CITY OF
MONASH

FOOTPATH TRADING AND ACCESS POLICY 2024



PART ONE: FOOTPATH TRADING AND ACCESS POLICY

GENERAL PROVISIONS

Overview

Council recognises the importance of footpath trading in contributing to the vitality of commerce within the municipality.

Purpose of the Policy

Demand for using outdoor areas and footpaths for trading continues to be strong. When done correctly it can balance the safe passage of pedestrian and add to the vitality and vibrancy of an area. Council supports footpath trading for these reasons but needs to ensure the need and demand for trading is balanced with Council's duty of care for the safety of the public in general, particularly pedestrian safety. This Policy seeks to facilitate footpath trading within the City of Monash and ensure that in doing so it does not obstruct pedestrian access or create an unsafe or unsightly environment.

Council's vision for outdoor trading areas

Council wishes to foster the development and continued improvement of vibrant and welcoming communities within its municipal district. It encourages the use of outdoor trading areas by local businesses for this purpose. It is Council's intention that outdoor trading areas will be utilised to attract visitors and create welcoming family environments. Where a local business wants to make use of an outdoor trading area, Council, in assessing these requests, will ensure that traders contribute to the local atmosphere and vitality and engage in uses that are complimentary to the existing use being made of nearby outdoor trading areas. Council seeks to ensure these areas are well designed and utilised and value add to the environment they are located within.

Smoke-free outdoor trading areas

Where an outdoor trading area is in an area predominantly used for al fresco dining, Council will require a trader to make food available for consumption in such areas at all times. Consistent with the *Tobacco Act 1987*, as long as food is commercially available, smoking and vaping will be prohibited.

What the Policy applies to

This Policy applies to footpath trading areas, as well as other locations within the municipality where Council has authorised commercial activities. The Parklets on Roads Policy (which is incorporated into this policy for consistency of approach) outlines the procedures for permitting and managing parklets. However, certain aspects of this policy may also be applied to parklets as deemed necessary by Council. This ensures a comprehensive and adaptable approach to managing different trading areas. The policy also outlines the way real estate signs (pointer boards) are managed on Council land.

In addition to the General Provisions set out in this policy there are additional matters set out below that relate specifically to Eaton Mall, Oakleigh.

Matters intended to be captured by this policy include but are not limited to the following:

Table and chairs	A-frame signs
Windbreaks	Goods displays
Planter boxes	Portable advertising signs
Real estate signs (pointer boards)	Heaters
Barriers	Images projected on to Council land
Temporary structures	

Objectives of the Policy

The objective of this policy is to facilitate trading on footpaths and other areas where conditions are assessed as suitable and safe in a manner that ensures unimpeded pedestrian movement on footpaths and seamless access to businesses.

The policy is designed to comply with the *Disability Discrimination Act 1992* (Commonwealth) and adhere to the *Advisory Notes* periodically issued by the Australian Human Rights Commission.

In relation to footpath trading, the most important principles are to:

- provide a continuous accessible path of travel, which is defined as a footpath that can be used by people with various disabilities without encountering any barriers
- design and arrange elements in the streetscape that provide a continuous path of travel
- manage and maintain pedestrian access features
- acknowledge that if a footpath is wide, it does not automatically imply that any area beyond 1.8m from the building line should be available for footpath trading.
- ensure that the use of footpaths and associated areas for business purposes contributes positively to the amenity of the surrounding area, and
- ensure that street furniture, signs, and trader's activities or displays are positioned on the kerbside, rather than along the building line.

Guiding Principles

- Council aims to provide clear, safe and unobstructed access at all times for pedestrians of all abilities on footpaths, in accordance with Council's statutory responsibilities.
- Footpath trading activity must relate, and make a positive contribution, to the character and amenity of the immediate and surrounding areas.
- Council strongly supports the long-term viability and sustainability of activity and neighbourhood centres
- Council acknowledges the importance of footpath trading in enhancing the amenity, vitality and safety
- Footpath trading is a privilege, not a right

Eaton Mall Oakleigh

Council's vision for Eaton Mall

Eaton Mall is locally and internationally renowned as a food destination, providing predominantly Greek cuisine in an al fresco environment. The atmosphere and vitality of Eaton Mall is entirely unique in Melbourne and Council is dedicated to retaining that character.

Council's vision for Eaton Mall is to protect, and continue to improve on, its renown. It will do so by ensuring that traders in Eaton Mall continue to contribute to its atmosphere and vitality, particularly by making food available for consumption in al fresco areas at all times.

Where the policy applies

This Policy applies to the central footpath area of Eaton Mall, from private property boundary to opposite private property boundary (see Eaton Mall Plan at Annexure A). It also applies to the limited trading in the central area south of Portman Street subject to clear unimpeded pedestrian access being maintained (see Portman Street Plan at Annexure B). Trading can only occur in the areas defined within these annexures

Guiding principles specific to Eaton Mall

To uphold the vision of Eaton Mall as an alfresco dining area and to ensure its continued accessibility for all patrons and visitors, the following principles are applied:

- It is essential to maintain a 2.4-metre pedestrian walkway between the central trading area, as detailed in the relevant annexures, and the trading zones adjacent to shopfronts. This area is typically marked by the stormwater grates that run from north to south along the length of the Mall and the central trading spaces.
- The use of awnings and blinds in the central trading area is not supported
- The central trading area is designed for shared use. It is important that no single trader monopolizes this space, ensuring its use remains fair and equitable for all

Special events

This policy is not applicable to special events such as festivals or street parties held in Eaton Mall, which are organised by traders with the Council's approval. For hosting such events, traders need to obtain an event permit from Council.

OUTDOOR TRADING ITEMS

Temporary Structures

Temporary structures may be permissible at the discretion of Council upon application. A license agreement may be entered into subject to standard conditions including insurance provisions and associated fees are considered and set as part of Councils annual budget process. A relevant trading permit along with compliance with conditions will be taken into account in determining an approval.

Heaters

Portable heaters are not allowed due to the inherent risks associated with their use, the need for ongoing maintenance and the strict LPG storage requirements that provide gas cylinders can only be stored in special circumstances and not indoors.

Fixed gas or electric heaters that are permanently connected to a mains supply are safer and preferred by Council. Fixed gas heaters (or any part of) must be installed a minimum of 600mm from the kerb and within the Footpath Trading Zone. This would prevent a truck hitting the heater whilst pulling up to park next to the kerb. In addition, there must be at least a 2.2 metre vertical clearance between the bottom of the heater and the ground level to prevent pedestrians from hitting the heater.

Tables and chairs

Furniture used must be of high-quality, safe, durable, windproof, and have a contrasting colour to its surroundings. Furniture as it ages or becomes not fit for purpose must be replaced or updated. The use of all-plastic furniture, which may be displaced in windy conditions, is not allowable. Chair legs should not extend beyond the chair to a degree that they pose a tripping hazard. If necessary, durable rubber or plastic tips should be fitted to the feet of café furniture to prevent footpath damage. The style and appearance of the furniture and equipment used should be in harmony with the area. If Council urban design guidelines exist, the design and colour of the furniture should comply with these guidelines. The designs should encourage neighborhood interaction and enhance the perception of safety. Council may ask for samples of the proposed street furniture to be provided as part of any approval process.

Where a permit has been issued for the use of tables and chairs, these items must be placed out and available for use at all times the business is open for trade. At all other times, tables and chairs must be removed from the area, unless otherwise permitted by Council on a case by case basis.

Barriers and screens

All items must fit within the permit area without any part extending beyond it. They should not display offensive content, be free from damage and deterioration and be sturdy. Barriers and screens used on footpaths must be secured at all times in Council-approved sleeves, which are permanently installed into the footpath where conditions are deemed suitable. These sockets, when approved, will be supplied and installed by the Council at the permit-holder's cost.

In other areas, where permission has been granted to temporarily use a barrier or screen without a permanent sleeve, suitable bases must be fitted to stabilise them, ensuring that base plates or anchor bags do not protrude into the pedestrian zone and create a tripping hazard.

The height of the barriers should not exceed 1.0 metre, although Perspex screens up to 1.5 metres may be approved in special circumstances. Any screens above 1.0 metre must have their design and construction approved by the Council before a permit is issued. All items must be demountable and removed from the footpath when the permit holder's business is closed.

Planter Boxes

Planter boxes may be approved from time to time and must be placed within the trading area approved by the Council. In cases where temporary planters are permitted, these boxes must be removed from the footpath when the permit holder's business is not in operation.

The permit holder is responsible for the regular maintenance of approved planter boxes and their contents which must not exceed 1 metre in height so as not to impede sight lines for drivers and pedestrians.

Portable advertising signs

Portable advertising signs, including A-frame signs, are to be placed exclusively in the designated trading zone in front of the premises to which the permit is issued. All displayed items must be well-designed, , clearly visible, not display offensive content, be free from damage and deterioration, free from sharp edges or hazardous parts, self-supporting and stable. They should be sufficiently weighted to prevent tipping or being dislodged by pedestrians or gusty winds, and must not be attached to any part of a building or the street infrastructure.

Additionally, they should be clearly visible and suitably illuminated by an overhead light when trading hours extend between sunset and sunrise and must not exceed 1.0 metres in height or 600mm in width. They should not contain or display any powered illuminations, whether steady, flashing, or revolving.

Goods displays

All furniture used for displaying goods should be aesthetically pleasing made from high-quality, safe, durable, and windproof materials. The furniture should be stable on lockable wheels and always remain within the designated trading area while on the footpath. Displays should not be placed in positions or in ways that pose a safety risk to the public, nor should they be fixed to any part of a building or the street infrastructure.

The overall height of displays, including the furniture used for display and the displayed goods, should not exceed 1 metre above the footpath, unless otherwise approved by Council. Goods should be sufficiently secured and contained on or in approved furniture or equipment to prevent displacement by pedestrians or adverse weather conditions.

Food items must be placed at a minimum height of 900mm above the footpath. The display of white goods and other household type appliances and furniture in a trading zone is not permitted.

Additionally, goods should not be hung from shopfronts, verandas, or awnings.

Images projected on to Council land

Images or advertising material associated with footpath trading may be projected on to Council land, subject to a permit issued under the provisions of this policy. The projected image must fall within the relevant trading area.

Entertainment and amplified music

Entertainment and amplified music are not permitted in footpath zones unless approval is granted by Council.

Real estate signs (pointer boards)

Real estate agents must secure a permit to display pointer boards. These signs are permitted to be displayed only between 8am and 5pm on the day of a property sale, or 30 minutes before and after a premise is open for inspection or auction. The dimensions of the signs should not exceed 0.6 metres in width or 0.9 metres in height. It is crucial that these signs are adequately secured to prevent any risk to pedestrians, property, or passing traffic.

The placement of signs on roundabouts, roadways, traffic islands, or garden beds is strictly prohibited at all times. Additionally, signs should not be attached to any part of a building or the street infrastructure.

FOOTPATH ZONES

A permit to trade on the footpath can only be considered in a location where the footpath width is greater than 2.4 metres. To ensure a clear, safe and unobstructed walkway for pedestrians, footpath trading is made up of three zones: the Pedestrian Zone, the Trading Zone and the Kerbside Zone

Pedestrian Zone

The Pedestrian Zone spans from the property boundary to the Trading Zone and at a minimum should be 1.8m but no less than 1.5m in exceptional circumstances subject to footpath dimensions and street geometry. It ensures a clear and accessible route for pedestrians. This space is solely dedicated to pedestrian use and must be kept clear at all times. Even during adverse weather conditions, it is imperative that no items are placed within pedestrian zones.

Trading zone

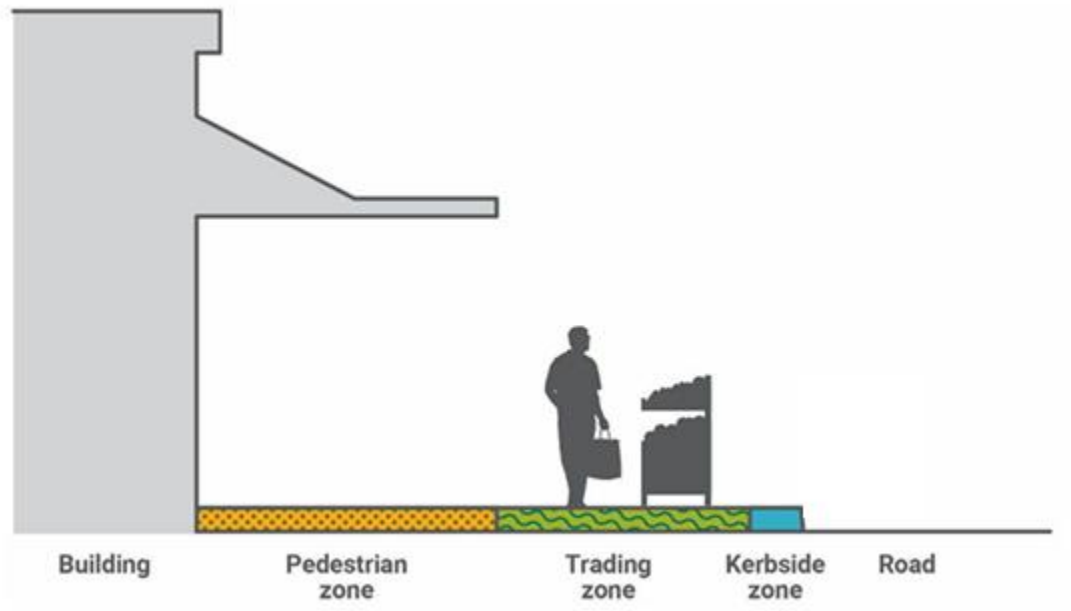
The Trading Zone is the area between the Pedestrian and the Kerbside Zones that has been allocated for footpath trading activities. The Trading Zone varies according to the width of the footpath and other conditions that may influence it and footpath trading may not always be available in all locations. In instances where the footpath usage is not directly in front of a business, such as a courtyard, Council may exercise its discretion to approve a permit. This is typically done if the result enhances the streetscape and benefits the community. Council may also allow trading in front of an adjoining business provided that there is written consent from the adjoining business and for only as long as that permission remains valid, noting that permission from the adjoining business does not mean that Council will always allow permission.

Kerbside zone

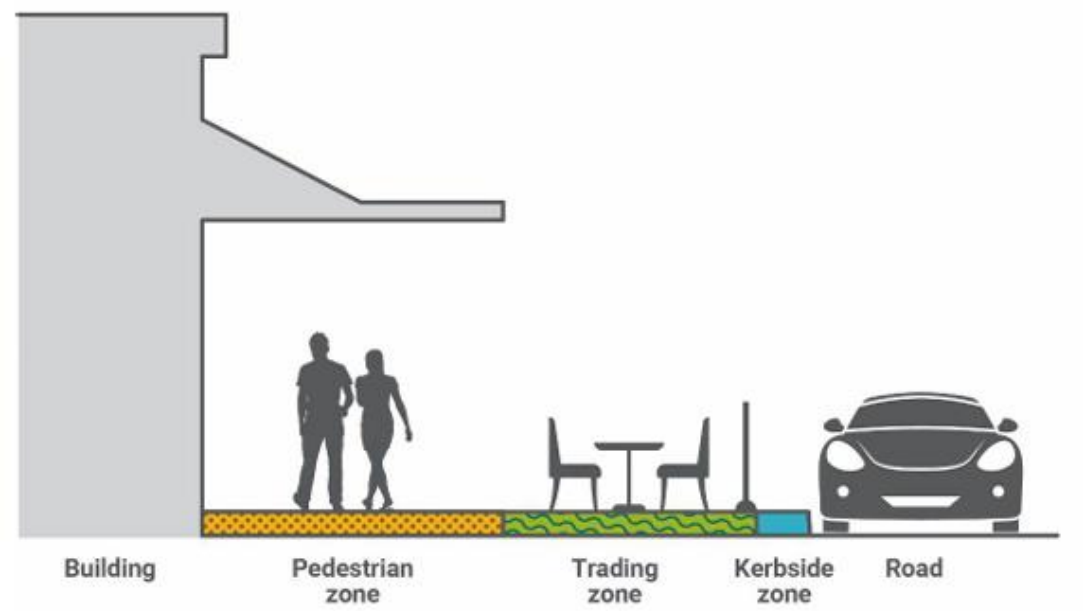
The Kerbside Zone provides a buffer section between the footpath and the roadway. It also allows for access to and from parked vehicles. Kerbside zones are no less than 0.6 metres.

Footpath Trading Examples

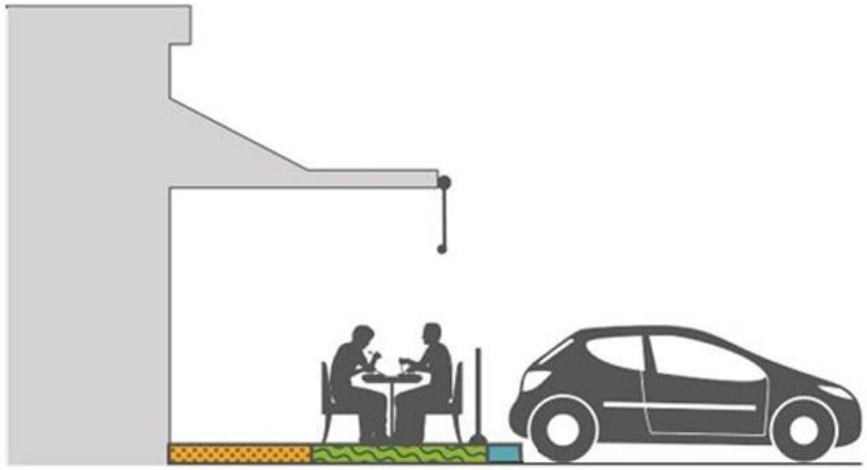
Goods display



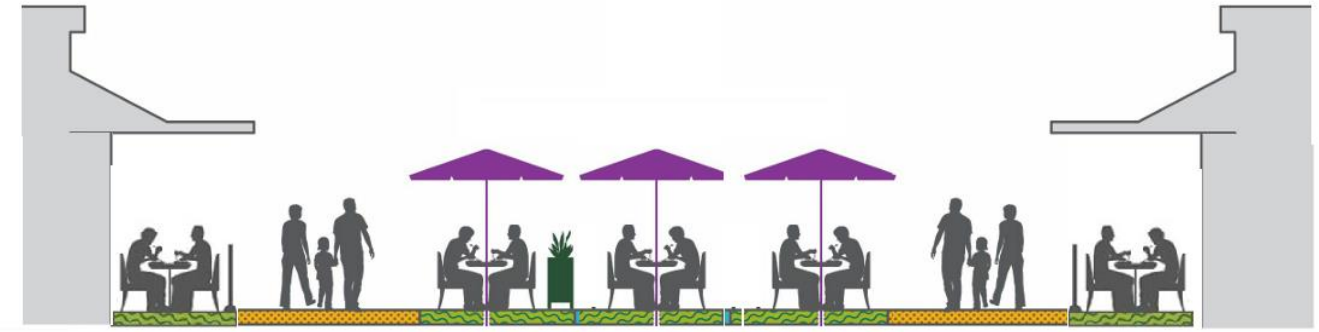
Alfresco Dining



Angled parking



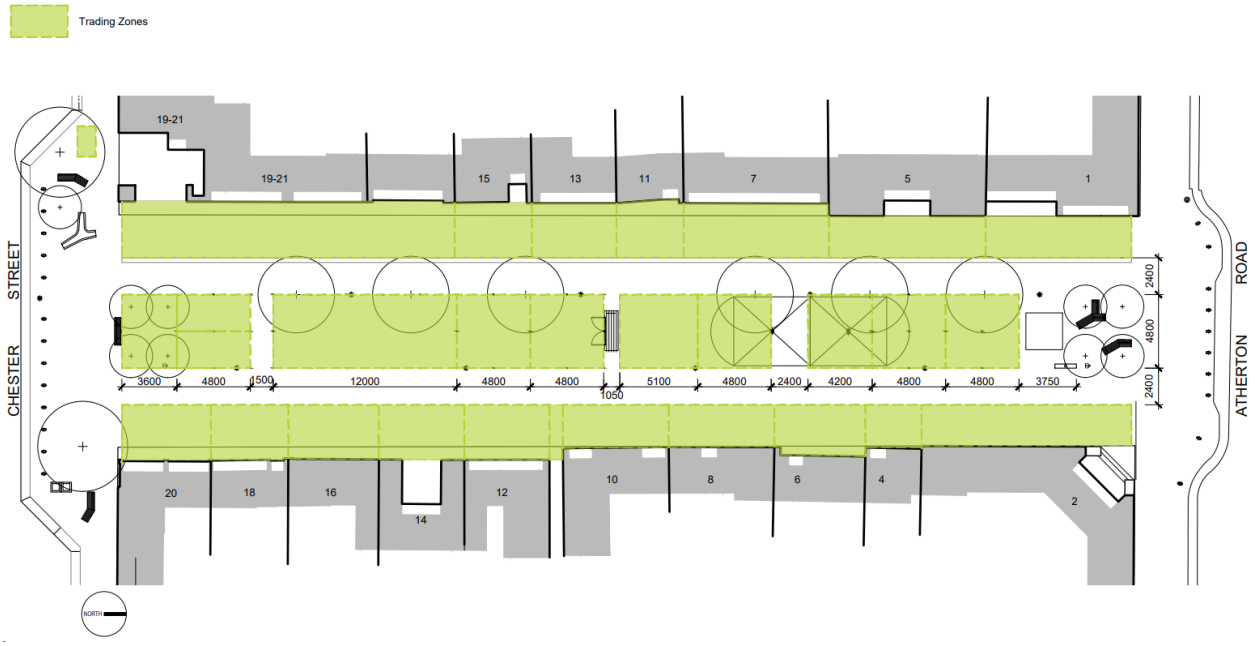
Eaton Mall



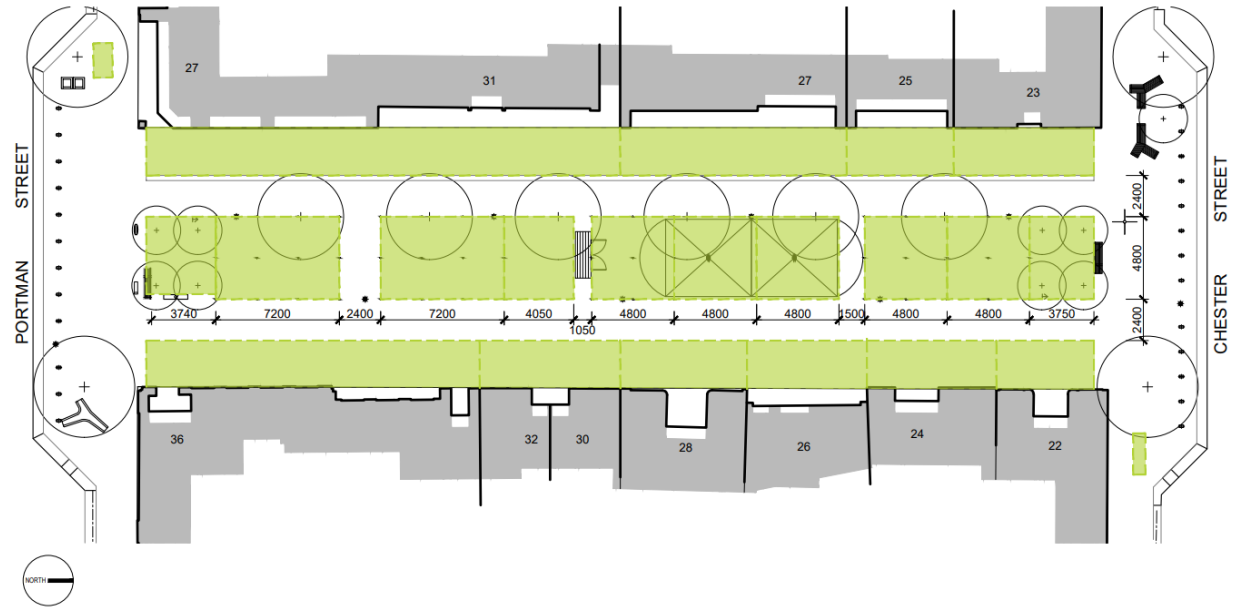
Eaton Mall trading areas

Permits may be issued for the purpose of alfresco dining and trade in the areas within Eaton Mall as illustrated below.

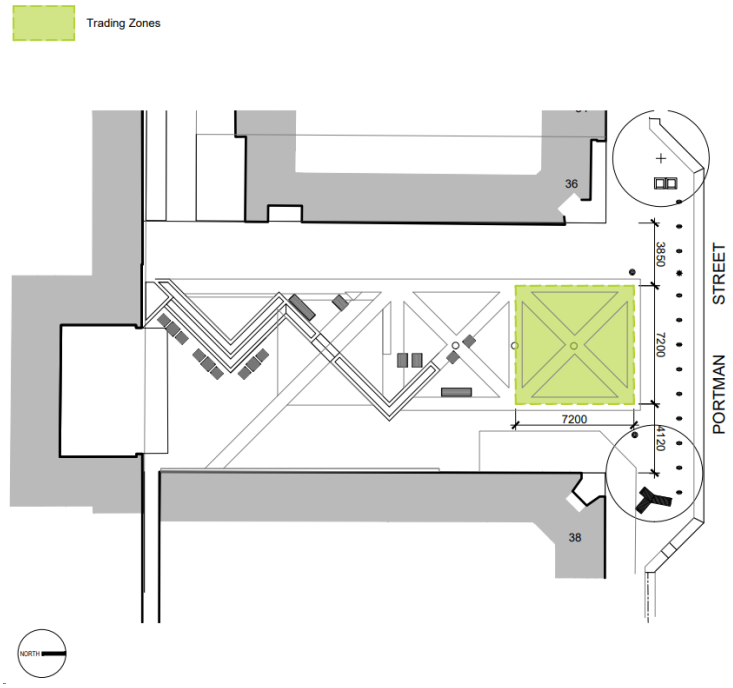
Eaton Mall – Atherton Road to Chester Street



Eaton Mall – Chester Street to Portman Street



Eaton Mall – Portman Street to Oakleigh Central



PERMITS FOR FOOTPATH TRADING

Decision making by Council

In accordance with Local Laws that may be in operation from time to time, when considering an application for a permit, Council may consider any:

1) policy or guideline adopted by Council relating to the subject matter of the application for the permit;
2) submission that may be received in respect of the application;
3) comments that may be made in respect of the application by any public body, community organisation or other person;
4) any previous history of non-compliance or outstanding payments, and
5) any other relevant matter.

The following matters may also be considered by Council in assessing an application for a permit, having regard to the available footpath area and local conditions:

a) whether the proposal has the potential to compromise pedestrian or traffic safety or public amenity or otherwise impact negatively on the functionality of a footpath, roadway, car parking space, loading bay, public amenity and/or asset or the like;

b) the visual impact of the proposal, including the potential to create visual clutter or poor street image (especially in the case of display of goods);

c) the potential amenity impacts of the proposal, including the cumulative impact of footpath trading on nearby occupancies;

d) whether a condition restricting trading or display hours is warranted, having regard to matters such as the use and development of surrounding land, the location of the footpath trading, the nature of the use of the footpath and any management conditions including the hours of operation of nearby commercial premises;

e) the interaction between the proposed use of the footpath area, including the interaction between proposed structures and existing built form;

f) the nature, design, layout and function of the proposed structures and associated land use; and

g) any impacts on other public land or public infrastructure/assets having regard to the available footpath area and local conditions including impacts of residential amenity.

Neighbour Consent

In instances where footpath trading items might infringe on the space of a neighboring building, business, or parking bay (whether partially or fully), it's incumbent upon the permit holder to secure and uphold written consent from the concerned party. Failure to keep this consent active will necessitate the removal of the items. Council will not issue are permit where this consent does not exist and will cancel a permit if the consent is withdrawn at any time.

Discretion

An appropriately delegated officer may use their discretion to determine:

1) whether the permit should be granted or refused; and

2) the terms and conditions appropriate for the relevant permit, if the permit is granted, having regard to any relevant operational guidelines.

An application may be approved by Council as submitted, or approved subject to modifications. A permit may also be subject to conditions imposed at Council's discretion. It will be a condition of every permit that the Local Law is complied with at all times.

Where a permit is granted, the permit may allow non-exclusive occupation in a form that differs from that originally applied for. For example, it might:

a) vary the number of tables and chairs to be placed in the permit area

b) require any furniture to be designed differently from that contemplated by the application;

c) impose additional terms and conditions with respect to the maintenance of the permit area; or

d) such other matters as Council sees fit.

ENFORCEMENT OF PERMIT CONDITIONS

Councils obligations

When Council grants a permit under the Local Law and this Policy, it ensures adherence to the Local Law and any permit stipulations. If non-compliance is observed, Council acts considering the potential impact on pedestrian and trader safety, access to the area and neighboring businesses, and overall area amenity.

Enforcement of Non-compliance

Officers authorised under the Local Government Act are responsible for enforcing the Local Laws that may be in place from time to time, including permit conditions where a permit is in place. They are required to adhere to the following enforcement principles:

Proportionality

A proportionate response means that an Officer's actions will be scaled to the seriousness of the breach. Council recognises that most individuals want to comply with the law. Officers will assist by being open and helpful, offering advice and providing the opportunity to discuss compliance issues to rectify non-compliances where possible.

Consistency

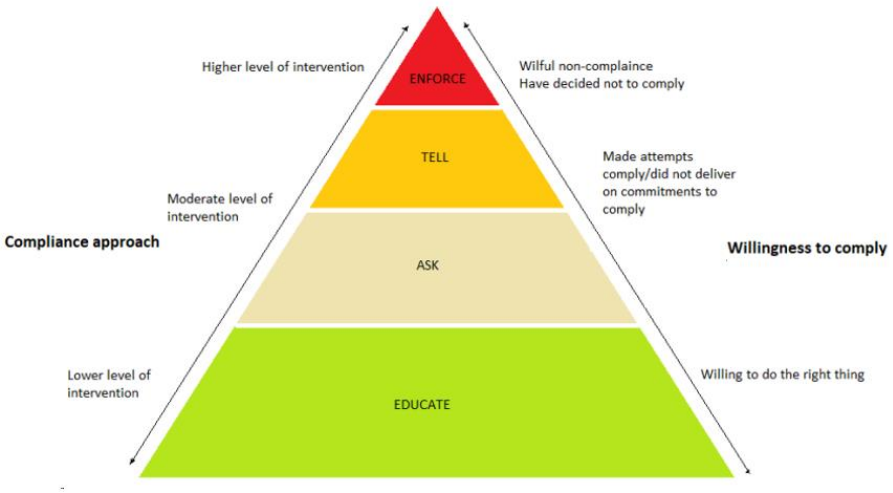
Officers will endeavour to take a similar approach in similar cases. Decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances.

Transparency

Officers will be open and transparent about the way they undertake enforcement action and the legislation under which the action is enforced. They will provide the opportunity and will be open to discussing all matters including potential and actual non-compliances.

Use of Discretion

Officers, when faced with non-compliance, have a range of enforcement options from no response to prosecution. The choice of action depends on factors like risk level, community harm, breach severity, and need for deterrence.



PART TWO: PARKLETS ON ROADS POLICY

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 neighborhood 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 per chair applies (pro-rata for 6 monthly permits)
- Fees will be adjusted annually in accordance with the fees and charged 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 license 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 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. 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.

Access to Utilities

Where a parklet is within close proximity to utility infrastructure such as traffic control boxes, power poles, telecommunication lines or towers, cables, wires, drains and sewers, Council may consult with the utility operator to determine the appropriateness of the application.

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 Part One: Footpath Trading and Access 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.