

1.2 PARKLETS ON ROADS POLICY CONSULTATION

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

1. *Notes that consultation has been conducted with traders regarding the interim Parklets on Roads Policy to support implementation of outdoor dining on roads by replacing parking spaces with infrastructure such as parklets occurred between 27 October – 31 December 2022.*
2. *Adopts the Parklets on Roads Policy.*

INTRODUCTION

This report provides feedback to Councillors on the outcome of the consultation with traders on the Parklets on Roads Policy. It is recommended that Council adopts the *Parklets on Roads Policy* (**Attachment One**).

BACKGROUND

At its meeting of 27 September 2022, Council adopted the Parklets on Roads Policy for a period of six months and directed officers to undertake consultation with traders about the policy seeking their feedback by or before 31 December 2022.

Furthermore, Council directed officers to provide a report to Council no later than its February 2023 meeting reporting on any feedback received and officer's responses and recommendations on how to proceed with a more permanent implementation of the policy inclusive of any revisions and updates considered necessary based on further officer assessment and any feedback received on the policy

DISCUSSION

Consultation seeking feedback on the policy was implemented via the Shape Monash consultation platform and was open for submissions between 27 October and 31 December 2022.

The consultation was advertised for comment via the following means.

- Council's website
- In writing to all holders of a footpath trading permit associated with outdoor dining

- In writing to 5013 owners and occupiers of properties within commercial zones
- Council's Bulletin and Monthly E-newsletter
- Council's First for Business – E-newsletter

Acknowledging that Council had adopted the policy for an interim period of six months, six traders have expressed an interest in making an application for a permit and one application has been approved in principle.

CONSULTATION

Summary

The feedback received is detailed in **Attachment Two** in a de-identified format. Feedback was submitted via the Shape Monash platform which asked for open ended feedback regarding the policy and one written submission was received.

The policy was downloaded 74 times and in total 16 were submissions received. Of these,

- Seven submitters identified as being a trader
- Eight identified as a member of the Community; and
- One was from Fire Services Victoria

Trader feedback

- Six traders disagreed with the policy due to the loss of parking opportunities
- Four traders raised concerns that the policy favours hospitality traders over others
- Non hospitality businesses see parklets as unnecessary
- One trader was in full support for the policy

Community feedback

- Four community members expressed objection to the policy due to demands on parking resources
- Four of the community members stated that parklets provide a healthy area for people to socialise during the summer months, adding that the outdoor dining opportunities added character to the area
- People should be prioritised over cars

Fire Services Victoria feedback

Fire Services Victoria noted that the policy addressed the need for roadway access for emergency services must be maintained as a permit condition and

reinforced that access to buildings and fire safety systems such as street hydrants and fire plugs cannot be covered or obstructed in any way.

A request was also made that at the time of application the applicant is made aware of any responsibilities in relation to the storage and handling of any dangerous goods, in particular LPG cylinders and the quantities allowed to be stored in a premises at any time whether full or empty.

These matters have been considered by officers and can be reflected within the permit conditions which are to be adhered to in the event an application is approved.

Officer comment

The primary objective of the consultation process was to seek traders' views on the policy. A number of comprehensive means were utilised to make traders aware of the opportunity to provide feedback and ultimately seven traders engaged in the process.

No trader has provided feedback on the policy provisions nor its application. Rather, feedback is limited to concerns about parklets occupying parking bays and hospitality traders being favoured over others.

It is noted that officers have received seven expressions of interest for a permit under the interim policy and one of these has progressed to an application which has been approved in principle. These traders have indicated they are reticent to commit to the investment required to install parklets whilst there is uncertainty as to whether the policy will be adopted on an on-going basis.

Whilst their expressions of interest may suggest their support for the policy, on the basis that six out of seven traders who engaged in the consultation process were not in support of parklets in general, it appears they chose not to make a submission under the consultation.

The limited feedback may suggest there is a degree of ambivalence amongst traders and little interest in parklet opportunities in the form offered under the policy, acknowledging however that the majority of traders who made a submission to the consultation (albeit a small number) expressed concern at the loss of parking spaces, and in turn are against the policy.

The consultation sought to provide traders with an opportunity to provide feedback on the policy. The question on whether or not to have a parklets on roads has already been considered by Council and the minimal number of responses received provides insufficient weight to not proceed with the policy.

Options

Option one

The limited feedback may suggest there is a lack of demand for parklets in the form available through the policy and therefore Council may decide not to adopt the policy on an on-going basis.

Option two

Feedback from traders who have either applied or expressed an interest in parklets have indicated they have been reticent to commit to the investment required to install parklets whilst there is uncertainty as to whether the policy will be adopted on an on-going basis.

Acknowledging that one application has been approved in principle and the interest expressed by six other traders it is proposed that the policy is adopted noting that that it provides for:

- Seasonal permits that may be granted for the 6-month period between 1 November and 30 April, and
- Long term permits that may be issued for a period of up to 12 months from the time of installation and the commencement of operation.

POLICY IMPLICATIONS

It is proposed that Council adopts the policy which has been amended to confirm that:

- unless otherwise stated, the requirements and restrictions contained within the adopted City of Monash Footpath Trading and Access Policy (including Eaton Mall) where applicable will apply and be included within any permit issued
- outdoor dining on roads must not be inconsistent with a Planning Permit or Planning Scheme or any other legislative requirement
- permit holders and applicants are responsible for costs including but not limited to any authority approvals, engineering assessments, road safety assessments and any road management requirements during installation or removal (including temporary removals)

These changes are tracked in the Parklets on Roads Policy (**Attachment One**).

The policy compliments Council's Footpath Trading and Access policy and permits hospitality businesses to use (with approved consent) on-street car parking bay(s) directly outside of their business or a neighbouring business with permission. The policy objectives anticipate that outdoor dining on roads will:

- utilise self contained, purpose built, prefabricated parklets that can be easily moved in and out place, without the need for freestanding barriers, where any road safety requirements form part of and are integrated into the parklet
- see successful applicants hiring or buying parklet infrastructure and installing these at their cost
- be safe, attractive and sympathetic to surroundings
- be accessible by people of all abilities and ages
- support local business (both the Permit Holder and the area broadly)
- recognise the needs of Council services, emergency services, utilities and other essential works
- provide high quality design that positively contributes to the local character
- foster neighbourhood interaction
- help activate streets and the perception of safety
- test public appetite for permanent streetscape improvements.

The policy proposes a fee structure whereby there is no permit application, or fee to occupy a roadway (understanding the feedback received for some cost sharing) but a fee of \$418 per chair per annum (pro rata for lesser periods) applies. This fee is consistent with the fee applied for footpath trading where the number of chairs exceeds 10.

The policy provides for fees being adjusted annually through Councils budget process and the cost of any infrastructure installed (and removed) for outdoor dining will be at the expense of the applicant.

The policy also sets out guidelines and specifications to ensure that installations are both safe and of a much higher standard than most of those that had been in place on a temporary basis and have since been removed. Further, these areas will only be allowed and considered where trading opportunities on footpaths are fully utilised.

SOCIAL IMPLICATIONS

There are social implications in allowing outdoor dining on roads as there is a view that replacing some car spaces with dining infrastructure will help to activate areas and add to a sense of community. This was seen at the height of the pandemic when indoor dining was restricted, and dining installations created to a higher standard as required in the policy will compliment and add to the amenity of some areas.

Outdoor dining in these places may also attract families and people wishing to avoid crowded indoor environments and for some this may enhance their perception of connectedness with their community.

HUMAN RIGHTS CONSIDERATIONS

The proposed policy includes measures that support human rights especially those around equity and dignity with a particular focus on how outdoor dining installations must meet disability access requirements.

GENDER EQUITY ASSESSMENT

Because the policy is considered to have a direct and significant impact on the Monash community, a gender impact assessment has been undertaken as part of this work.

In doing so it was noted that more women than men opted to participate in the on-line survey conducted throughout July 2023.

60% women

32% men

8% prefer not to say/prefer to self-describe

Whilst there is plenty of research about how dining habits differ between genders there appears to be little known about how gender and other matters may impact decisions to dine indoors or outdoors.

Interestingly however a study in Ireland found that women are the dominant decision makers when selecting restaurants to dine.

It is generally accepted that perceptions of safety differ between women, men and non-binary people and this is relevant when considering outdoor dining. The increased activation of the streetscape through the use of parklets and outdoor dining, provided that attention is paid to design elements such as ensuring clear sight lines and casual surveillance, is likely to increase perceptions of safety.

It is likely that additional outdoor dining options will appeal to people for a broad range of reasons - this may include that some people prefer eating outdoors because it provides a greater sense of safety than dining indoors which might be overcrowded and have limitations around ingress and egress. In fact, studies have shown that during the pandemic people felt unsafe dining in crowded environments.

There are other needs that are relevant. It may be that parents and carers with children and prams prefer dining outdoors as might people experiencing mental illness or spectrum disorders.

It may also be that some people prefer the sense of ambience and connectedness with community as an important factor when deciding where to eat.

Acknowledging the lack of definitive research, the matters explored above have been considered when developing the policy objectives that state outdoor dining on roads will, amongst other things:

- be safe, attractive and sympathetic to surroundings
- be accessible by people of all abilities and ages
- provide high quality design that positively contributes to the local character
- foster neighbourhood interaction
- help activate streets and the perception of safety

FINANCIAL IMPLICATIONS

The recommendations made in this report can be delivered within current budget allocations.

CONCLUSION

Consultation has been conducted with traders about the *Parklets on Roads Policy*. Seven traders engaged in the process and no trader provided feedback on the policy provisions nor its application. Rather, feedback is limited to concerns about parklets occupying parking bays and hospitality traders being favoured over others.

The consultation sought to provide traders with an opportunity to provide feedback on the policy. The question on whether or not to have a parklets on roads has already been considered by Council and the minimal number of responses received provides insufficient weight to not proceed with the policy.

Feedback from traders who have either applied or expressed an interest in parklets have indicated they have been reticent to commit to the investment required to install parklets whilst there is uncertainty as to whether the policy will be adopted on an on-going basis.

Acknowledging that one application has been approved in principle and the interest expressed by six other traders it is proposed that the policy is adopted without change noting that that it provides for:

- Seasonal permits that may be granted for the 6-month period between 1 November and 30 April, and
- Long term permits that may be issued for a period of up to 12 months from the time of installation and the commencement of operation.



Parklets on Roads Policy

February 2023

Attachment Two – De-identified Feedback on Parklets on Roads Policy

#	Submitter	Feedback	Officer Comment
1	Community member	<p>I would not like to see valuable parking spaces taken up by these parklets. The Oakleigh area is over developed with housing, streets are now extremely difficult to drive though taking away parking just makes no sense. Please consider the residents who live in the area</p>	<p>It is not expected that there will be a significant take up of these parklet opportunities. In considering this policy, the question on whether to have a parklets on roads has already been considered by Council. Most locations have available parking capacity available and in Oakleigh both the Hanover St and Atkinson St carparks have capacity for people to park.</p>
2	Community member	<p>I just don't get it- why are you giving up parking spots so a few food related shops can benefit. COVID lockdown and the need to give people more space is finished. the parklets should be removed now.</p> <p>Are the food shops paying for the park-lets or are all businesses expected to cover the cost- even worse if you expect ratepayers to pay!!</p>	<p>The proposal is reflective of what many people and businesses have told us including the attraction of these parklets as they exist in other municipalities. The policy requires that parklet operators are required to pay fees.</p> <p>Parklet operators are responsible for all costs associated with parklet infrastructure, including installation, any associated works and decommissioning.</p>
3	Community member	<p>The parklets only benefit the takeaway food shops and are they prepared to pay the council cost for them. Why should other retailers or rate payers have to pay for it.</p> <p>The parklets take up the limited parking spots</p> <p>The parklets make it difficult to get from the carpark to the footpath</p> <p>I am not sure but I don't think the parklets are smoke free zones</p>	<p>Parklet operators are responsible for all costs associated with them and the policy requires that parklets do not cause obstructions and accounts for pedestrian safety and equitable access.</p> <p>As an outdoor dining area, food service must be always available and therefore a person is unable to smoke in these areas.</p>
4	Community member	<p>The more 'Parklets' the better- they look great, allow business to serve more people (more GST \$), and gives residents a great dining option. People should be prioritized over cars.</p>	<p>The policy will allow businesses who want to have a parklet to install one at their cost. This will be done in a better and more aesthetically pleasing way than the previous parklets were installed, where the requirement was to respond quickly given the situation that was being faced with COVID at that time.</p>
5	Community member	<p>Thanks for the outdoor dining experience over the last few years. It has added great character and enjoyment to our suburb. I am very happy that</p>	<p>The policy allows and can accommodate this.</p>

		you have started the trial Parklets program, and I would like to see many businesses offering the outdoor dining experience especially during the summer months.	
6	Community member	The benefit of additional outdoor dining spaces become very clear when they popped up during Covid. It was so nice for people to be able to socialise and enjoy the outdoors and beautiful weather. It is healthier, not as noisy, and a great way for families to enjoy time together.	The policy allows and can accommodate this.
7	Community member	I believe that generally parking is provided for that purpose alone, not for dining spaces. Provided footpaths can provide for pedestrians and Diners without using parking spaces and do not result in problems for pedestrians I have no problem. Glen Waverley has adequate outdoor dining areas within the Glen.	With varying footpath widths across Activity centres, there is not always sufficient space for outdoor dining opportunities. The question on whether to have a parklets on roads has already been considered by Council. The policy requires that parklets will only be considered where any footpath trading opportunity is fully utilised prior to or as part of any enhanced area application being made
8	Community member	Yes, it is great for the summer period but, trying to find parking in Oakleigh at the best of times, is a nightmare. In some streets parking times are for 1, 2, and a limited area for 4 hours. I know we have the three-hour parking but, it is not enough as it gets very busy in the summertime. To get more people to come into Oakleigh, we need to change the times for parking. Possibly on a permanent basis as so much parking has been taken away from the public.	Following a considerable community engagement exercise the question on whether to have a parklets on roads has already been considered by Council. There is available parking in Oakleigh including at the Hanover and Atkinson Street carparks. It is an issue where people want to park as close as they can to their destination. Parking in the most convenient places has the shortest restrictions as this is where you want to create turnover for take away and short visits with longer term parking being a little further away.
9	Trader	As an owner of a retail shop, I think it is unfair for restaurants to take away car parks as the people using the space will also need to find car parks.	As above.
10	Trader	Limited car spots, busy intersection, cars need to reverse to get back onto Huntingdale Rd so wouldn't be safe.	The policy requires that parklets must be assessed in terms of road safety by an independent road safety assessor. The applicant is responsible for engaging such a provider and the associated costs. Separate freestanding barriers will not be allowed, and any

			requirement to meet the road safety assessment must form part of the structure(s) and be incorporated within it/them.
11	Trader	<p>The parklets made sense during covid restrictions to allow people access to hospitality venues and so the density of diners was reduced and contained outdoors.</p> <p>But now, the loss of parking spots and the low perceivable benefit to businesses other than hospitality now render the parklets unnecessary. They restrict pedestrian movement from the carpark to the shops/ footpath.</p>	<p>Following a considerable community engagement exercise the question on whether to have a parklets on roads has already been considered by Council.</p> <p>In terms of pedestrian movement, the policy maintains that a well-designed and maintained outdoor dining space is essential to ensure adequate open space for people to enjoy, without obstructions on the street. Street dining should be integrated into the street in a way that does not compromise existing uses, building entrances, emergency access, bike lanes, and access for people with disability and pedestrian safety.</p>
12	Trader	<p>It's a fantastic idea. I fully support the trial policy and will apply for a permit for my business. It was very well received and utilised by many customers. Thanks for the opportunity.</p>	
13	Trader	<p>I run a bottle shop at [REDACTED] Mount Waverley. As our merchandise can be heavier at times, a lot of older clients need us to help load the merchandise into the car. If the parking space in front of us is taken up by the outdoor dining area, we obviously couldn't do it. It would cause trouble for my customers. The parking space here was converted to an outdoor dining area two years ago. At that time, most customers complained about parking difficulties. We lost a lot of customers because of this. It took us a loss, hope it doesn't happen again.</p>	<p>Where a parklet encroaches upon the frontage of an adjacent building or business or car space located in from of another building or business (whether it be in part or full), an application must be accompanied with the written and signed consent of neighbouring business. Where consent is not able to be obtained, an application can only be made for a parklet that is limited to being directly in front of the premises that is the subject of the application.</p>
14	Trader	<p>I wish to lodge my strong objection to Parklets.</p> <p>As a property owner ([REDACTED] Pinewood) I consider that my customers have a right to parking in my immediate area. The parking has not increased since 1961. However, over the years we have had five restaurants, some seating one hundred people, open on the strip parallel to Pinewood Drive. Council has removed parking bays on both sides of the Centreway. Restaurant clients</p>	<p>Following a considerable community engagement exercise the question on whether to have a parklets on roads has already been considered by Council. Nonetheless, parking restrictions are reviewed and changed from time to time and the opportunity to do this in the area of concern remains.</p>

		<p>tend to park long term, between one and one- half hours and three hours thus making it difficult for other shoppers to find parking. If my customers cannot park, I don't do business. As I pay very high rates, I expect fair and equal treatment. I do not expect to be cheated of my chance to do business because other businesses (restaurants) are getting favourable treatment from the Council.</p> <p>I hope you will re-consider and take into account retailers rights to parking.</p>	
15	Trader	<p>REMOVAL OF ON STREET CAR PARK SPACES</p> <p>While we fully appreciated the need to implement the On Roads policy to aid and assist Food retailers in a response to the impact of the COVID-19 restrictions, any future removal of on street shopping strip car parks for outdoor seating/dining would have a significant impact on the access and shopping experience of Oakleigh customers.</p> <p>For all our trading years in the Eaton Mall, the Village design of the Oakleigh Shopping Centre has been at the heart of its success. The tight-knit network of streets and ability to park directly in front of retail shops has always attracted customers and given them the absolute convenience to shop and walk very easily in and around the retail precinct. This pedestrian and vehicular movement has always enhanced the Village feel and shopping strips which collectively are the "Shop Front" of the Oakleigh Shopping Centre.</p> <p>Unlike the Eaton Mall, the other obvious concern with the proposal relates to the number of car spaces that would be lost now and into the future as property uses in the vehicular streets change. That is, if the policy begins to attract more hospitality uses into those street locations because of the ability to take advantage of the On Roads policy, at what point does the council determine a limit on the number of spaces to be approved for the proposal and which hospitality businesses receive such approval. Indeed, the Councils determination of saying yes to some and no to others would absolutely impact and favour some properties over others, and in turn their rental and property values – a position which would be highly unacceptable.</p> <p>In a history of not having had any change to this formula, we do not believe that a change is now required or justified.</p>	<p>Following a considerable community engagement exercise the question on whether to have a parklets on roads has already been considered by Council and this submission highlights concerns about using parking spaces for parklets.</p> <p>The submitter also raises concerns about parking requirements in terms of different land use approvals and concerns about a proliferation of hospitality trading on roads – some to the detriment of Eaton Mall traders.</p> <p>In response to these concerns a requirement that any parklet application must not be inconsistent with any Planning Permit or Planning Scheme has been added.</p> <p>Furthermore, it should be noted that under the policy, permits for parklets have a maximum term of 12 months and there is nothing in the policy that contemplates any notion of permanency.</p> <p>The policy is designed to provide traders with the opportunity to use parking spaces on roads but under strict conditions. It also provides flexibility for Council to consider a range of matters associated with the surrounding area when considering permit applications.</p>

IMPACT ON THE EATON MALL HOSPITALITY LANDLORDS & TENANTS

While maintaining as strong fresh food foundation, since its inception, the Eaton Mall has seen Oakleigh transform into the Hospitality and Cultural hub it is today.

Although much of Oakleigh's growth has centred on the Eaton Mall, many other properties, businesses and uses in and around Oakleigh have benefited from the Mall's success.

As a result of this success over a long period of time, both Landlords and Tenants of the Eaton Mall and the City of Monash, have enjoyed the benefits of increased levels of rent, business turnover, and rates revenue resulting from increased property values and rental income from the central Mall seating.

Likewise, other properties in and around the Mall have also enjoyed similar benefits, be it at different levels.

As with all similar scenarios, an equilibrium has been established amongst all trading properties reflective of their location, size and physical attributes, and the influence of these factors on both indoor and outdoor (Eaton Mall or normal footpath) seating/dining numbers.

Needless to say, if the On Roads policy was to be implemented again on a regular basis, this equilibrium would be significantly impacted.

Specifically, the policy would only assist hospitality businesses outside the Eaton Mall by increasing outdoor seating/dining numbers in the allocated car parking spaces. Conversely, the Eaton Mall traders would receive no benefit given their existing central Mall seating/dining agreements with the City of Monash.

The Eaton Mall traders would simply be disadvantaged as businesses outside the Mall now had more opportunity to attract customers away from the Mall

		<p>due to their additional outdoor seating/dining, courtesy of the On Roads policy.</p> <p>While some would argue that competition is good, we would assert that in view of the equilibrium that exists in all these situations, local government intervention is neither fair or reasonable. In fact, given the recent impact of the smoking bylaw changes in the Eaton Mall, we believe that the On Roads policy would be highly detrimental and unfair.</p> <p>Ultimately, all the matters discussed above influence each individuals business's Profit and Loss performance. As we have maintained throughout our business life, such performance should always be left to the free market, with as little government intervention as possible.</p> <p>For these reasons, we do not support the proposed On Roads policy and remain available to provide further detail if required.</p>	
16	Fire Services Victoria	<p>Thank you for allowing Fire Rescue Victoria (FRV) the opportunity to provide feedback around the proposed Outdoor dining in the City of Monash</p> <p>It was noted in the provided documentation that access on roadways for Emergency Services must be maintained as a condition of the Permit.</p> <p>Overall FRV have no objection or further to add but would like to take the opportunity to reinforce any access to buildings and the Installed Fire Safety Systems and infrastructure is maintained at all times.</p> <p>This includes access to any Street Hydrants or Fire Plugs for use in combatting a fire or other Emergency, these cannot be covered or obstructed in anyway.</p> <p>Any Obstruction to either of these has the potential to result in an increased time in mitigating any Emergency that increase's any disruption and recovery to a business or private premises.</p> <p>I would also request that at the time of application the applicant is made aware of any responsibilities in relation to the storage and handling of any</p>	<p>These matters have been considered by officers and can be reflected within the permit conditions which are to be adhered to in the event an application is approved.</p>

		dangerous goods, in particular LPG cylinders and the quantities allowed to be stored in a premises at any time whether full or empty	
--	--	--	--

Introduction

About this policy

Parklets support eligible hospitality businesses to offer outdoor dining in locations that are ordinarily used as car parking spaces. This policy complements Council's Footpath Trading and Access Policy.

This policy permits hospitality businesses to use (where appropriate, with approval from Council) on-street car parking space(s) directly outside of their business or the neighbouring business (with permission) for trading.

- There are two permit types businesses can apply for Seasonal permits that may be granted for the 6 month period between 1 November and 30 April
- Long term permits may be issued for a period of up to 12 months from the time of installation and the commencement of operation

Each application will be considered on a case by case basis following an assessment by Council on what is proposed.

Eligibility, will be the subject on an initial assessment that will consider matters such as utilisation and capacity of existing outdoor dining areas, local conditions, any road works and construction activity, either planned or underway, along with local parking demand and availability.

Unless otherwise stated, the requirements and restrictions contained within of the adopted City of Monash Footpath Trading and Access Policy (including Eaton Mall) where applicable will apply and be included within any permit issued.

Objectives

Outdoor dining on roads will:

- utilise self-contained (inclusive of any traffic safety mitigation required as freestanding barriers will not be allowed), purpose built, prefabricated parklets that can be easily moved in and out place
- see successful applicants hiring or buying prefabricated parklet infrastructure and installing these at their cost
- be safe, attractive and sympathetic to surroundings
- be accessible by people of all abilities and ages where possible
- support local business (both the Permit Holder and the area broadly)
- recognise the needs of Council services, emergency services, utilities and other essential works
- provide high quality design that positively contributes to the local character
- foster neighbourhood interaction
- help activate streets and the perception of safety
- test public appetite for permanent streetscape improvements where appropriate
- only be considered where any footpath trading opportunity is fully utilised prior to or as part of any enhanced area application being made
- must not be inconsistent with a Planning Permit or Planning Scheme or any other legislative requirement.

Site Criteria

Parklets are preferred in designated parking spaces which:

- are on a street with a speed limit of 40km/hr and up to 50km/hr considered on a case by case by and subject to a satisfactory road safety assessment.
- are on a street with a straight road geometry ensuring uninhibited view lines for drivers.
- are parallel or 90 degrees
- are on streets which are not arterial roads.

- are on streets which are not clearways.
- are more than 10m from an intersection.
- are more than 20m from a signalled intersection.
- do not require utility access pit or storm drains within the parking space
- are not within red signed zones such as No Stopping, Bus Zones, Loading Zones, Mail Zones or Disabled parking zones.
- are in areas that are not (or will be) adversely impacted by road works and construction activity, either planned or underway, and where there is a high demand for parking and limited parking opportunities. For example the upcoming Suburban Rail Loop Authority Project (SRLA) is predicted to have significant impacts on and within Activity centres and access to and availability of carparking spaces.

Permit Duration

- Short term or limited tenure permits where appropriate if impacts and issues are foreseen such as the SRLA project
- Seasonal permits may be granted for the 6 month period between 1 November and 30 April
- Long term permits may be issued for a period of up to 12 months from the time of installation and the commencement of operation.

Permit Fees

- No application fee
- Fee of \$418 per chair applies (pro-rata for 6 monthly permits)
- Fees will be adjusted annually in accordance with the fees and charges adopted by Council

Costs

All costs including the cost of any infrastructure including parklets installed for outdoor dining will be at the expense of the applicant. [This includes but is not limited to any authority approvals, engineering assessments, road safety assessments and any road management requirements during installation or removal.](#)

How to Apply

Before applying, applicants are encouraged to meet with the Community Laws team to discuss their proposal.

Applications can be made in writing and must include:

- Letters of consent from relevant neighbouring business/property owners/ residences where necessary (see *Neighbour Consent* below)
- The intended operating hours for the parklet
- Whether it is proposed to serve liquor in the parklet and acknowledging the further approvals required
- A Public Liability Insurance Certificate of Currency to \$20m, which cites Council as an insured party
- Photographs of the location where it is intended to install the parklet (see below)
- A site plan (see below)

Site Plan

A comprehensive site plan must be provided as this will help inform the early stages of the assessment.

Site plan requirements

The site plan must clearly show where all infrastructure will be placed within the proposed area, including:

- proposed outline of outdoor dining area boundaries with dimensions
- seating plan within the proposed outdoor dining area (including footpath trading areas)
- layout of all proposed screens, tables, chairs, umbrellas, etc.
- access points to any other businesses adjacent to the space
- liquor licence red line boundaries
- location of neighbouring properties on each side of the park/open space in relation to your proposed outdoor dining area
- adjacent residential buildings or dwellings on each side of (or in direct proximity to) the proposed outdoor dining area
- Specifications of all proposed furniture and infrastructure – reference imagery is encouraged

Photos required to support applications

Along with the site plan and permit application form, photos of the site are also required, clearly showing the proposed outdoor dining area relative to buildings, adjacent properties, residential dwellings or buildings, and existing features in the footpath such as tree plots, bins, poles, parking metres etc.

Road Safety Assessment

Parklets must be assessed in terms of road safety by an independent road safety assessor. The applicant is responsible for engaging such a provider and the associated costs. Separate freestanding barriers will not be allowed, and any requirement to meet the road safety assessment must form part of the structure(s) and be incorporated within it/them.

Neighbour Consent

Where a parklet encroaches upon the frontage of an adjacent building or business or car space located in front of another building or business (whether it be in part or full), an application must be accompanied with the written and signed consent of neighbouring business. Where consent is not able to be obtained, an application can only be made for a parklet that is limited to being directly in front of the premises that is the subject of the application. For the avoidance of doubt, an application cannot be made for use of part of a car space that extends in part or full across a neighbouring property without the written and signed consent of the neighbouring property.

Parklet Design

The parklet must be prefabricated (no construction on site) and either come complete and be put in place, or of a prefabricated modular design that is assembled on site. The parklet must be purchased or hired from a supplier of such products. The applicant is solely responsible for sourcing the parklet which can be purchased or hired but must be approved by Council. Separate freestanding barriers will not be allowed, and any requirement to meet the road safety assessment

must form part of the structure and be incorporated within it. The parklet must be certified by an Engineer including submitting a Certificate of Compliance (Reg 126) and be installed by an appropriately qualified and registered person to Council's satisfaction.

Assessment Guidelines

Assessments will first consider the local conditions, including matters such as utilisation and capacity of existing outdoor dining areas, local conditions, any road works and construction activity, either planned or underway, along with local parking demand and availability.

Consideration will also be had to parklets proposed in areas where there may be adverse effects resulting from road works and construction activity, either planned or underway, and where there is a high demand for parking and limited parking opportunities, such as the upcoming Suburban Rail Loop Authority Project (SRLA) that is predicted to have significant impacts on and within Activity centres and access to and availability of carparking spaces.

The following elements will be used to guide decision making throughout the approval process.

Safety and Amenity

Prefabricated parklets should be designed to create an attractive, comfortable and safe ambience and should not compromise public amenity. Safety features and well-designed and maintained furniture and associated infrastructure are essential.

Equity of Access

Commitment to ensuring equity of access for people of all ages and abilities is a fundamental principal of design and delivery. Parklets should ensure usability and inclusion of people of all ages and abilities, according to disability legislation and standards.

Pedestrian Access

A well-designed and maintained outdoor dining space is essential to ensure adequate open space for people to enjoy, without obstructions on the street. Street dining should be integrated into the street in a way that does not compromise existing uses, building entrances, emergency access, bike lanes, and access for people with disability and pedestrian safety.

Vehicular Access

The establishment of outdoor dining must not compromise essential or emergency vehicle access or obstruct loading, construction zones and entrances to private buildings and carparks.

Attractive and High Quality

The design and appearance of parklets and furniture should be high quality, robust and structurally sound to be able to withstand prolonged exposure to various climatic conditions. It is expected that furniture is stored inside building premises when not in use. The parklet must be purchased or hired from a supplier of such products.

Shade and Vertical Structures

Any form of shade provision or vertical structure apart from commercial heavy duty umbrellas or café umbrellas, must obtain a Certificate of Compliance by an independent structural engineer at the trader's expense.

Avoid scalable structures. Vertical elements must not provide climbing access to buildings and trees.

Avoid vertical elements that create tunnels under shop awnings, or block sight lines to neighbouring businesses.

Construction and Installation

Parklets must be prefabricated (no construction on site) and either come complete and be put in place, or of a prefabricated modular design that is assembled on site. Installation should take no longer than 1 day.

Surfaces and Materials should be able to be regularly cleaned.

No fixings to roadway, kerbs or footpaths will be permitted.

Drainage kerb channel flows must be maintained. Rubbish grates may be required to intercept litter.

Removal

- Parklets must be decommissioned and removed with 7 days after the permit expiry date
- Council may require that parklets be temporarily removed to accommodate urgent works and asset maintenance, where reasonable notice will be given where possible. This will be at the trader's cost.

Operation and Management

Parklets will be the subject of permit conditions that may include operational and management requirements that must be adhered to. For the avoidance of doubt, unless otherwise stated, the requirements and restrictions contained within the City of Monash Outdoor dining Policy (including Eaton Mall) will apply to the use of these areas, and appropriate conditions from this policy will be included on any permit that is issued.