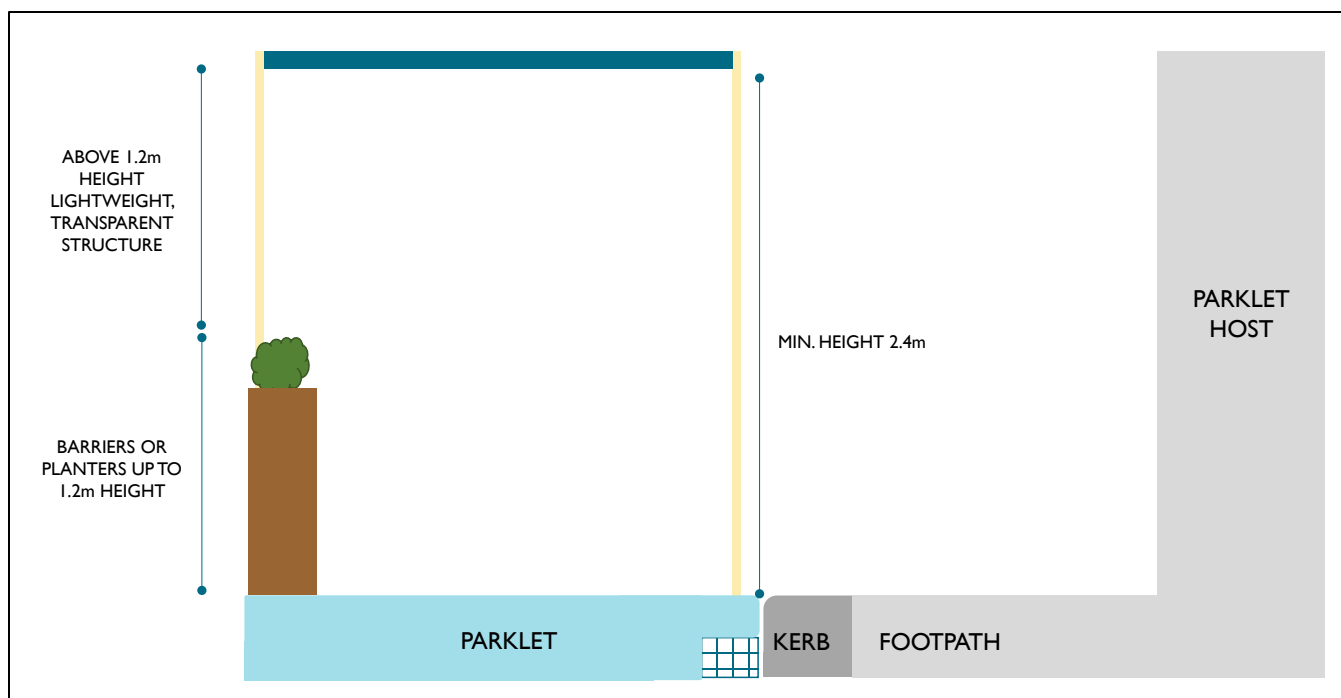


Figure 17 – Overhead structure requirements

### Accessibility

As per the Australian Disability Discrimination Act 1992, people with a disability must be able to access public footpaths. Parklets must not in any way compromise access to the footpath.

Ideally, parklets should be accessible for all with unobstructed paths of travel provided for patrons using mobility devices such as wheelchairs, prams and walkers. In some cases, this requirement may be waived if alternative accessible seating arrangements are provided at the premises.

To ensure accessibility, 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.

A wheelchair resting space should be provided.

The accessibility requirements are shown diagrammatically in Figure 18.

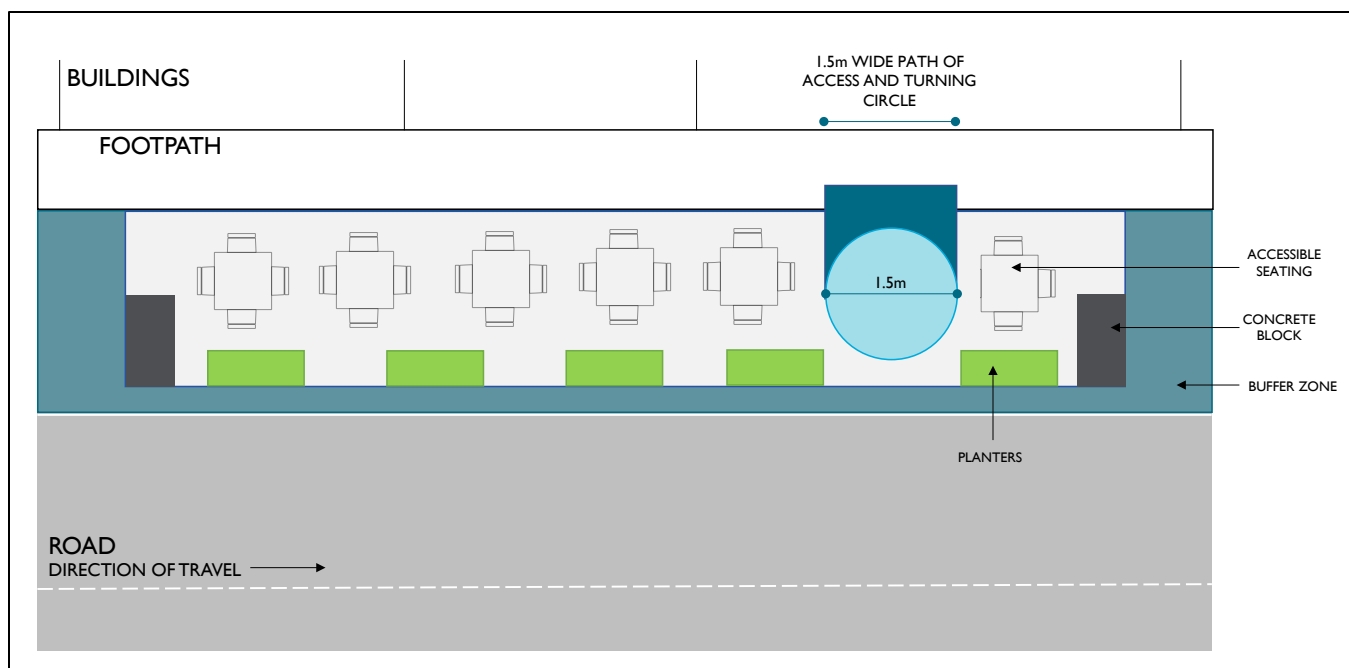


Figure 18 – Accessibility requirements

### Materials

The materials used for the parklet are to be fit for purpose and suitable for public use. The materials and design should minimise visual clutter and be complimentary to the surrounding neighbourhood. Materials should be selected to allow visibility at all times of day and night.

The materials selected should not deteriorate quickly, should be structurally sound, weather resistant and easy to clean. The following materials are encouraged:

- Concrete for the planter boxes. A lighter colour should be used to contrast with the road surface.
- Metal for the planter boxes and fencing. A thicker type should be considered to avoid denting. If the parklet is to be located in close proximity to the foreshore, a marine-grade metal should be used.
- Some timber materials. Hardwood timber is preferred, and plywood is not appropriate for outdoor use due to warping and buckling over time (unless marine grade ply is used). Any timber materials must be treated and finished to ensure longevity.
- Recycled plastic with UV stabilisation.
- Materials that discourage graffiti and allow it to be cleaned off easily.

Non-recyclable materials such as composite materials and AstroTurf are discouraged.

### *Planting*

Planting is strongly encouraged within the parklet to enable greenery and improve the aesthetic of the parklet. The plants cannot exceed a height of 1.2m to maintain visibility as per Figure 17.

The maintenance and watering of the plants is the responsibility of the business owner.

Plant selection should consider the local weather conditions and sunlight exposure, maintenance requirements and soil volume of the planters.

### *Furniture*

Furniture must be suitable for outdoor use, easy to clean, constructed from materials that do not deteriorate quickly and do not impose tripping hazards.

Furniture can be either fixed or removable. Fixed furniture 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. In severe weather conditions, the Parklet Zone must be made safe by taking down umbrellas and removing any heaters, screens, tables and chairs that may pose a safety concern in these conditions.

Umbrellas may be placed in the parklet but must not be closer than 750mm to adjacent traffic lanes when fully opened. Umbrellas must be suitable for commercial outdoor settings and must not obstruct traffic signals. Umbrellas must be at least 2.2m high measured from the lowest point (other than the centre pole). Refer to Figure 19 for a depiction of height requirements. When raining, water run-off from large umbrellas must be discharged outside the parklet.

Outdoor heaters must be licensed and are to be covered by the permit holders' Public Liability Insurance. Conditions recommended by the Australian Office of Gas Safety will apply to any approval to place heaters in the Parklet Zone. It is the permit holders' responsibility to obtain a copy of these recommendations.



Figure 19 – Umbrella height requirements

### Lighting

Lighting can be provided within the parklet to contribute to the aesthetic and ambiance of the parklet. The parklet will need to be clearly visible at night to allow for oncoming traffic. Lighting must be stable (not flashing) and pointing downwards so as to not distract drivers or pedestrians. Any lighting fixture or fitting must have a minimum clearance of 2.4m above the parklet.

Lighting must be resistant to water, dust and dirt to a rating of IP65 and illuminance must not exceed 5 lux.

Electrical cables must not extend across the footpath and lighting must not be attached to any trees or public infrastructure. The lighting cable can run from the existing building veranda and is to be installed by a qualified electrician. A certificate of compliance must be supplied.

Solar lighting should be considered to minimise the need to connect to another power source.

### Parklet Operation

The permit holder is required to comply with all permit conditions outlined on their permit and all other legislation or Acts associated with operating a business in a food premises and extending the operation onto the street. If non-compliance of any of the conditions is proven, enforcement action may be taken.

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.



Public health and safety must be adhered to at all times.

### *Management of Amenity and Noise*

The parklet business host is responsible for maintaining amenity for neighbouring businesses and residential areas. This includes ensuring footpaths remain accessible and clear for pedestrian activity and that parklet furniture and equipment follows the above guidelines.

The host is also responsible for managing patron behaviour and noise levels. If live music is intended to take place in the parklet area, the host must:

- Notify Council's Community Safety Team in writing at least two weeks prior and await confirmation;
- Notify neighbours at least two weeks prior;
- Ensure there is no safety or trip hazard/s and that all equipment placement follows the guidelines in this permit; and
- Abide by the [EPA noise restrictions](#).

Council may determine whether to grant permission based on:

- Other events happening close by, such as other live music events or festivals;
- Any complaints received previously; and/or
- Impact on neighbourhood amenity.

### *Service of Alcohol*

A liquor licence is required for the service of alcohol in a parklet which requires application to the Victorian Liquor Commission.

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.

### *Change of ownership or permanent closure*

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. Otherwise, the parklet will need to be removed at the permit holder's cost.

### *Removal of parklet for emergency or road works*

Parklets should be designed such that they are easy to remove and re-install in the event that Council requires their removal (temporarily or permanently) for streetscape improvements or other works.

Council will provide the host business with as much notice as possible, however the parklet may need to be removed for emergency services such as a burst water main, gas leak or emergency vehicle access.

The cost to disassemble, store and re-install the parklet and any damage that may occur during the process, will be at the expense of the permit holder. The parklet permit fee will be refunded on a pro rata basis to the permit holder.

#### *Waste service vehicle access*

Parklets must be designed and located such that access for waste and loading vehicles are not obstructed. Further, access along footpaths for the transfer of bins is to be maintained for the applicant's property and neighbouring properties.

#### *Road reinstatement*

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.

#### *Hours of operation*

Relevant planning permits and conditions take precedence over the conditions in this guideline document. Parklets will be permitted to operate Monday to Sunday, from 7am to 11pm (unless there is a specific planning condition that stipulates otherwise). Service to the parklet must cease by 11pm. If patrons then use the parklet like an extension to the footpath, that is permissible.

### **Parklet Maintenance**

Permit holders are responsible for maintaining a safe outdoor dining space in the parklet area. Council takes no responsibility for infrastructure and or contents; this will be at the permit holder's risk.

Items placed in the parklet area must be regularly maintained, kept in a safe condition and stable enough to withstand high wind gusts and severe weather conditions. Any trip hazards or other hazards identified are to be rectified immediately.

Adequate provision of trade waste disposal must be available for disposal of waste – trade waste must not be placed in public street bins.

Permit holders and or serving staff found sweeping litter into the gutter will have their permit revoked and will incur littering fines.

In severe weather conditions, the Parklet Zone must be made safe by taking down umbrellas and removing any heaters, screens, tables and chairs that may pose a safety concern in these conditions.

Tables, chairs and screens must not damage the car spaces used for parklets. Permit holders will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpath and/or street fixtures or furniture.

#### *Cleaning requirements*

Cleaning and maintaining of parklet spaces will be the responsibility of the permit holder including parklet assets (planter boxes, café screens, barricades, bollards etc.) and parklet ground surfaces (e.g. timber decking).

Business owners are responsible for cigarette butts, ash and other litter generated by their patrons in the Parklet Zone and must ensure all litter is cleared away at regular intervals.

Any damage or graffiti must be dealt with as soon as practicable by the permit holder. In the instance of any damage or graffiti, the permit holder must remove or paint over graffiti on permanent infrastructure located on or within the parklet such as planter boxes, fences, bollards, barricades, screens etc.

Parklets should not contain loose material that can overflow onto surrounding roads and gutters (e.g. gravel, pebbles, stones, bark etc).

### *Removal of parklet*

Following the removal of a parklet, the permit holder must remove all litter and debris, and any spills or stains are to be washed. Permit holders must safely carry out all routine parklet maintenance duties on an as-needed basis, including:

- Sweeping the parklet surface;
- Watering and maintaining the parklets vegetation, including replacing dead/ dying plants;
- Litter picking (including cigarette butts) from inside planter boxes;
- Cleaning the parklet platform, seating and other elements as required;
- Removing debris, grime or graffiti from the parklet;
- Safely cleaning around the edges of the parklet
- Removing any debris that is impeding drainage flow (for example autumn leaves) along the Gutter and beneath the parklet surface; and
- Remove any slip / trip hazards from the parklet.

### *Minor cosmetic changes*

The Permit Holder can make minor changes as required such as changing the arrangement of furniture or adding plants. For major changes to the appearance or structure of the parklet, such as changing the materials, function or size, permit holders will need to apply for an amendment to their parklet permit.

## Monitoring, Evaluation and Review

Compliance with these guidelines will be monitored by Council throughout the permit duration. Council's Local Laws/Asset Protection Teams 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 complaints from the community regarding the operation or maintenance of a specific parklet.

Council reserves the right to do any of the following should there be any breach of the above conditions and/or any relevant Local Laws.

- Send the permit holder a Notice to Comply;
- Issue an infringement;
- Request immediate removal of all items on the Parklet;
- Impound the items with all associated costs needing to be paid, prior to reclaiming items; and
- Revoke the Parklet permit.

Further, Council may order a parklet be removed if it 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.

These Guidelines will be reviewed one (1) year after implementation to monitor the requirements. Fees will be reviewed annually as part of Council's annual budget process.