

August 2022

Parklet Guidelines

Draft for consultation



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1.Introduction

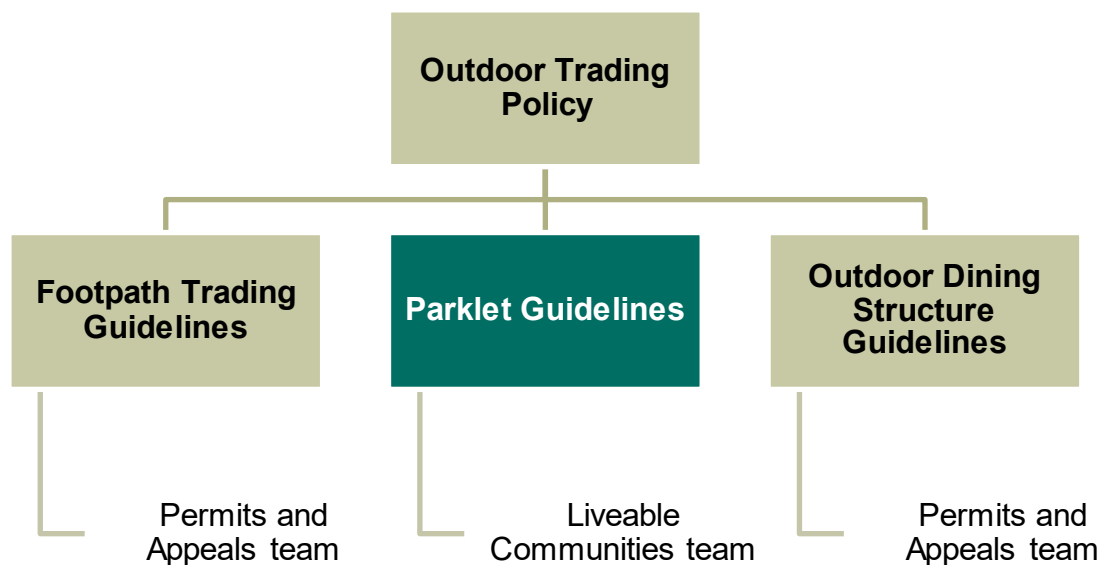
Outdoor trading has played a significant role in activating public footpaths and roadways for commercial activity. There has been much happening in the area of outdoor trading to align outdoor trading opportunities with community expectations while providing business with new initiatives to facilitate additional patronage to activate and encourage economic recovery.

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 the 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 refers to the Parklet Guidelines which are 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 of 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 with the Footpath Trading, Parklets and Outdoor dining structures guidelines.
Outdoor dining structure	A structure installed on a footpath which can remain in place overnight (unlike footpath trading) but able to be removed at the end of the permit.
Parklet	Outdoor dining area within a car park.
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.
Statutory Authority	Australian Government body established through legislative instruments for a public purpose.
Trader	A person, organization 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 and umbrellas, heaters and planter boxes, screens, signage and display of goods.
VGCCC	Victorian Gambling and Casino Control Commission.

1.1. Diagram legend

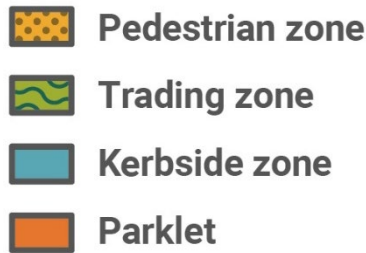


Figure 1: Legend for diagrams used in the document

2. What is a parklet?

A parklet is a repurposed parking bay/s designed to create space for outdoor dining. Parklets include the installation 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 which is limited to warmer months 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 4 weeks prior to the end of April. They must be removed by no later than the above end date.

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 twelve-month period, where a permit holder seeks another year's permit, Council will undertake a review to consider if the parklet may remain in place for a further twelve months.

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 this is up to 4 metres wide, and 1.8 metres for a footpath that is 4 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 that access can be maintained safely, for the duration of the occupation of Council land for the purpose of outdoor trading.

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

Object	Minimum clearance
<ul style="list-style-type: none"> Trees 	Determined on application
Essential services; examples include: <ul style="list-style-type: none"> Substations/Electricity boxes Exit doors incl. Fire Exit doors Switchboards Hose reel cupboards and fire equipment Boosters Fire Hydrants/fire plugs Payphones Traffic lights Pedestrian-operated lights 	1 metre
<ul style="list-style-type: none"> Electricity boxes 	0.5 metres
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.

The minimum setback is determined by a line of sight from the corner. This is set at a 45-degree angle from the corner of the building, often resulting in a 1 metre to 3 metre clearance from the corner to the edge of the trading zone.

Applications within the 10-metre setback, 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 1.5metres clearance must be kept from the departure side of a tram stop sign and 10m 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

Clearances from a taxi zone must be maintained to ensure direct access from the pedestrian zone to 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 from 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 to Pedestrian access

4.5. Minimum gap with extended Trading zones

Where a parklet exceeds 10 metres, a gap within the parklet of 1.5 metres 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 measures to reduce any risk.

Parklets are strictly not permitted on:

- Roads with a speed limit of 70 km/h or above
- Areas designated “No Stopping” (full time) whether through formal signage, line marking or in accordance with the Road Safety Road Rules 2017
- Areas marked “Clearway” (full time or part time)
- Areas that may unreasonably obstruct or hinder access for other road users including but not limited to delivery vehicles, waste collection or emergency services
- Areas where a minimum 3 metre width for passing traffic cannot be maintained
- In any areas Council officers consider to be unsafe or not suitable for a parklet.

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.

Any parklets on a state-managed road will be subject to approvals by the 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.

Council may deem the location proposed by an applicant not suitable to be considered for outdoor trading. 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 application](#). 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 does not provide compensation for any loss of availability to access the trading area, or any costs incurred to temporarily remove the structure other related components where access is required to maintain, access or create new 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 that access to services to the permit holder's property and neighbouring properties is maintained, therefore:

- Parklets should not impede pedestrian flow including waste transport trollies and bins, 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 that traders may have advertising on commercial street furniture such as temporary screens or umbrellas. To avoid excessive advertising there is a limit of 30% of the total area for the street furniture in a trading zone.

Road safety infrastructure provided by Council, may be provided with Council logo and advertising. Permit holders must not place any advertising on road safety infrastructure without prior approval from Council.

Signage/advertising over 10sqm may require a planning permit. Contact the planning department on 9278 4444 or email boroondara@boroondara.vic.gov.au for further information.

9. Heritage zones

Parklet locations need to consider heritage impact, as our community has told Council how important heritage is to them. Parklets in these locations have the potential to impede views to significant heritage frontages and detract from the significance of our heritage buildings.

Applications may be referred to the planning department and/or heritage advisor.

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 planning 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.

Any parklet and associated footpath trading needs to ensure unobstructed passage for pedestrians.

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 resistance and visible during the day and evening.

For the ground/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/sealed.
 - Plywood is not appropriate for outdoor use; however marine plywood is more suited for different weather conditions.
 - Consider appropriate construction methods to avoid timber items buckling/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 1.5m 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 freestanding. No fixtures are to be permanently fixed to safety barriers, Council assets, the road surface, kerb or channel including but not limited to drilling or nailing.

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

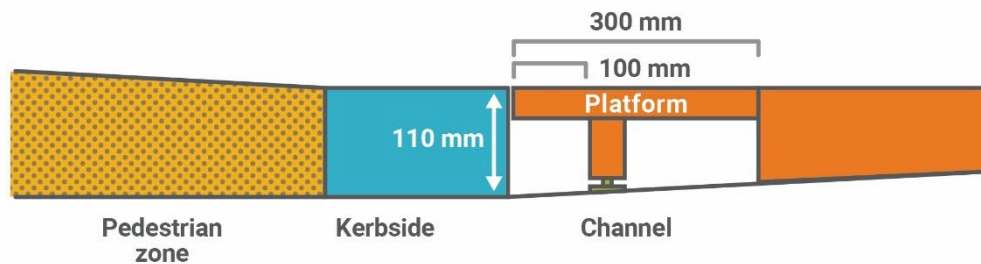


Figure 2: Example of a parklet platform

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.

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.

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.

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 1 metre.

If a planter box is removable (such as on castors) it must be removed at the end of the trading day. They are required to be maintained which includes regular watering, pruning and the removal of any rubbish or debris.

Planter boxes cannot be located within 10 metres of an intersection as they may impede line of sight for oncoming vehicles, pedestrians, and cyclists.

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 e.g., a sandbag or a 'sleeve attachment'.

Prior to installation of a sleeve attachment, an application must be made to Council to apply for and receive a Council Road opening permit. A bond will also be required to be paid as part of the permit application and will be used to reinstate the surface of the footpath. See the [road opening permit](#).

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:

- may be secured by a locking mechanism or sandbags for stability.
- must be no higher than 1 metre
- must be placed in the Trading zone
- must be brought inside at the end of the trading day



Figure 3: Example of advertising on screens

Screens must not be placed independently to serve the purpose of quasi-advertising. Any advertising on the screen must not take up more than 30% of the total size of each screen. This allows for advertising for example of a coffee brand being supplied to the café).

11.10. Gas heaters

Outdoor free-standing heaters conforming to Australian Standards may be placed in line with the table and chairs in the parklet.

Council will only consider a gas heater. Each application will be assessed on an individual basis to ensure the heating is provided safely.

Heating attached to an umbrella is not permitted.

12. Power to site and lighting

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

- Solar power
- Light supply from an overhead structure.

Where wiring is not exposed and is required to be installed by a registered electrician, a certificate of compliance issued by a registered electrician is required to be produced to Council on the completion of works.

Exposed wiring will not be considered to ensure risk of tripping or other hazardous events can be prevented.

13. Toilet and sanitary conveniences

An increase in seating from outdoor dining increases seating capacity. Where the increase in seating capacity is greater than 20 seats, this may require the need for the provision of additional toilet facilities for staff and customers.

Contact Council's Building Department on 9278 4444 or boroondara@boroondara.vic.gov.au if this applies.

14. Car parking

If a parklet is over 28m², planning approval may be required for a reduction in car parking. Restaurants in activity centres generally 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 is required to ensure rubbish does not accumulate or is not windblown into neighbouring areas.

Permit holders are also responsible for providing hand sanitising stations and other patron management systems as part of a COVIDSafe Plan.

Areas within and around parklets should not create hazards for pedestrians and be able to withstand windy conditions. Appropriate selection of furniture and fittings, as well as regular maintenance of items is important.

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 are responsible for monitoring and managing patron behaviour. If serving alcohol staff must practice of responsible serving of alcohol.

Applicants will need to apply for a planning permit and liquor licence to serve alcohol within the Trading zone. A liquor licence is 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)

17. Smoking and vaping

Smoking or vaping is allowed in the outdoor dining area provided that the area complies 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 at all times to ensure pedestrians have the ability to walk past a venue unimpeded.

In the instance where the commercial activity of a business extends onto the footpath, an application can be made for a permit at no cost, to allow it to 'rope off' a section of the footpath.

19. Public Liability

Traders must hold a valid public liability insurance policy to the value of at least 20 million dollars (\$20,000,000). 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 or licence 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. 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

*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.

21. References

Related documents:

- City of Boroondara Amenity Local Law 2019
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Road Management Act 2004*

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 that 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)
- photographs of the proposed parklet location (taken no more than 2 weeks prior to making an application)
- 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.

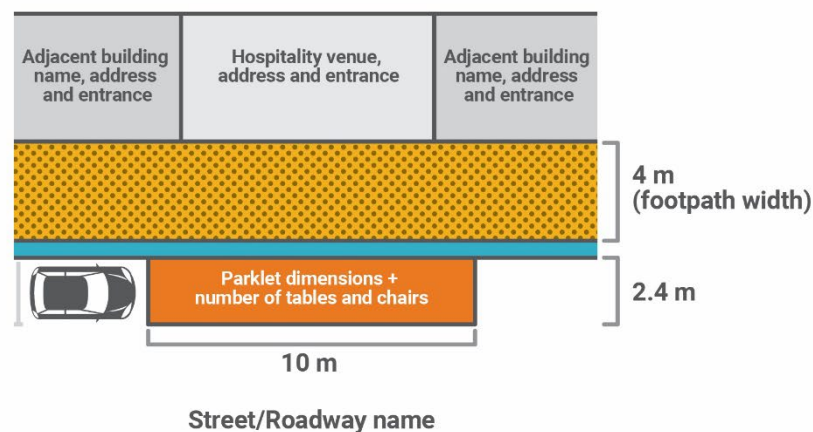


Figure 4: Parklet site plan example

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
- a liquor licence that includes footpath or roadway as a part of the licensed area where alcohol can be consumer or served.

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 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 may be withdrawn at any time.

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 and are located on Council's website.

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. Costs to remove and store parklet infrastructure that has been rented or purchased by the permit holder will be borne by the permit holder if requested by Council to remove the structure either temporarily, permanently or upon expiry of the parklet permit.

Costs to remove and store any road safety infrastructure provided by Council will be paid for by Council.

Display of permit

Permit sticker must be displayed on the front window of the trader's business.

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 is not appropriate, permit holders will be notified in writing of the reasons why their permit is not being renewed.