CITY OF MONASH

Parklets on Roads Policy

February 2023

Introduction

About this policy

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

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

- There are two permit types businesses can apply for Seasonal permits that may be granted for the 6 month period between 1 November and 30 April

- Long term permits may be issued for a period of up to 12 months from the time of installation and the commencement of operation

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

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

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

Objectives

Outdoor dining on roads will:

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

Site Criteria

Parklets are preferred in designated parking spaces which:

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

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

Permit Duration

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

Permit Fees

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

Costs

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.

Equity of Access

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

Pedestrian Access

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

Vehicular Access

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

Attractive and High Quality

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

Shade and Vertical Structures

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

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

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

Construction and Installation

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

Surfaces and Materials should be able to be regularly cleaned.

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

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

Removal

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

Operation and Management

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