



Parklet Guidelines



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1. Introduction

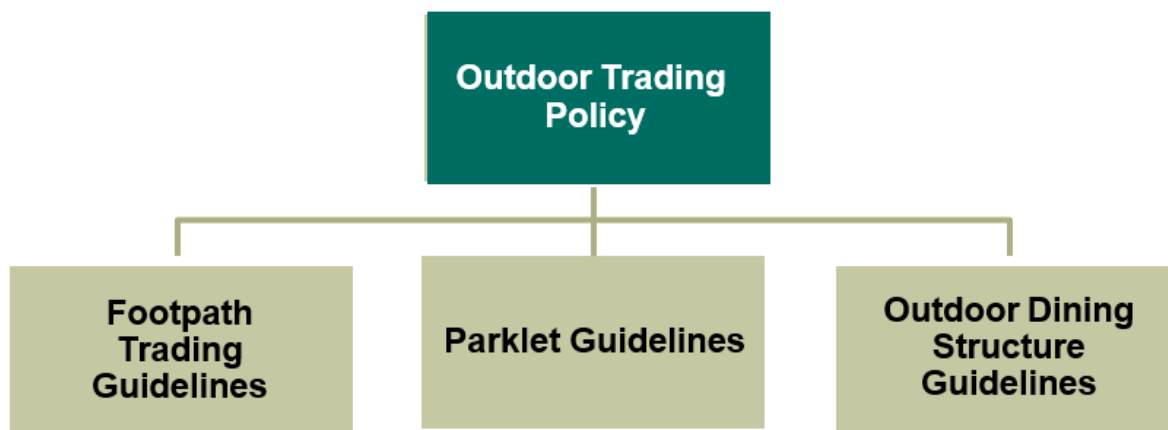
Outdoor trading has played a significant role in activating public footpaths and roadways for commercial activity. Outdoor trading works best when it is aligned with community expectations and facilitates additional patronage for businesses. Activating shopping strips brings social and economic benefits that are valued by the community and traders in Boroondara.

The Outdoor Trading Policy provides the foundation and guiding principles for outdoor trading within Boroondara and aims to support a strong and vibrant local economy for the benefit of the community and visitors to the municipality while maintaining safety and local amenity in shared spaces.

The City of Boroondara offers the following opportunities for outdoor trading:

1. Footpath Trading: activities occurring on the footpath, where dining furniture, display of goods, advertising signs and other associated infrastructure needs to be brought in at the end of trade.
2. Parklets: activities occurring within car parking spaces.
3. Outdoor dining structures: activities occurring on the footpath within a fixed structure that can remain in place overnight.

This document, the Parklet Guidelines, is underpinned by the Outdoor Trading Policy.



1.1. Definitions

| Term | Definition or description |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant | Person making the application for Outdoor Trading. |
| Arterial Road | Roads which provide the principal routes for the movement of people and goods between major regions and population centres, and between major metropolitan activity centres. |
| Authorised Officer | A person appointed by Council under section 224 of the <i>Local Government Act 2020</i> . |
| Council | City of Boroondara. |
| Council-controlled land (definition as per Amenity Local Law) | Any land which Council owns, occupies, manages, has leased or licensed to another person or is otherwise under Council's control and management. |
| Commercial Area | A locality where business and commercial activities are primarily conducted. |
| Footpath trading | Use of public footpaths for commercial purposes. |
| Outdoor Trading Activity | Nature of activity as defined by the Footpath Trading, Parklets and Outdoor Dining Structures guidelines. |
| Outdoor dining structure | A structure installed on a footpath which can remain in place overnight but able to be removed at the end of the permit. |
| Parklet | Outdoor dining area within a car parking bay(s). |
| Patron | Customer of a business. |
| Permit holder | The person or company named as the applicant in a Footpath Trading, Parklet or Outdoor Dining Structure agreement and to whom the permit is issued. In the case of a company, the director, or directors will be considered the permit holder. |
| Planning Permit | A permit issued under the Boroondara Planning Scheme. |
| Registered trader | A person, organisation or group of persons who conduct a business either under a registered business name and/or registered company. |
| Public Authority | Australian Government body established through legislative instruments for a public purpose. |
| Trader | A person, organisation or group of persons who conduct a business either under a registered business name and/or registered company. |
| Footpath Trading Furniture | All footpath dining furniture including tables, chairs, umbrellas, heaters, planter boxes, screens, signage and display of goods. |
| VGCC | Victorian Gambling and Casino Control Commission. |

1.2. Diagram legend

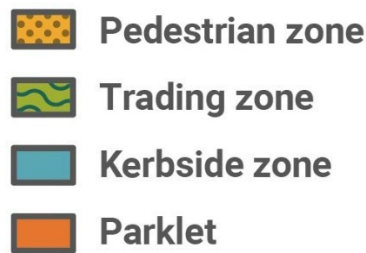


Figure 1: Legend for diagrams used in the document

2. What is a parklet?

A parklet is a repurposed parking bay(s) designed to create space for outdoor dining. Parklets include the installation and use of dining furniture including tables and seating, and other infrastructure such as planter boxes, umbrellas, and heaters.

A trader may apply for either a seasonal parklet or an annual parklet.

2.1. Seasonal parklet

A seasonal parklet permit is limited to a six-month period from 1 November - 30 April*.

Applications open from 31 July of each year for a period of four weeks. This ensures Council can meet any approvals from internal departments or statutory authorities before the seasonal parklet program begins.

It is the responsibility of the permit holder to maintain the parklet in accordance with the permit conditions.

On conclusion of the seasonal parklet program, Council will contact the permit holder to remove any Council related parklet infrastructure and parklet infrastructure prior to the agreed end date. Parklets must be removed by no later than the agreed end date.

** Traders may also apply to Council for short term parklets outside of the seasonal program at any time.*

2.2. Annual parklet

An annual parklet permit allows a trader to operate a parklet for a period of 12 months. Designed to provide extended outdoor dining for a trader for a year, the annual parklet permit allows a trader to consider longer-term options and investments for parklet infrastructure and street furniture.

Following the 12-month period, where a permit holder seeks another annual permit, Council will undertake a review to consider if the parklet may remain in place for a further 12 months.

Council will consider the following matters when assessing the renewal of a parklet permit:

- whether compliance with the conditions of the permit during the permitted occupation of Council land for trading within the parklet have been met; and
- whether all reasonable requests made by officers were complied with, and any additional impacts that may affect the ability to support the continued occupation of Council land.

3. Trading and pedestrian zones

When a parklet is installed, it will need to maintain a separation between the pedestrian zone and trading zone to ensure a clear, safe, and unobstructed walkway for pedestrians:

3.1. Trading zone

The trading zone refers to the area where commercial activity can be conducted in accordance with a permit.

The trading zone for a parklet is the area located within the boundaries of the parklet infrastructure. This deviates from the typical trading zone under the Footpath Trading Guidelines and Outdoor Dining Structure Guidelines.

Council will assess applications on a case-by-case basis and reserves the right to approve or refuse any application.

3.2. Pedestrian zone

The pedestrian zone is located on the footpath and extends immediately from the property line to the trading zone. This allows for an uninterrupted and accessible path of travel for pedestrians. This area is for the exclusive use of pedestrians.

The pedestrian zone must be a minimum width of 1.5 metres for a footpath that is up to four metres wide, and 1.8 metres for a footpath that is four metres wide or more, measured from the property line. This area must always be kept clear.

Council reserves the right to vary the pedestrian zone depending on pedestrian needs, vehicle traffic and access, and existing footpath widths.

4. Minimum clearances and setbacks

The following clearances and setbacks from an object ensure access can be maintained safely, for the duration of the occupation of Council land for the purpose of outdoor trading. These safety standards are aligned to the Road Management Act 2004 and the Austroads Guide to Road Design.

4.1. Minimum clearances from an object

| Object | Minimum clearance |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Council or public infrastructure; examples include: <ul style="list-style-type: none"> • Litters and recycling bins • Public seating • Bicycle stands • Drinking Fountains • Garden beds and climber frames • Way finding signs | 1 metre |
| <ul style="list-style-type: none"> • Trees | Determined on application |
| Essential services; examples include: <ul style="list-style-type: none"> • Substations • Exit doors, including fire exit doors • Switchboards • Hose reel cupboards and fire equipment • Boosters • Fire hydrants or fire plugs • Payphones • Traffic lights • Pedestrian-operated lights | 1 metre |
| <ul style="list-style-type: none"> • Electricity boxes | 0.5 metres |
| <ul style="list-style-type: none"> • Street light poles and electricity poles | No minimum set back |

4.2. Setback from an intersection and required line of sight

Parklets located next to intersections must be set back from the intersection to allow a clear line of sight for turning vehicles, cyclists, and pedestrians.

Applications within the 10-metre setback from the intersection, will be considered on a case-by-case basis taking into consideration speed of vehicles and existing obstructions.

4.3. Setback from trams and bus stops

Clearances from tram and bus stops must be maintained to ensure direct access from the Pedestrian zone is provided to passengers boarding and alighting from a tram or bus. A minimum of 1.5 metres clearance must be kept from the departure side of a tram or bus stop sign and 10 metres from the approach side.

Parklets on an arterial road where a tram operates may be subject to additional requirements from Yarra Trams.

4.4. Setback from taxi zones and bus stops

Clearances from a taxi zone must be maintained to ensure direct access from the pedestrian zone for all users of this service.

A minimum of 1.5 metres clearance must be kept to either side of taxi zone signage to ensure adequate access for users and to maintain visibility for taxi drivers.

If a parklet application is located near a taxi zone, the application will be reviewed on a case-by-case basis.

An application will not be considered within 10 metres approaching a bus stop and 1.5 metres after a bus stop.

4.5. Minimum gap with extended Trading zones

Where the length of a parklet exceeds 10 metres, a gap of 1.5 metres within the parklet must be left to allow pedestrians to safely cross the road if required.

5. Traffic conditions

Parklets may be eligible in streets with:

- Indented, parallel or angled parking
- Green sign parking spaces. Other spaces will be considered on a case-by-case basis once an assessment of surrounding parking spaces and provisions have been completed
- Shared zones with a 10km/h speed limit
- Streets with 20km/h speed limits

- Streets with 40km/h speed limits
- Streets with a 50km/h or 60km/h speed limit will be considered on a case-by-case basis for inclusion of mitigating safety measures to reduce any identified risks.

Parklets may not be permitted, or may be subject to additional conditions, third-party approvals and/or fees on:

- Roads with a speed limit of 50 km/h or 60 km/h (including part-time speed limits)
- Arterial or major roads under the control of the Department of Transport (DoT)
- Tram corridors
- Special use or restricted car parking areas including:
 - Accessible parking spaces
 - Loading Zones, Permit Zones, Taxi Zones, Mail Zones or part-time “No Stopping” areas
 - General parking spaces restricted to less than 1 hour parking (1P)
 - Areas with service pits, utility access panels or drainage infrastructure.

Parklets are strictly not permitted:

- On roads with a speed limit of 70 km/h or above
- In areas designated “No Stopping” (full time) whether through formal signage, line marking or in accordance with the Road Safety Road Rules 2017
- In areas marked “Clearway” (full time or part time)
- In areas that may unreasonably obstruct or hinder access for other road users including but not limited to delivery vehicles, waste collection or emergency services
- In areas where a minimum three metre width for passing traffic cannot be maintained
- In any areas Council officers consider to be unsafe or not suitable for a parklet.

Any parklets on a State-managed road will be subject to approvals by the Victorian Government Department of Transport. Department of Transport and Yarra Trams approval of parklet locations will be reviewed on an ongoing basis and may be withdrawn for traffic and/or safety reasons at any time.

6. Access to public infrastructure

In the event of an emergency, maintenance or renewal works, access to any Public Authority or Council infrastructure will be required.

To determine if this may impact a proposed trading area, an application to ‘Dial before you Dig’ should be made via the website [Dial before you Dig](#). This service is free and will provide information regarding any infrastructure beneath a proposed trading area.

If assistance is required to understand how the infrastructure may impact an application, please contact Council on 9278 4444. Council may deem the location proposed by an applicant not suitable for outdoor trading.

Council does not provide compensation for any loss of availability to use the trading area, or any costs incurred to temporarily remove the structure or other related components where entry is required to maintain, access or create new public infrastructure.

7. Waste service vehicle access

The installation of outdoor trading activities must not compromise access by essential waste vehicles, obstruct loading and construction zones or entrances to private buildings and carparks.

It is essential access to services of the permit holder's property and neighbouring properties is maintained, therefore:

- Parklets should not impede pedestrian flow including waste transport trollies and bins, and access to waste bin storage areas including Council's communal waste service locations
- Waste collection and service vehicle access must be maintained to all properties or public land where bins are stored.

8. Advertising

Council accepts traders may have advertising on commercial street furniture within the Parklet.

Road safety infrastructure provided by Council may be provided with Council logos and advertising. Permit holders must not place any advertising on road safety infrastructure without prior approval from Council or obstruct any Council logo(s) or advertising.

Signage or advertising over 8m² or in a heritage zone may require a planning permit. Contact Council's Planning department on 9278 4444 or email boroondara@boroondara.vic.gov.au for further information.

9. Heritage zones

Our community values our local heritage and Parklet locations need to consider heritage impact. Parklets in these locations have the potential to impede views to significant heritage frontages and detract from the significance of our heritage buildings.

Applications will be referred to Council's planning department and/or heritage advisor where an application is received for a parklet within a heritage zone.

10. Patron numbers and hours of operation

Planning permits determine how many patrons can receive seated service and the hours of operation. Applications may be referred to Council's planning department to confirm these details.

11. Supporting structures and facilities

11.1. Parklet infrastructure

Parklet infrastructure must be designed as a temporary structure that can be easily packed up and moved, if required, to allow for any utility, maintenance, or capital works.

A parklet must occupy at least one existing car space with a maximum of two existing car spaces per business. The parklet must be located at the front or rear of the applicant's business.

Each parklet location will be assessed on a case-by-case basis due to site specific constraints and may not be permitted in accordance with these guidelines.

11.2. Parklet overhead structures

Overhead structures with full height walls will not be permitted to be installed in a parklet due to impacts on visibility and safety for the public. Open structures built for the purpose of providing protection from shade and rain will be considered on a case-by-case basis.

11.3. Materials

Materials used for the construction of a parklet should be fit for purpose and suitable for public use. It is suggested the parklet installation be of a high-quality design that minimises visual clutter whilst being suitable for the local context and streetscape. The construction materials should also be long-lasting, weather resistant and visible during the day and evening.

For the ground and floor surfaces, the material installed should be non-slip in accordance with Australian Standard AS4586-2013.

11.4. Preferred materials for parklet infrastructure

- Concrete (for planter boxes). Consider lightness of the colour of the concrete to provide contrast with road surface.
- Metal (for planter boxes and fencing). Consider thickness of metal to avoid denting.
- Recycled plastic.
- Some timber materials:
 - Timber must be treated and finished to ensure its longevity.
 - Hardwood timber is preferred; however treated pine may be used as an alternative, provided it is painted or sealed.

- Plywood is not appropriate for outdoor use; marine plywood is more suited for different weather conditions.
- Consider appropriate construction methods to avoid timber items buckling or warping over time. For example, timber planters may benefit from using a steel frame with timber slats to provide a more robust structure.

11.5. Platforms

To provide safe and accessible parklets, it must be constructed with a platform level to the adjacent footpath.

The platform must:

- provide a clear 1.5-metre-wide path of travel from the shopfront to the parklet (including adequate wheelchair turning and resting space)
- allow for drainage and designed to prevent litter build-up underneath
- provide a threshold platform in the circumstances where there is a gap between the kerb and the parklet platform to bridge any gap.
- be non-slip (walking surfaces) as per Australian Standard AS 4586-2013 and be weather resistant.

Fixtures such as tables, chairs or umbrellas must be removable. No fixtures are to be permanently fixed to safety barriers, Council assets, the road surface and the kerb or channel.

Platforms may require approval from Council’s drainage engineer to ensure it does not impact a point of discharge from a drain.

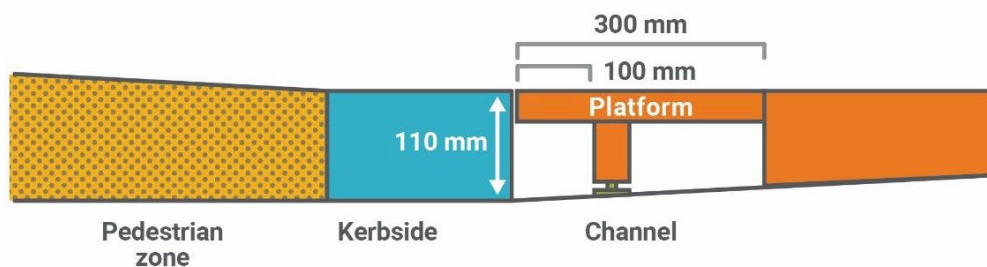


Figure 2: Example of a parklet platform

11.6. Road safety infrastructure

A road safety audit may be carried out by Council during the permit application process to determine the required road safety infrastructure for each parklet location.

To support traders in accessing the parklet program, for the period in which a parklet remains in place, Council will fund the:

- Hire and installation of road safety infrastructure (including vehicle barriers)
- Traffic management plans, and
- Road safety audits.

When applying for a permit, a trader may also be required to engage independent road safety consultants who are suitably qualified to undertake independent road safety audits for non-standard and complex applications, or for applications not adhering to the Parklet Guidelines.

11.7. Planter boxes

Planter boxes are permitted and must be located inside the parklet. The construction of the planter box can be a maximum height of 0.75 metre with planted foliage to a maximum height of 0.5 metres or a total combined height of one metre.

If a planter box is removable, it must be removed at the end of the trading day. Planter boxes are required to be maintained, which includes regular watering, pruning and the removal of any rubbish or debris.

11.8. Umbrellas

The lowest edge of an umbrella canopy must be 2.4 metres above the footpath and must not protrude over the road. An umbrella must be securely anchored to the ground using a sandbag or a sleeve attachment.

11.9. Temporary screens

Where a parklet is co-shared, screens can be placed within the Trading zone to provide separation from other traders.

Screens:

- must be secured by a locking mechanism or sandbags for stability
- must be no higher than one metre
- must be placed in the Trading zone
- must be brought inside at the end of the trading day
- Screens must not be placed independently to serve the purpose of quasi-advertising.



Figure 3: Example of advertising on screens

11.10. Gas heaters

Council will only consider a gas heater or any outdoor free-standing heaters if they conform to Australian Standards. These may be placed in line with the table and chairs in the parklet. Heating attached to an umbrella is not permitted.

11.11. Bicycle and mobility device parking

Bicycle parking and provision for mobility devices (including prams) is recognised as an opportunity to support sustainable modes of transport in conjunction with outdoor dining, especially where parking spaces have been occupied or there is no provision for these items within close proximity to the outdoor trading area.

A bike stand or mobility parking can be incorporated into parklets and will be assessed on a case-by-case basis, taking into consideration:

- Pre-existing bike stands within the vicinity.
- There is adequate width of footpath available.
- Clearance of 1m from furniture to permit access.
- Line of sight requirements.
- Any safety issues that may be related to the storage and amenity of the bike stand.
- Pedestrian zone requirements to be adhered to.
- Available Council resources.

Various types of parking should be considered to accommodate non-standard bikes (e.g. cargo bikes) and mobility devices (e.g. motorised mobility devices/scooters recognised by the Department of Transport).

12. Lighting

To ensure lighting is provided safely to a parklet, the following options are available:

- Solar power
- Light supply from an overhead structure.

Light supplied from an overhead structure is required to be installed by a licensed electrician. A certificate of compliance issued by a licensed electrician is required to be produced to Council on the completion of the works.

Portable power leads cannot be run from the property to the outdoor trading area.

13. Toilet and sanitary conveniences

Outdoor dining increases seating capacity and additional toilet facilities may be required for staff and customers. Where Outdoor dining increases seating capacity greater than 20 seats, additional facilities may be required for staff and customers. Council's Building Services Department will confirm if this applies.

Contact Council's Building Department on 9278 4444 or boroondara@boroondara.vic.gov.au for further information.

14. Car parking

If a parklet is over 28m², planning approval may be required for a reduction in car parking requirements. Generally, restaurants in activity centres operate a car parking requirement of 3.5 car parking spaces to each 100m² of floor area.

15. Service and amenity

15.1. Cleanliness of trading area

Permit holders are responsible for maintaining the safety and cleanliness of their parklet including the equipment and structures contained within. Regular cleaning and maintenance is required to ensure rubbish does not accumulate or is not windblown into neighbouring areas.

Permit holders are also responsible for ensuring compliance with relevant food safety, public and occupational health requirements.

15.2. Managing noise and amenity

Where permitted, loudspeakers directing sound to the outdoor dining area must not be used outside the permitted trading hours provided in the conditions of a permit and must always be limited to background levels, unless otherwise specified on a permit.

16. Service of liquor

Permit holders and staff must practice responsible service of alcohol and are responsible for monitoring and managing patron behaviour.

Applicants will need to apply for a Planning permit and Liquor Licence to serve alcohol within the Trading zone. A Liquor Licence is required to be applied for separately through the Victorian Gambling and Casino Control (VGCCC). Please visit [Liquor licensing | Victorian Government \(www.vic.gov.au\)](https://www.vic.gov.au/liquor-licensing) for further information.

17. Smoking and vaping

Smoking or vaping must comply with the requirements of the *Tobacco Act 1987*.

18. Patron queuing

A trader is responsible for ensuring the pedestrian zone in front of their business remains clear of patrons queuing outside their premises to gain entry.

A minimum of 1.5 metres of unobstructed footpath must be maintained to ensure pedestrians can walk past a venue unimpeded.

A trader can apply to Council for a permit to rope off a section of the footpath at no cost to meet the requirements set out above.

19. Public liability

Traders must hold a valid public liability insurance policy to the value of at least twenty million dollars (\$20,000,000) at the time of application. The insurance policy must cover injury, loss or damage to persons arising out of the activity carried out under or the granting of a permit.

This insurance policy must be maintained for the duration of the permit and specifically note the interest of the City of Boroondara as an insured party. The Certificate of Currency may be requested by Council and must be readily available.

20. Enforcement

Council aims to support traders to achieve compliance through education of their permit conditions and the Amenity Local Law.

Traders contravening these Guidelines may be subject to enforcement including notices, infringements and prosecution. Council reserves the right to revoke or cancel permits.

21. Implementation and monitoring accountabilities

The responsible department coordinates the implementation, maintenance, and review of this document, arranging for its availability on Council’s website and hard copies at Council offices and libraries to ensure stakeholders are aware of their accountabilities.

For all queries or feedback regarding this document, please use the contact details for the responsible department below:

| Contact department | Contact number | Contact email |
|---------------------------|----------------|----------------------------------------------------------------------------------------|
| Liveable Communities team | 9278 4444 | boroondara@boroondara.vic.gov.au |

Note: Any changes to the Parklet Guidelines must be made in conjunction with the Footpath Trading Guidelines, Outdoor Trading Policy, and the Outdoor Dining Structures Guidelines.

22. References

Related documents:

- Austroad Guide to Road design Part 4A, 2021
- City of Boroondara Amenity Local Law 2019
- Local Government Act 2020
- Planning and Environment Act 1987
- Road Management Act 2004
- Tobacco Act 1997
- Food Act 1984
- VicRoads Supplement to the Austroads Guide to Road Design Par 4A - Signalised and Unsignalised intersections

Appendix 1: Application process

How to apply for a permit

A permit or a licence is required for all parklets. To apply visit www.boroondara.vic.gov.au So we can assess an application in a timely manner please include the following information with the application:

- completed and signed application form
- a site plan showing the proposed location of the parklet including dimensions and position of local infrastructure (see Figure 4: Parklet site plan example)
- a copy of a current business registration certificate
- Certificate of Public Liability Insurance for a minimum of \$20 million, noting the interest of the City of Boroondara as an insured party.

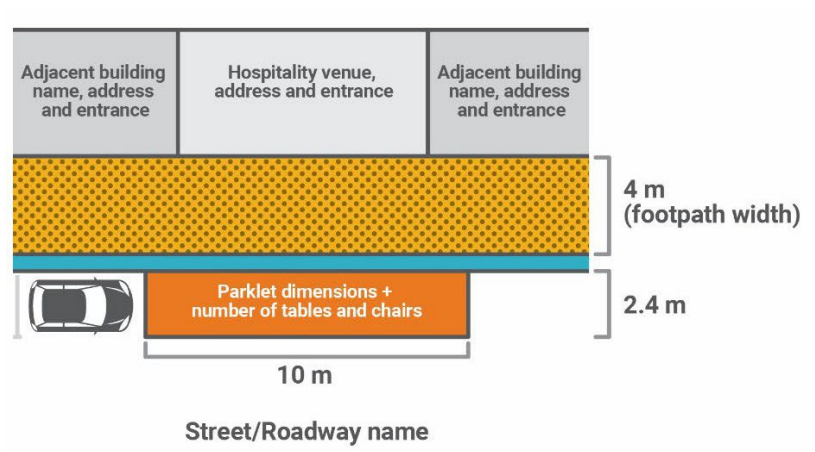


Figure 4: Parklet site plan example

Additional requirements as relevant include:

- the proposed hours of operation
- details of any advertising signage
- copy of current registration to serve food and/or beverages under the *Food Act 1984*.

Applicants are encouraged to consider making a joint application with neighbouring traders. Sharing a parklet space can reduce costs, maximise efficiency and benefits and create an attractive destination.

Please contact our Concierge Business Support Service on 9278 4444 if assistance is needed to complete an application. This service provides a one stop shop for businesses which includes broad advice and assistance to determine which Council permits and approvals they may require and triage any other business's needs.

Decision to issue a permit

The decision of whether to grant a permit will be made by a panel of representatives from Council's Civic Services, Traffic and Transport, Local Economies, Building, Health and Town Planning departments.

The panel will assess submissions in accordance with impacts to safety, access and amenity in the immediate area and compliance with statutory requirements.

Council will notify all parties of the application outcome within 28 days of a decision being made.

How to amend a permit

Applications to amend the approved permit can be submitted via Council's website.

Please include the following information:

- letter of consent from the neighbouring trader – if required
- a site plan of the proposed changes
- details of the proposed changes including type of furniture.

How to extend a trading zone

If seeking to occupy a car park in the trading zone of an adjacent premises, Council requires the applicant to obtain and submit written consent from the owner, body corporate and/or occupier of the adjacent premises. This consent should be provided on the third party's official letterhead or signed by the relevant party.

A new letter of consent or notification is required to be submitted by the permit holder to Council if:

- the adjacent premises is sold
- the business is sold or otherwise changes ownership.
- consent from the adjacent owner, body corporate and/or occupier is withdrawn.

A trader cannot charge "rent" for the use of a parklet in front of their premises by another business.

Council will decide on a case-by-case basis if the permit should be withdrawn prior to the expiry of the permit.

Fees and charges

A fee is charged for all outdoor trading. Additional fees may apply for changes and amendments to a permit. Fees and charges are reviewed annually.

Parklet Infrastructure costs

The permit holder will be responsible for hiring (or purchasing), installing, and removing parklet infrastructure at their own cost. It is suggested traders seek their own parklet infrastructure supplier and weigh up the costs and benefits of installing a parklet in front of their business.

Removal of parklet

A parklet may need to be removed temporarily or permanently for improvements, maintenance or other works as required by the City of Boroondara, its contractors or a public authority requiring access to infrastructure.

Council will give the permit holder as much notice as possible. If requested by Council to remove the structure either temporarily, permanently or upon expiry of the parklet permit, costs to remove and store parklet infrastructure that has been rented or purchased by the permit holder will be the responsibility of the permit holder.

Costs to remove and store any road safety infrastructure provided by Council will be the responsibility of Council.

Fees paid for a permit will be refunded on a pro-rata basis if the parklet is required to be removed permanently.

Renewals

Renewals are not automatic. Council will consider the following matters when assessing the renewal of a parklet permit:

- whether compliance with the conditions of the permit during the permitted occupation of Council land for trading within the parklet have been met; and
- whether all reasonable requests made by officers were complied with, and any additional impacts that may affect the ability to support the continued occupation of Council land.

Applicants for Council's seasonal parklet program will need to reapply the following year.

Where Council considers a renewal as not appropriate, permit holders will be notified in writing as to why their permit is not being renewed.