



Business Parklet Guidelines

Version 6, 15 May 2024





Guideline Governance

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Relevant Legislation:

Community Amenity Local Law 2023

Local Government Act

Road Management Act

Environment Protection Act

Planning and Environment Act

Associated Strategic Direction #:

Strategy 4 - Vibrant Port Phillip

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Outdoor Trading (Dining) Policy

Business Parklet Guidelines

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Purpose

This document provides guidance to businesses seeking a business parklet permit in the City of Port Phillip and the criteria used by Authorised Officers in their decision-making.

This document is in line with the Council's Plan 2021-2023, the Outdoor Trading (Dining) Policy and the Municipal Health and Wellbeing Plan 2017- 27. The Council's Outdoor Trading (Dining) Policy Objectives are in line with the City of Port Phillip Community Amenity Local Law 2023.

Outcomes

As per Council's Outdoor Trading (Dining) Policy, the intended outcomes of this Guideline are to:

- Encourage activation and vibrancy in our main streets, activity centres and laneways, which makes them more enjoyable and safer for our community.
- Ensure that outdoor trading enhances the quality of streetscapes and activity centres.
- Ensure that the City of Port Phillip's 'brand' as a vibrant, sophisticated, arts-focused community is represented by strong design and visual outcomes being apparent in approved parklets and activations.
- Support our local businesses and economy to survive and thrive and be more resilient to future economic shocks.
- Balance the activation of public space with amenity requirements of surrounding businesses and the community more broadly.
- Ensure activation of public space meets (and in some cases exceeds) accessibility, public safety and sustainability requirements.
- Ensure businesses that benefit from use of public space make a fair contribution for this use through appropriate fees, charges and upkeep responsibility.
- Provide certainty to businesses, community, Councillors and staff on the way requests to use public space in new ways will be treated (and any fees, charges and engagement required) to ensure applications can be considered efficiently, effectively and in a timely manner.
- Ensure appropriate oversight and compliance measures are in place to provide our community with confidence that public safety, maintenance and legislative requirements are being achieved and the policy objectives are being met.
- For temporary activities only, test and trial new uses of public space, which could inform longer-term public space priorities, projects and investment by Council.
- When considering shared public space, ensure a balanced and equitable sharing of opportunities between the public, hospitality traders and non-hospitality traders adjoining the public space.



Who is this document for?

- Businesses who wish to utilise existing on-street parking spaces to establish a parklet.
- Surrounding businesses and community members who are interested to understand how business parklets are managed by Council.
- Council Authorised Officers who assess applications for business parklets and those Authorised Officers who enforce the Local Law and Business Parklet permit compliance.

Eligibility

All hospitality businesses based in the City of Port Phillip are eligible to apply for a Business Parklet. The exceptions are stand-alone bottle shops, tobacco shops, venues with an electronic gaming machine or other gambling components.

Community, not-for-profit organisations or businesses outside of hospitality can apply to Council separately on an as-needs basis and these will be assessed on their merits and perceived benefit to the community.

What is a business parklet?

A business parklet is a car parking space, or in some limited instances a part of a public road, that has been transformed by a commercial business into a place that the community can enjoy.

A business parklet is managed by and in association with a business to expand their services.

Benefits:

- Encourage people to spend more time enjoying our streets
- Reimagine the use of car parking bays to transform them into places for people rather than cars
- Provide greening opportunities which can improve the look and feel of our streets
- Support local businesses by extending their dining space
- Allow more people to observe and participate in the life of the street, which can improve the overall feeling of safety in the neighbourhood.



Definitions

Table 1 Definition of terms

Term	Definition
Authorised Officer	A person appointed pursuant to section 224 of the <i>Local Government Act 1989</i> as an authorised officer, for the purposes of the Local Law.
Council	City of Port Phillip
Parklet	Re-purposed on-street parking spaces which are designed to extend public space to provide an additional place for congregation, accessible public seating, street greening and additional pedestrian space.
Business parklet	Parklet used for commercial purposes that is the subject of these Guidelines.
On-street parking	Designated parking spaces located on public roads that may be occupied by a vehicle for a specified period.
City Permits Panel	The Panel considers: <ul style="list-style-type: none"> • applications that do not meet the requirements of the Footpath Trading Guidelines, Mobile Food Vehicle Guidelines, or Business Parklet Guidelines, but the officer recommends support, or • the permit applicant seeks a review of the Council Officer decision
Guideline/s	Business Parklet Guidelines
Local Law	City of Port Phillip Community Amenity Local Law 2023 <i>or subsequent Local Laws as adopted by Council</i> , that authorises a use or activity.
Permit	Refers to an approval issued under the City of Port Phillip Community Amenity Local Law 2023 <i>or subsequent Local Laws as adopted by Council</i> , that authorises a use or activity.
Permit holder	Permit holder has the same meaning as the definition under the City of Port Phillip Community Amenity Local Law 2023 <i>or subsequent Local Laws as adopted by Council</i> , that authorises a use or activity.



How to set up a parklet

Applicants must use these Guidelines to assist with their application and to manage a business parklet. This will ensure they understand the design requirements, assessment, responsibilities and costs associated with business parklets.

The key steps in how to set up a business parklet are explained below.

Before you apply

It's important to consider whether your needs could alternatively be met by a footpath trading permit, or an extension to existing footpath trading.

Not all applicants will be granted a business parklet permit, as there are a number of criteria and requirements to consider and some locations have limitations on the number of business parklets that can be permitted.

Read through these Guidelines to make sure you understand what you will need to do.

For additional help visit the [Business Enquires page](#) on the City of Port Phillip website.



Business parklet process

Table 2 process



Apply

Applications with supporting documentation can be made online at:
[Outdoor dining permit - City of Port Phillip](#)



Assessment

Applicants may be contacted to discuss aspects of their application or to provide further information. Council will work with you to finalise Business Parklet designs and achieve compliance.



Permit issued

If your application is supported, Council will issue you with a Business Parklet permit with conditions and an approved plan. You will also be advised of any other permits required for the installation such as Street Occupation and Road Closure permits.



Installation

The permit holder can install the Business Parklet and permitted structures and furniture.



Operation

The permit holder must manage the business parklet in accordance with the permit conditions and approved plan.

Council officers will periodically inspect the business parklet structure and its use. Feedback will be provided to the permit-holder to address any matters. Non-compliance may result in enforcement action or cancellation of the permit.



Remove infrastructure

At the expiry of the permit, all infrastructure must be removed by the permit holder and all council assets and roadway are returned to their original condition.



Types of permits available

Annual permits

Annual permits allow for year-round activation, granted for a maximum of twelve months and expire 30 September. Permits may be subject to change at any time during the permit period.

Renewal of an annual permit

Permits can be renewed annually, up to two times unless:

- a) non-payment of fees - permit revoked
- b) neighbour reasonably withdraws consent - revoked or amended
- c) streetscape works require access to business parklet location
- d) there is a waiting list of business parklet requests in your precinct.
- e) there have been recorded incidents of non-compliance or enforcement action taken

A renewal notice will be issued for all eligible annual permit holders. It is the responsibility of the permit holder to ensure all details have been updated, including public liability insurance, letters of consent. Failure to provide all documentation and/or payment of fees may result in the cancellation of the permit.

The Council reserves the right to reassess and amend permit conditions at any time.

Seasonal permits

Seasonal permits allow for business parklets for up to seven months, from 1 October to 30 April each year. Fees will be for the full seven months regardless of whether a permit is issued for a shorter period. If a seasonal permit holder applies to transfer to an annual permit, they must contact Council prior to the expiry of their seasonal Permit, to inquire about the process (refer to 'Renewal of an existing permit', below).

Table 3 Types of permits

	Seasonal Permit	Annual Permit
Duration	1 October to 30 April	Expires annually on 30 September
Renewal option	Not renewable Option to apply for annual permit at end seasonal permit – conditions apply	Permits may be renewed annually and may be on-going unless: a) non-payment of fees - permit revoked b) neighbour withdraws consent – amended permit or not renewed c) streetscape works require access to permit location d) there is a waiting list of parklet requests. e) parklet ceases to meet criteria f) the business parklet operation does not comply with the permit conditions or the Local Law
Average investment	Low-Medium	Medium-High
Access requirement	Minimum requirement is a ramp to parking bay or platforms level with the footpath may be constructed instead	Platform level with footpath

Amendments to an existing permit

Permit-holders can apply to amend a business parklet permit at any time. Examples include amending the size of a business parklet, changing furniture design, or increasing advertising. An amendment fee is payable for officer assessment and liaison.

Transfer of business ownership

A parklet permit cannot be part of a business sale. A new business owner must apply for the business parklet within 28 days of the sale. There is no legal attachment to the sale or transfer of ownership of a business.

An application fee is required for the authorised officer’s assessment and liaison. In considering the transfer of ownership request, the Council may reassess and amend permit conditions to ensure compliance with the Guidelines to respond to any changes in the business parklet design or operation.



It is the responsibility of the existing proprietor to include the balance of any remaining permit fees in the sale of the business.

Removal

A business parklet that has been – or will be - inactivate for three months or more, for any reason including prolonged renovations, will result in the cancellation of the permit.

Upon the expiry, cancellation or revoking of a permit, all business parklet furniture and structures must be promptly removed and the area reinstated back to on-street parking.

Failure to do so may result in enforcement action. Council reserves the right to undertake any works necessary to reinstate on-street parking, and to recoup these costs.

Considerations prior to making an application

Will your premises have enough toilet facilities?

The addition of an outdoor area to an existing restaurant/café may lead to an increase in overall seating capacity. As such, these premises should have adequate toilet facilities available for customers and staff in line with any relevant building regulations. Please view volume 1 of the [National Construction Code | NCC \(abcb.gov.au\)](https://www.abcb.gov.au) for further information. Restaurants/Cafes are considered 'Class 6'.

Where overall capacity exceeds twenty seats it may be necessary to upgrade existing toilet facilities.

Will you need to relocate any public infrastructure?

If you would like to relocate items such as seats, litter bins or bicycle stands, you can make a request to Council to relocate the infrastructure

The relocation of public infrastructure may sometimes be possible, but this must result in an equal, if not improved outcome for the community.

If the infrastructure is to be relocated in front of another premises, you must then obtain the written consent(s) of the owner and occupant of the premises where the items will be relocated.

All costs associated with the relocation of any public infrastructure, including any reinstatement must be paid by the person/business requesting the change.

Will access to any services be compromised?

When thinking about how you will set up your parklet, it’s important that access to services such as sewers, gas, water, telecommunications and electricity conduits should not be obstructed by business parklet structures. You may need to demonstrate how access could be maintained during the lifetime of the business parklet, for example, by including access to inspection lids in your design.

Removable furniture such as tables, chairs, umbrellas and heaters may be placed on top of underground service pits. Access to services may be required at any time.

Will you include any advertising?

If you propose advertising, include this in your application for consideration.

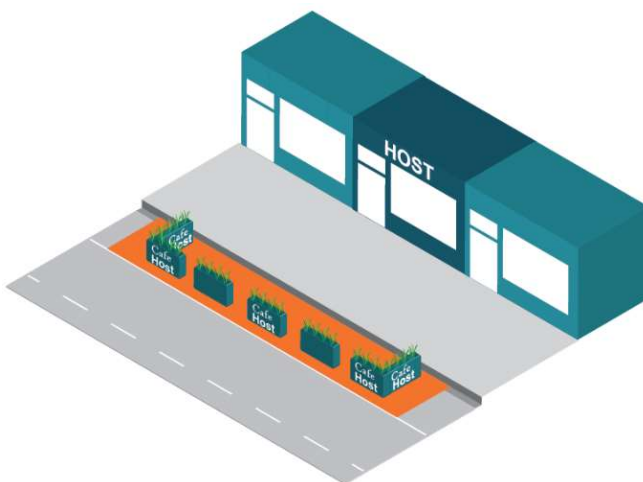
You may feature the name of your business or relevant product/s name on umbrellas and barriers only. The business/company logo can be displayed on every second panel and on the two ends closest to the kerb edge. Refer to Figures 3 and 4.



Figure 3 Advertising requires approval by Council



Figure 4 Only the business/company logo can be displayed on every second panel and on the two end returns closest to the kerb edge.



Display or sale of goods

Parklets must not be used for the display or sale of goods sold within the premises.



Permit-holder responsibilities

The permit-holder must

Daily management

- operate in accordance with the permit, its conditions and endorsed plan(s).
- monitor use of the area, ensuring patrons consuming food and drinks are seated and manage any behaviour that impacts with the use, enjoyment and comfort of others, including footpath users and nearby residents.
- ensure adjoining areas are not obstructed.
- keep furniture and surrounding areas clean, with litter deposited in bins kept inside the premises. Litter must not be swept into the street gutter or adjacent footpath areas.
- ensure any planters are watered and maintained.
- comply with all relevant Acts and Regulations.

Safety and accessibility

- ensure patrons do not impact the flow of footpath users, bicycles or vehicles.
- ensure the use of a business parklet in proximity to an intersection does not obscure a driver's line of vision, or traffic signs.
- maintain all permitted clearances and traffic lanes, public and other street infrastructure.
- ensure the footpath trading area remains clean and safe.

Community amenity

- comply with the permitted use, hours and conditions of the permit, and comply with all other relevant Acts and Regulations.
- prevent adverse impacts on the amenity of the area from the emission of noise, smell or appearance.
- comply with Environment Protection Authority (EPA) requirements in respect of noise, and ensuring that no external address system, outdoor speakers or sound amplification equipment is used, without the written consent of the Council.
- ensure the prompt removal of graffiti and rectification of any damage.
- not place commercial waste in public litter bins.



Council responsibilities

Maintenance of the footpath

Council manages and maintains the public land and reserves the right to reclaim access to the footpath and remove all items at any time.

Compensation and loss of trade

No compensation is provided for any inconvenience or loss of trade resulting from activities or works carried out by the Council, its contractors or service authorities.

Access to underground services

Council and other service authorities may access underground services within the footpath trading area at any time, without notice to the permit-holder.

Monitor compliance with approved permit

Council's Authorised Officers monitor business parklets to ensure compliance with permit conditions. If a breach is observed the permit-holder would be contacted.

Where the Authorised Officer considers there to be public safety risk, this would be considered to be a serious breach and may require immediate action.

Actions may include the issuing of a Notice to Comply, fines, amendment or cancellation of the permit and/or the impounding of footpath items.

When three breaches occur within a twelve-month period, the City Permits Panel will review the permit. Depending on seriousness of the breaches, further action may be taken in accordance with the Community Amenity Local Law 2023.

Relevant policy, regulations or legislation

City of Port Phillip Community Amenity Local Law 2023 or updated versions.
Outdoor Trading (Dining) Policy.

Where can parklets be located?

Location

Business parklets may be considered to be placed in on-street parking bays that:

- are on Council owned or managed roads.
- are on a road with 40km/h speed limit or less.
- are not parking restrictions of either Clearways, Disabled, Loading Zone, Care Share etc
- do not obstruct sightlines for pedestrians, cyclists and drivers.
- provides a minimum area of 6m x 2.5m and retains a 3m wide trafficable lane.
- are located in-front of the host business to which it relates, for the provision of all food, beverage and sanitary facilities.
- maintains direct access to the footpath.
- do not obstruct access to Council and utility/telecommunication assets.

When possible, preference will be given to non-metred parking bays.

Businesses adjacent to tram corridors require the approval of Yarra Trams.

Intersections – line of sight

Parklets must be located at least 10 m from an unsignalised intersection and 20m from a signalised intersection; or as advised by council’s traffic engineers, and/or the Department of Transport (VicRoads) as required.

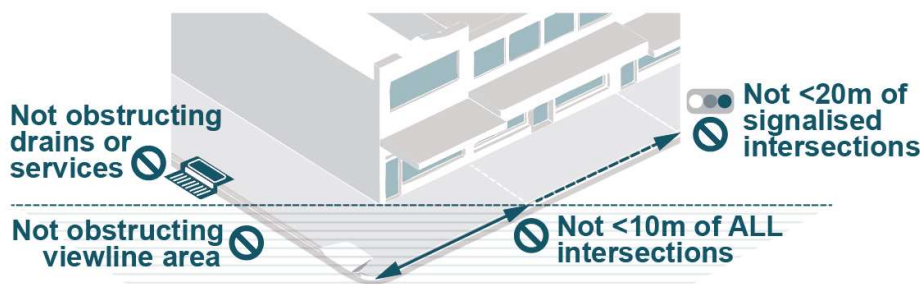


Figure 5 Business Parklets need to be placed 10m from an unsignalised intersection and 20m from a signalised intersection.

Occupying an adjacent parking bay

The permit applicant must obtain and submit written consent by the owner, body corporate and/or occupier when applying to occupy a parking bay in front of an adjacent premises.

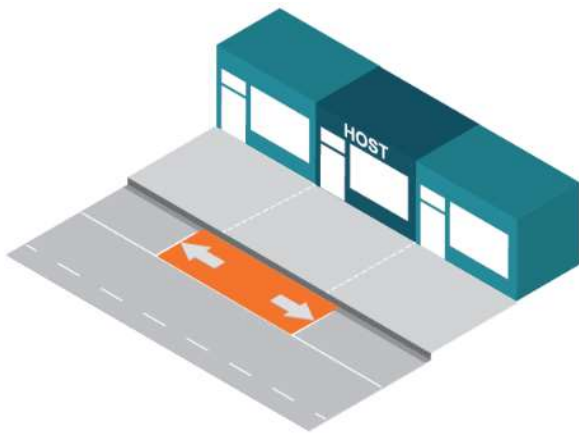


Figure 6 A business may apply for a business parklet in front of their premises.

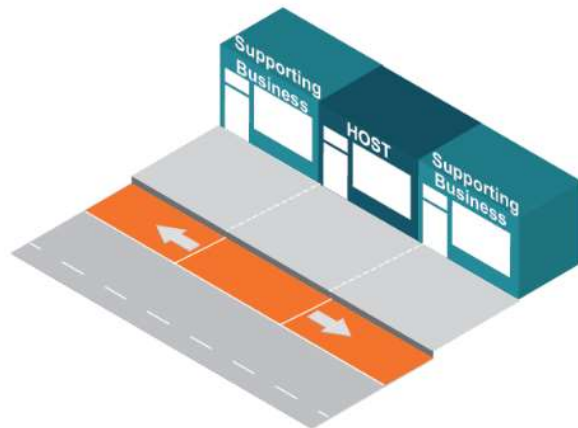


Figure 7 A business may apply for a business parklet in front of neighbouring premises with their written consent.

If the neighbouring premises is sold or occupied by a new tenant, the existing permit will remain valid until it expires. When applying for a new permit or renewal, a new consent must be submitted from the new owner, body corporate and/or occupier.

If the adjoining owner, body corporate and/or occupier withdraws consent during the permit period, depending on the circumstances the permit holder may be permitted to trade in front of the adjacent premises until the permit expires.

Where an applicant proposes using an on-street parking bay that is not adjacent to another business and/or occupier, Council may consider if the outcome would benefit the streetscape and general community. This will be considered on a case-by-case basis.

Neighbouring business or resident consents required

If the on-street parking bay you are seeking to occupy aligns with your shopfront or falls within it, then no consent is required from neighbouring businesses or residents.

If any of your parklet would fully or partially obstruct neighbouring premises, then written consent is required from the owner, body corporate and/or occupier neighbouring premises for this to occur (on both sides of your business if applicable).

This applies to neighbouring premises on street level only, not residents or businesses located directly or indirectly above the business in question.



There are certain grounds where Council may decide to grant a permit despite consent not being provided such as when only a small portion of the adjacent business/resident would be impacted or when Council deems that consent is being unreasonably withheld due to a personal dispute or similar. This will be considered on a case-by-case basis.

Maximum number of business parklets within areas

To minimise potential impacts to on-street parking and ensure an appropriate balance of outcomes within each activity centre, the maximum number of parking bays that will be permitted within each area has been calculated. Refer to Table 4.

Activity centres are defined by the Commercial 1 (C1Z) overlay of the Planning Scheme. Calculations are based on a number of factors, including the total number of publicly available on-street car parking spaces, the number of spaces allocated to other uses (such as loading, etc), public transport connections, community feedback and experiences through the trial period, physical attributes such as footpath widths and other location factors.

The maximum number of business parklets in each activity centre may be varied, taking into consideration the density of business parklets in any one part of an activity centre and any other relevant matters.

Requests for business parklets outside of identified activity centres will be considered on a case-by-case basis.

In addition, requests for over 4 parking spaces (regardless of whether this fits within the maximum amount of bays allocated) may be asked to demonstrate patron demand to justify a larger area; and should this demand not be forthcoming, be asked to reduce their parklet accordingly. This will only occur in instances where an application for a parklet is made by another business and additional parking bays are required to facilitate this within that precinct.

Table 4 maximum number of parking bays to be used as business parklets

Location	Maximum parking bays used
Acland St Activity Centre	15
Ormond Road Activity Centre (between Beach and Pine Avenues)	8
Ormond Road Activity Centre (Glen Huntly Road intersection)	4
Glen Huntly Road Activity Centre	5
Glen Eira Road Activity Centre	6
Tennyson St Activity Centre	3
Carlisle St Activity Centre	15
Inkerman St Activity Centre	4
Fitzroy St Activity Centre	9
Victoria Ave Activity Centre	15
Bridport St Activity Centre	20
Bay St Activity Centre	20
Armstrong St Activity Centre	14
Clarendon St Activity Centre	27

Designing your parklet

Activity centres each have their own characters, that can be enhanced through the design of Business Parklets. The design and appearance of business parklets and furniture must be high quality, robust and structurally sound to be able to withstand prolonged exposure to all weather conditions.

All Parklets must include:

Safety elements

- A buffer setback of 0.45m must be provided around the perimeter of the parklet, from all adjacent traffic/bicycle lanes and adjacent parking bays

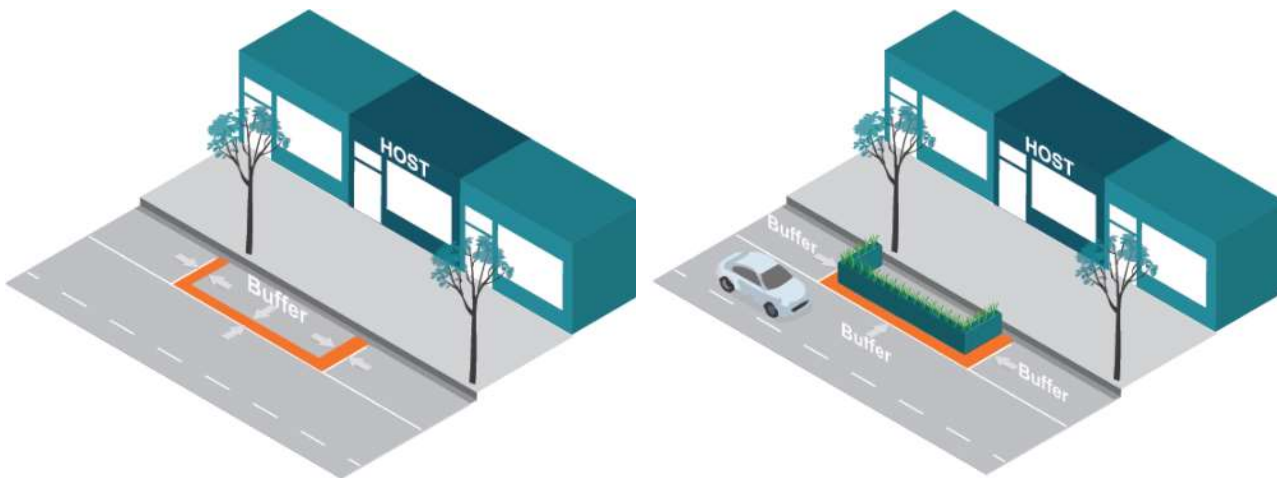


Figure 8 Business Parklets need to have at least a 0.45m buffer between any traffic lane, including bicycle lanes, and the structure.

- Minimum 0.45m x 0.45m safety barriers must be provided at all four corners and at regular minimum 4m intervals
- The total height of the safety barriers must be 0.9m above carriageway level
- Business Parklet barriers must be 0.9m in height.
- Safety barriers must be:
 - collapsible
 - weighted with 0.3m depth crushed rock
 - soil filled to at least 0.3m depth for planting
 - treated pine sleepers or equivalent, as approved by Council
 - checked periodically to ensure structural integrity is retained
- Chevron signage (compliant with Australian Standard), must be affixed to the approach end of your parklet. Chevron signage must be reflective.



Figure 9: Natural wood materials should appear finished and well maintained



Figure 10: Business or other relevant product name may only appear on every other barrier; artwork may fill remaining spaces



Figure 11: Creative patterns, designs or artwork that enhance the streetscape are encouraged



Figure 12: Barriers must fully enclose the space. No gaps are permitted



Figure 13: Flimsy materials like lattice should not be used in parklets



Figure 14: Temporary barriers and other rented materials must be wrapped and finished

Accessible paths of travel

- Un-obstructed paths of travel must be made available for persons utilising mobility devices such as wheelchairs, prams, and walkers including those who may be visually impaired community members.
- A business parklet may require the removal of outdoor dining on the footpath, particularly where a footpath is narrow. See further information under the 'Considerations prior to making an application' section.
- A business parklet must provide at least one accessible access point with a preferred width of 2m, or minimum width of 1.5m.
- A business parklet should provide a wheelchair turning area and resting space

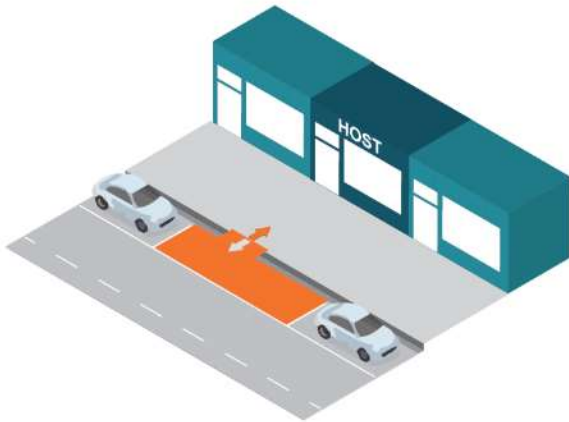


Figure 15: Business Parklets must have at least one unobstructed entrance, with a minimum width of 1.5m, preferably 2m

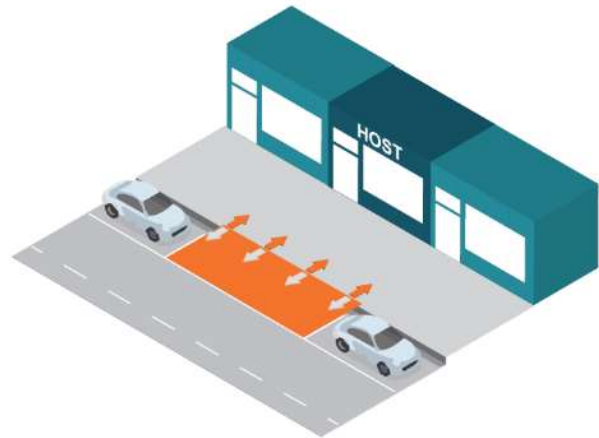


Figure 16: It is preferred that the entire frontage of the Business Parklet is accessible from the footpath

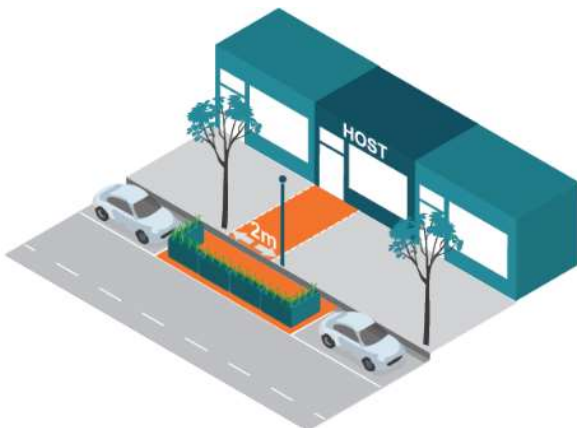


Figure 17: The design of the entrance to the Business Parklet needs to take into account fixed objects in the footpath such as trees and lighting.

Wheelchair turning area and resting space

- A wheelchair turning area must be provided, to make a 180° turn, with a minimum diameter of 1.5m.
- A wheelchair resting space must be provided for and have a 0.8m minimum width and 1.3m minimum length. The wheelchair resting space should incorporate companion seating.

Accessible tables and chairs

- A table should be no higher than 0.8m and a chair or seat no higher than 0.5m.
- Higher, bar-style furniture is not encouraged as gathering patrons can obstruct the pedestrian zone. It can also limit access to wheelchairs and mobility aids

Raised platform

Annual business parklets must include a platform that is level with the kerb. Seasonal business parklets may also include raised platforms.

- Steps are acceptable providing ramp access is also provided if required to access the parklet.
- The difference in height between a kerb and raised platform should be no more than 6mm.
- The maximum gap between the kerb and raised platform is 10mm. A bridging platform can be used if a gap is more than 10mm, or if the raised platform does not match the height of the kerb. Refer diagram below.
- Any raised platform must ensure stormwater flow is not obstructed. The removal of leaves and litter is the responsibility of the permit holder.
- Any structure including a platform in proximity of stormwater entry pits must be designed to enable access and maintenance to occur.
- Where a Business Parklet would be built at a different level from the kerb upstand, a bridging or levelling platform can be utilised to create a smooth transition and prevent tripping hazards.
- Any ramp should not exceed a 5% gradient slope.
- A parklet structure 100m² or greater may also be subject to a Building Permit.



Figure 18: Seasonal Business Parklets are not required to have a platform that is level with the footpath and may therefore use a ramp onto the carriageway.

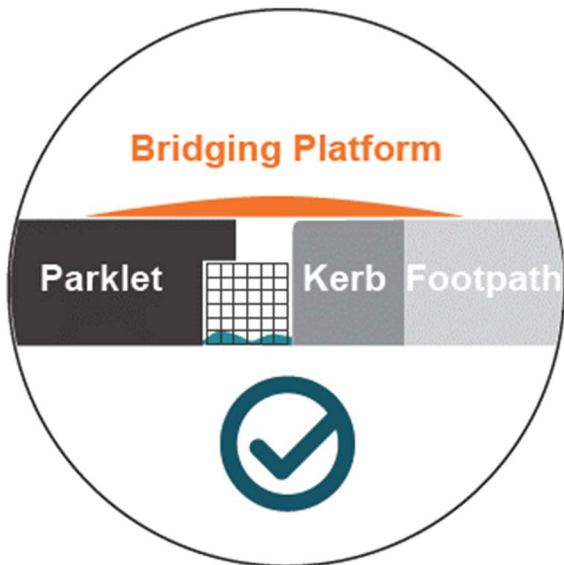


Figure 19: Bridging platform covers a gap between the platform and the kerb upstand



Figure 20: Levelling platform creates a smooth transition and prevents tripping hazards



Figure 21: A mat creates a flush transition from the platform to the footpath



Figure 22: The platform has been constructed at the level of the footpath.



Figure 23: Platform is not flush with surround footpaths



Figure 24: Ramp is used to gain access to a platform

Weather protection

Umbrellas are a preferred method of providing shade and weather protection.

Structures with full solid height walls are not permitted. This includes marquees and floor to ceiling glass and plastic blinds. Only open structures which are built for the purpose of providing shade and rain protection may be considered.

Structures must:

- Be open above the planter box or fencing and lightweight in appearance
- Demonstrate how it meets the design outcomes below
- Be designed by a qualified registered Engineer or Architect/designer. The Engineer must certify the structural design by submitting a Certificate of Compliance (Reg 126) - Design. Upon completion of works, the Engineer must inspect and issue a Certificate of Compliance (Reg 126) - Inspection. All works must be carried out by a suitably registered builder
- meet building requirements
- be designed so that any roof structure manages water runoff and wind load

In areas particularly exposed to heavy winds (for example areas in close proximity to the foreshore), higher transparent screens up to 1.5m may be permitted around the parklet area to provide wind protection or noise mitigation. However:

- No other structures (for example blinds, menu boards) can be attached to the transparent/glass screens
- Glass panels must be transparent and kept clean at all times
- Glass screens must be maintained to a safe standard for the public and any damage must be repaired immediately

Structures must consider these design outcomes:

- **Retain views to businesses and heritage buildings**
To ensure that structures do not obstruct or detract from heritage buildings/streetscape character and ground floor shops
- **Welcoming spaces**
Structures create open and inviting spaces that feel public and not privatised
- **Activation on the street**
Structures allow outdoor dining to be seen from along and across the street and do not create hiding places
- **Structures are appropriately designed and engineered**
Long-lasting and robust materials that complement the surrounding context. Demonstrably safe and well designed.
- **Recessive in the streetscape**
Structures are designed to be recessive in the streetscape, with lightweight structures

- **Easy to maintain**

Structures are easy to maintain and clean

- **Retain amenity and function of the footpaths**

Structures do not impact the amenity and function of the footpath, for example, tree foliage, branches and canopies, reasonable solar access, street furniture, management of water runoff



Figure 25: Sisters of Soul parklet in Shakespeare Grove, St Kilda

Drainage

- A gap of 0.2m between the kerb and the base of the frame will need to be included to allow for water to run along the drain as usual
- A rubbish grate should be placed along the edge of the kerb to prevent debris from collecting under the parklet
- An inspection lid must be included where a stormwater pit is located underneath a platform



Figure 26: A rubbish grate will prevent litter from being trapped under the platform

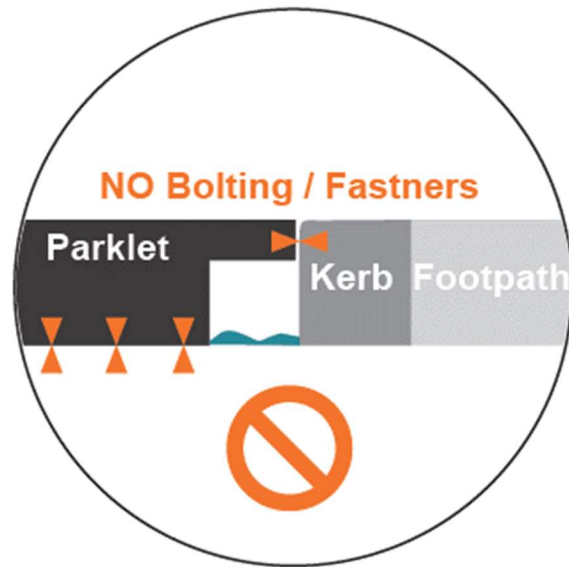


Figure 27: Structures must not be fixed to the pavement or the kerb upstands.

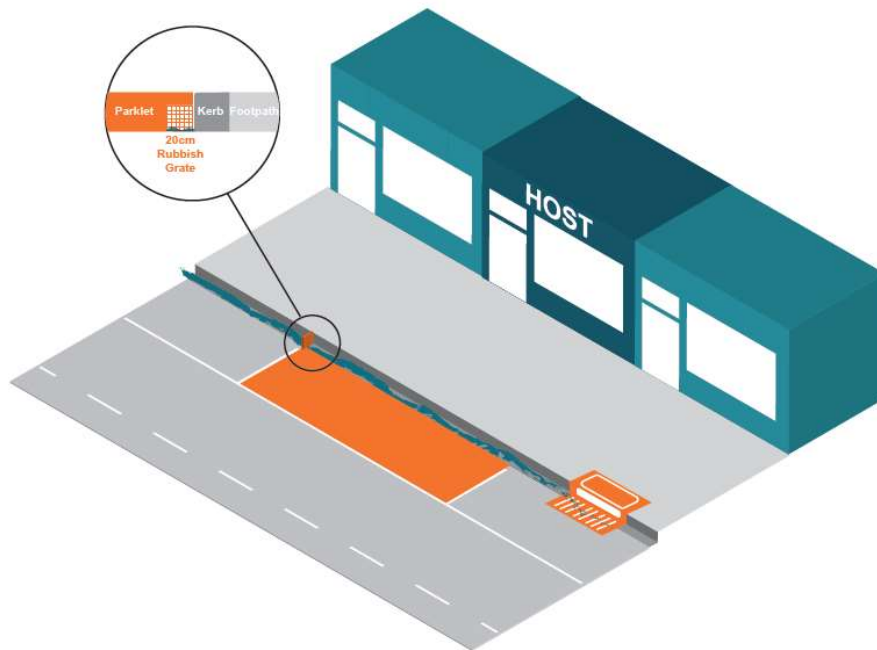


Figure 28: A rubbish grate located at the edge of a parklet.

Materiality and design quality

- Business parklets must not be constructed of loose materials that can overflow onto surrounding areas (i.e. hay bales)
- Materials used must be easy to clean and not deteriorate quickly.
- Low quality plastic materials are discouraged.
- Low emission, recycled, sustainably sourced and/or locally sourced products are encouraged.
- Natural materials and muted finishes are encouraged, including steel, aluminium, wood and recycled content concrete.
- Materials and design with align with the building or business brand is encouraged.
- A 'neighbourhood' approach is encouraged, to provide consistent design outcomes across the activity centre. This can be achieved by traders engaging with others within activity centres.

Planting

- Planting should be provided where practicable in the barrier and buffers but must not obstruct views for passing traffic.
- Plants under 0.3m in height, should be selected to maintain sightlines.
- The permit-holder must ensure plants are watered and maintained.
- Artificial plants are discouraged.



Figure 29: Planting is high and obstructs line of sight



Figure 30: Planting is high and obstructs line of sight



Figure 31: Planting structure is hanging outside the parklet.



Figure 32: Planting is low to maintain lines of sight



Figure 33: Vines are tall but not dense to maintain lines of sight.



Figure 34: Some taller plant species are not dense to maintain lines of sight.



What can go in your parklet?

Traders who only intend to use parklets for limited periods (for example evenings only, less than 7 days per week, daytime only in a busy evening economy) will be asked to install fixed furniture elements that allow the parklet to be used by the community during other times.

This must be clearly advertised / signed so that the community are aware they are welcome to use the space in non-operating hours. Evidence of how this will be achieved must be provided as part of the application.

Removable furniture

- Must be of an outdoor design style.
- Must be hardy, sturdy and portable.
- Must be solid enough to resist wind gusts.
- Must be constructed of materials that do not deteriorate quickly.
- Must be easy to clean.
- Tables and chairs must have a minimum 30mm diameter rubber pad at their base to protect the parklet surface. It is the business owner's responsibility to maintain the base of all items and to ensure items placed on the footpath do not cause damage. The cost of repairing any damage caused will be borne by the applicant.
- No advertising is permitted on tables and chairs.
- Must be packed away into the building at the end of each trading period
- Furniture is preferably manufactured of recycled materials, and/or of materials that can be recycled at the end of their useful life.

Placement and storage of movable furniture

- The number of tables and chairs placed within a business parklet must allow for unobstructed access and circulation for all patrons and staff.
- A minimum space of four-square meters is typical for a table and four chairs (2m x 2m) and a distance of 0.5m should be allowed between adjoining settings.
 - 2-person table requires a minimum of 2m² (unless a narrow footpath)
 - 3-person table requires a minimum of 3m²
 - 4-person table requires a minimum of 4m²
- Bench-style furniture is permitted for use in business parklets but must be constructed of lightweight material to ensure easy removal and storage.
- Bench-style furniture must have a gap of 0.5 metres between each setting to allow unobstructed access and circulation for patrons and staff.

- All furniture must be removed and stored inside the premises outside of the permitted hours of operation, unless otherwise stipulated by the permit.
- The permit-holder must ensure that adequate storage is provided for all furniture. If the business operates beyond the hours approved on the permit, the applicant must indicate how furniture will be securely stacked and/or stored to be rendered unusable.
- Furniture removal must occur without causing unreasonable noise and disturbance to nearby residents.

Fixed furniture

- Must be hardy, sturdy and fixed in place.
- Must be easy to clean.
- Must be constructed of materials that do not deteriorate quickly.
- Furniture should be integrated into the design that uses the space efficiently and maintains seating for community use when removable furniture is removed.
- No advertising is permitted on fixed furniture.
- Furniture is preferably manufactured of recycled materials, and/or of materials that can be recycled at the end of their useful life.



Figure 35: Fixed seating can be part of the structure and never removed



Figure 36: Get creative with fixed seating; these swing seats sit out day and night



Figure 37: A classic picnic table never gets old but be sure to provide accessible seating

Umbrellas

The following design standards apply:

- Must not obstruct traffic signals/sight lines.
- Must be suitable for use in a commercial, outdoor setting.
- May overhang into the footpath area provided there is a minimum clearance of 2.2 metres.
- Must be adequately weighted or fixed to the parklet structure to be able to resist the relevant wind rating.
- Must be lowered during high winds.
- Must be easy to clean and remove.
- Any permitted umbrellas must not protrude beyond the business parklet onto roadway or carparks.



Figure 38: Examples of umbrellas used correctly in business parklets.

Festoon lighting

Lighting may be used to contribute to the ambience of a business parklet.

- Must be stable (not flashing) and secured to avoid swaying and driver distraction.
- Must be waterproof and suitable for outdoor use.
- Must not be attached to any street tree or public infrastructure without the written approval of Council.
- Should be energy efficient or solar powered, with an automatic timer.



Freestanding portable patio heaters

Electric patio heaters are preferred however gas heaters are also commonly used to heat outdoor dining areas. Due to the potential fire and explosion risks associated with gas heaters it is important that they are properly managed and maintained. Applicants will be required to submit a signed management plan for freestanding heaters to ensure the following:

- An outdoor gas heater must be installed and operated in accordance with the manufacturer's instructions, such as required clearances from combustibles, maintenance and replacement requirements, performance of safety checks.
- Regular safety checks must be conducted on the gas heater to check for leaks.
- Gas heaters must comply with relevant Australian standards and regulations (AS/NZS 1596:2008 Storage and Handling of LP Gas) and be certified by the Australian Gas Association or equivalent body (e.g., SAI Global).
- A member of staff should be assigned the role of gas supervisor to monitor the safe use and storage of gas heaters and cylinders. All staff should be trained in operating the gas heater, in hazards of using gas and in relevant safety procedures. The gas supervisor should be fully conversant with the manufacturer's instructions, clearances requirements, safety checks for holes and leaks and how to safely store and handle gas cylinders.
- Preventative maintenance should be scheduled and conducted on all outdoor gas heaters, with records of all maintenance performed.
- The applicant must ensure that they are covered under their insurance policy for the use of gas heaters.
- The business parklet area should be supervised to prevent unauthorised relocation and operation of gas heaters by patrons.
- Gas heaters should be checked by a licensed gasfitter every 12 months, or sooner if required.
- Gas heaters should only be switched on at a patron's request. Staff should monitor the usage of heaters within the business parklet and switch heaters off when the area is not in use.



Information required with application

- Complete **application form** with business name, ACN and ABN.
- Copy of any relevant **Planning Permit** for the business.
- Copy of any relevant **Liquor Licence including red-line plan**.
- Copy of any **internal floor plan**, including sanitary facilities available.
- **Consent** of owner, body corporate and/or occupier neighbouring premises, if proposing to occupy space in front of a neighbouring premises.
- **Details of your proposed parklet design**, structure and materials, with plans scaled 1:100 (1cm = 1 metre).
 - **Plan of existing conditions** and fully dimensioned to show:
 - building frontage and footpath
 - abutting properties with business names
 - infrastructure -trees, light poles, litter bins, public seats, bicycle stands, fire hydrants, stormwater puts, utility or telecommunication assets
 - parking bays and parking restrictions
 - any adjacent footpath outdoor dining or advertising boards
 - any other relevant features.
 - **Proposed site plan of the business parklet** and fully dimensioned to show:
 - Surrounding streetscape context adjacent buildings, kerbs, footpath and roads
 - Safety barriers, planters, platforms, and any other structures, with buffer setbacks from adjacent traffic/bicycle lanes and adjacent parking bays
 - any inspection lids to stormwater pits, utility, or telecommunication assets
 - layout of removal and fixed table, chairs, screens, heaters, umbrellas, waiter stations or other items
 - any adjacent footpath outdoor dining or advertising boards
 - **Proposed elevation plans from each side of the business parklet** and fully dimensioned to show:
 - Safety barriers, planters, platforms, and any other structures, with buffer setbacks from adjacent traffic/bicycle lanes and adjacent parking bays
 - cross-section to show a gap of 0.2m between the kerb and the base of the platform frame
 - advertising/business logos



- any other structures
- **Proposed furniture and plants** including photographs, design specifications and materials to show compliance with the Guidelines.
- **Photographs/renderings/perspectives graphic illustrations** showing the proposed area of occupation and immediate surrounds
- **Advertising** details, including a colour photograph or detailed design drawings to scale of any proposed advertising logo, and clear indication of its size and location on barriers and umbrellas. Note: If total advertising area exceeds 8.0m² a planning permit is required.
- **Construction** – to show how the business parklet will be assembled, constructed and dismantled. Supported with a materials palette of all materials to be used.
- **Public liability insurance** noting Council’s interest and for no less than \$20m in respect of any single occurrence.
- **Form of indemnity** to indemnify the Council against all claims of any kind arising from any negligent act either by the permit holder or the permit holder’s agents and users.
- Payment of **application fee**

Failure to submit all required information will result in delays in considering the application.



Decision making

The criteria below are a guide to the factors that Officers will consider when assessing each application.

Table 5 – Priorities and objectives

Priority	Objectives
Public safety	<ul style="list-style-type: none"> Streets are safe and have unobstructed passage on the carriageway and on the footpath Streets have clear views for all modes of transport Streets are safe and have unobstructed passage for those who may be physically or visually impaired
Accessibility for all	<ul style="list-style-type: none"> Streets are inclusive so that anyone with an impairment will be able to access a parklet People who are pushing prams or using mobility devices will be able to access the facility Streets are easily navigated by all transport modes including pedestrians Should not impact the amenity and function of the footpath Access to public transport stops is not impaired Loading zones, on of loading zones, disabled bays, bus zones and car share bays are retained Access to local businesses and residences is not impaired
Balancing a prosperous local economy with local amenity	<ul style="list-style-type: none"> Supporting a prosperous local economy is balanced with ensuring that a parklet and any associated off-site impacts, do not cause any significant impacts on the function and amenity of surrounding areas in relation to nuisance, noise, and other amenity considerations.
Vibrant street life	<ul style="list-style-type: none"> Streets are vibrant and lively Streets contribute positively to an area’s sense of place and character.
Attractive streetscape	<ul style="list-style-type: none"> Streets are attractive, clean and pleasant Any heritage significance is not diminished
Leisure opportunities	<ul style="list-style-type: none"> Parklets support social interaction, alfresco dining and drinking as enjoyable leisure activities in a managed way.



Assessment process

On receiving an application, the Authorised Officer will:

- Check that all relevant information has been received
- Check that the use is legally established under the Planning and Environment Act 1987
- Check the application to ensure it meets the intent and requirements of the Local Law and the Business Parklet Guidelines
- Inspect the site and checks the accuracy of submitted plans
- Refer the application to relevant Council departments for advice
- Assess the application against the Business Parklet Guidelines
- Assess the application against any outstanding matters that may relate to the premises
- Advise the applicant of any changes that need to be made to the submission.
- Approve with conditions or refuse the permit application.

If a permit is to be granted, Council will invoice the applicant for the fees payable with the business parklet. Fees are not refundable. Once payment has been made and the permit has been issued, installation and use of the business parklet may commence in accordance with the permit and conditions.

Decision-making on applications

Where applications meet all the Guidelines, the Council will normally grant a permit.

A variation to these Guidelines may be granted if the priority objectives can be met and there are extenuating circumstances. Each decision will be decided on its merits including:

- the number and location of business parklets within an activity centre
- the length of previous business parklet occupation and any waiting list
- consent of owner, body corporate and/or occupier neighbouring premises, if occupying space in front of a neighbouring premises
- the effect on vehicular traffic flows and safety
- the impact on residential amenity
- the impact on the appearance of the street and its surroundings
- the duration of use
- whether it is complementary to the primary adjoining use
- whether it is less intensive than the primary adjoining use
- the ability to provide adequate sanitary facilities
- the applicant's previous record of compliance
- any relevant policies of the Council or relevant State Government Agencies
- any other matter relevant to the application
- compatibility with other uses in the street

If an application does not meet all the Guidelines and minor variations can be considered, the Authorised Officer will refer the application to the Coordinator City Permits who provides a recommendation.



Where an application seeks significant or complex variations to the Guidelines, a recommendation is provided to a City Permits Panel for a recommendation. The Panel is comprised of three senior Council Officers.

Council reserves the right to vary or amend permit conditions as appropriate.

In situations where demand for business parklets outstrips availability, preference will be given to applications that demonstrate:

- shared use between multiple traders
- likely high usage from community, including hours of activation
- positive contribution to amenity and vibrancy of location.

Building requirements for structures

- Where a building permit is not required for the parklet structures (for example decking, ramps, overhead structures), requirements must still be met to ensure the structures provide adequate safety and accessibility.
- Applications must demonstrate that the structures are compliant and meet the requirements set out in this section.

Review of decisions

An applicant may seek a review of a decision by submitting their request in writing within 28 days of the decision, including all information to be taken into consideration, for review by the City Permits Panel and the relevant Officer.

Minor variations

In cases where an application does not meet the Guidelines, or where there are special circumstances, the officer may refer the matter to the City Permits Panel, to provide their recommendation to the Authorised Officer.

In some cases, a variation to these Guidelines may be granted if the priority objectives can be met and there are extenuating circumstances.

The Panel will consider applications using the Business Parklet Guidelines and City of Port Phillip's Local Law and any subsequent Local Law adopted by Council.

Business Parklet Standard Conditions

The permit-holder must operate in accordance with the Local Law, and Council's Footpath Trading Guidelines.

1. The layout and use of the business parklet must always accord with the endorsed plan.
2. Council reserves the right to revoke the business parklet permit. Any action taken by Council will be in accordance with the Community Amenity Local Law 2023.
3. The permit holder must take all reasonable steps to ensure that the use of the business parklet has a limited impact on the residential amenity and neighbourhood.
4. All clearances must be maintained including traffic/bicycle lanes, adjacent parking bays, public seating, litter bins and any other public infrastructure must be maintained.
5. All non-fixed items must be removed from the business parklet in accordance with the hours of operation on this permit. If the hours are not stipulated on the permit, all non-fixed items must be removed by 11pm each day.
6. Council reserves the right to reclaim access to the land at any time for maintenance purposes. Should any fittings fixed to the footpath need to be removed temporarily due to the nature of the maintenance, Council will reinstate them accordingly and to the best of its abilities. Costs associated with the removal and reinstatement will be at the expense of the permit holder.
7. Council and service authorities reserve the right to access all underground services within the footpath trading area at any time, without notice to the permit holder.
8. No compensation will be payable for any removal of fittings or fixtures associated with the footpath trading permit, or for the loss of trade experienced due to these works.
9. All business parklet furniture and structures must be removed at the expiry or cancellation of a permit, or if a business ceases trading. Council assets including kerbing, footpath and road surfaces must be made good and reinstated to its original condition. Failure to remove all items from Council land will result in removal by Council and all associated costs reimbursed to Council by the permit holder.

Venue Management

10. Patrons must be seated within the business parklet and must not exceed the maximum patron numbers specified.
11. Liquor must not be sold, consumed or served within the business parklet unless covered by a current valid liquor licence.
12. Queueing must operate in accordance with any Queue Management Plan and approved layout plan.

Waste management

13. The stormwater channel must be maintained daily to remove any litter.
14. Litter including cigarette waste, must not be swept into the street, gutter or adjacent areas and must be deposited within the operator's own waste bins. Where smoking is allowed under the Tobacco Act 1987, windproof ashtrays must be provided.



15. When vacated, tables must be cleared of all empty bottles, glass, items and other waste.

Noise

16. No form of external public address system, outdoor speakers, or sound amplification equipment must be used outside the premises, without the written consent of Council.
17. The use of the business parklet must not, through the emission of noise, be a nuisance or detrimentally affect the amenity of the area.

Risk management

18. \$20 million Public liability insurance must remain current and valid for the life of the permit and a copy submitted to Council each year.
19. The permit-holder indemnifies and releases the City of Port Phillip from all liability arising from the use of the footpath trading area, including any claims made by any person for injury, loss or damage arising in any matter.
20. Council must be promptly notified of any damage to Council's assets, and any conditions that creates a safety hazard.
21. Reflective chevron signage must be affixed to the approach end of the parklet and maintained.
22. The footpath/land is occupied and used by the permit-holder at their own risk.

Tables and chairs

23. A table must be no higher than 0.8m and the seat of a chair no higher than 0.5m unless specified on the permit.
24. Tables and chairs must be sturdy and able to withstand wind gusts.
25. Tables and chairs must be stackable and easily removed and stored inside the business, unless specified on the permit.
26. No form of advertising is permitted on tables and chairs.

Heaters

27. Free standing gas heaters must comply with Australian Standard AS 1596.
28. Free standing gas heaters must be stable and maintained in accordance with the manufacturer's specifications.
29. Fixed heaters must have a valid Building Permit.

Umbrellas

30. Umbrellas must be securely fixed into the platform of the business parklet and able to withstand wind gusts and lowered during high winds.
31. Umbrellas must maintain a minimum distance of 2.2m between the underside of the umbrella and the floor level of the business parklet.
32. Umbrellas must not protrude beyond the business parklet.



Planters

- 33. Planters must be regularly watered and maintained.
- 34. Plants must be under 0.3m in height, unless approved by Council.

Signage

- 35. Council reserves the right to install and maintain promotional and advertising signage to the exterior of the business parklet structure.
- 36. Advertising within or on the business parklet structure must not contain political messaging or promote tobacco, gambling, alcohol, violence or illegal activities.

Major events

- 37. Major events include St Kilda Festival and New Year's Eve. During these events:
 - a) St Kilda Festival conditions apply for the duration of the festival within the St Kilda Festival designed precinct.
 - b) New Year's Eve conditions apply across the City.
- 38. No glass bottles or glassware are permitted within the business parklet during major events, unless expressly permitted.