

Love Moreland, Dine Local



Moreland
City Council

Expanding outdoor dining in Moreland Guidelines for hospitality businesses during COVID-19 restrictions

October 2020



Context

Background

The Victorian Government recently announced the *Outdoor Eating and Entertainment Package*, providing \$87.5 million to help hospitality businesses and local councils expand outdoor dining options safely over summer ([read the Victorian Premier's media release](#)). After consultation with the Moreland community, we have developed a plan to assist hospitality businesses set up functional, safe and attractive outdoor dining options to increase customer capacity and help businesses restart as restrictions ease.

These guidelines will help you navigate the best outdoor dining options for your business and outline how you can apply.

State Government Grants of up to \$5,000 are now available to eligible businesses to help you purchase materials for your outdoor dining setup, such as furniture and umbrellas ([read more information on business.vic.gov.au](#)).

Program objectives

Moreland's program to expand outdoor dining has the following objectives:

- To provide support for hospitality businesses by enabling expansion of new outdoor dining areas until 30 June 2021.
- To support as many hospitality businesses as possible, recognising each business has unique opportunities and constraints.
- To enable safe and attractive dining options for our community to help attract people back to our activity centres and places of business.
- To enable a smooth and fast application and approval process.

Outdoor dining options

The following options are available for Moreland outdoor dining:

- Outdoor footpath trading, including expansion to adjoining property's footpath
- Conversion of on-street carparking to outdoor dining ("Parklets")
- Temporary closure of side streets off main streets, or laneways
- New outdoor dining areas on private land
- New areas for mobile food trading.

We recommend that all hospitality businesses start by exploring expanding footpath trading on council footpaths as a first step.

We are expecting a high number of applications and will do our best to process your application as quickly as possible. Please keep in mind that more complex solutions, such as road closures, require multiple permits, provision of equipment or infrastructure, and need to be assessed alongside other applications in the surrounding area. Anticipated timeframes are provided for each option.

Permit processes and fees

To make the process of expanding outdoor dining easier for businesses Council has endorsed the following changes to our permit processes:

- Moreland permits associated with outdoor dining will be fast-tracked.
- Most permit application fees have been waived for the duration of this program.
- Permits will be valid until 30 June 2021.

- There will be a review prior to end of the program, and an impact report provided to Council.

Assessment considerations

We will accommodate opportunities for as many eligible businesses as possible, however not every proposition will be viable. In assessing EOI applications, we will consider the following:

1. How will this proposal benefit this business, other immediate local businesses and the precinct generally?
2. Is there an understanding of complex operations requirements (COVID Safe practices), potential negative amenity impacts (reduced access or increased noise and/or litter) and a willingness and commitment to work through these issues?
3. What contribution are the businesses making and how much will this draw on Council's limited funds available to facilitate outdoor dining (the State Government has provided \$500,000 to each Council)? How does this contribute towards the need to help the most number of hospitality businesses across multiple geographic locations?

Further information

The following links provide further information on Outdoor Dining and associated grants and support for businesses.

- [Premier of Victoria – Media Release: Outdoor Eating and Entertainment Package](#)
- [State Government of Victoria - Roadmap to Reopening for business and industry](#)
- [Moreland City Council – Special Council Meeting 21 September](#)
- [Business Moreland – Covid-19 Business Support](#)
- [Business Victoria – Outdoor Eating and Entertainment Package Business Grants](#)
- [Victorian Commission for Gambling and Liquor Regulation – Temporary Limited Liquor Licence](#)
- [Department of Health and Human Services - COVIDSafe Plans](#)

Option 1: Expand Your Footpath Trading Area

This is the easiest and fastest option available to businesses. Opportunities may be limited in some circumstances, due to the location and nature of immediately surrounding land and infrastructure. We recommend businesses start here and move through the options in order depending on limitations and need.

| | |
|---|---|
| Description | <p>For businesses who have a footpath trading permit for the front of their business, the permit can be amended to extend the outdoor trading area to adjoining properties.</p> <p>If you don't currently have a footpath trading permit, and your property fits the criteria, you can apply now.</p> |
| Locations | <p>Where there is appropriate space for footpath dining, as per the Moreland Footpath Trading Guidelines. Where you seek to extend footpath dining across multiple property frontages, Council will assess each case to ensure there is adequate space for safe pedestrian movement.</p> |
| Operation and duration | <p>Trading days and times as per existing footpath trading permit, or as per existing planning conditions. The default finish time will be 11pm.</p> <p>Amended permit will finish 30 June 2021.</p> |
| Responsibilities | <p>Read the Moreland Footpath Trading Guidelines</p> <p>The business will:</p> <ul style="list-style-type: none">• supply furniture and equipment• set up and pack down each operating day• maintain site cleanliness and dispose of loose litter• be responsible for set up in accordance with approved plans. |
| What you need for your application | <ul style="list-style-type: none">• A plan showing proposed footpath trading area, number and location of tables, chairs and other items including location of bins, bus/tram stops, etc.• Evidence of public liability insurance to cover the new areas.• To expand next door, obtain written consent from the tenant or operator of the adjoining business where possible. Where the adjoining building is vacant, consent is required from the managing agent. Where the adjoining building is residential, consent is required from the body corporate. If unable to get in contact with anyone, we can attempt this on your behalf but it may mean your application will take longer to process. |
| Permit process | <p>To apply, follow the instructions at: https://www.moreland.vic.gov.au/parking-roads/road-and-infrastructure-permits/footpath-trading-and-real-estate-signs/</p> <p>You do not need to submit an Expression of Interest form for this option.</p> |
| Permit issue timeframes | <p>Approximately 1 week from the date of submission</p> |
| Notes | <p>This is describing the process for amending your footpath trading permit in a simple scenario. Some options will also require an amendment to a footpath</p> |

trading permit but will need an additional permit to be in place first (e.g. Temporary Road Occupation Permit). Please follow the instructions under your preferred option.

If you need to extend your VCGLR red line area for liquor licencing, an amended footpath trading permit is required first, as evidence from us of our consent.

Contact

For support with your application, please contact csaenquiries@moreland.vic.gov.au or call the Business Support team on 8311 4185

Option 2: Conversion of on-street carparking to outdoor dining “Parklets”

A carpark in front of or beside your business can be converted into an outdoor dining area, if it meets the eligibility criteria.

| Parklet type | Short Term Parklet | Long Term Parklet |
|------------------------|---|--|
| Image |  |  |
| Description | A short term parklet includes a platform and inbuilt bench seating and planting. It is best complemented with some seating and tables from the business. There is a limited number of short term kits available. | A long term parklet can be designed by the host within the guidelines of the parklet program. Usually it is a platform with inbuilt seating. |
| Operation and duration | 12 months from installation (the parklet permit issued will include a footpath trading permit up until 30 June 2021). | Ongoing. Permit is renewed annually (the parklet permit issued will include a footpath trading permit up until 30 June 2021). |
| Responsibilities | Council owns, delivers and installs the parklet kit. | Business owns, delivers and installs the parklet set up. |
| Eligible Locations | <ul style="list-style-type: none"> • Council controlled roads • Not a clearway or area with service pit lids, fire hydrants or drains • Minimum of 10 metres from intersection and 20 metres from signalised intersection • Preferably on roads limited to 40 kilometres per hour or less • Council will assess the suitability of each location on a case by case basis | |
| Additional information | <ul style="list-style-type: none"> • Further safety measures (e.g. barriers) may be required at locations considered higher risk, such as parking bays at the end of a series of bays, particularly those closer to intersections. • For all parklets, businesses must ensure the space is kept clean and rainwater is able to drain freely. • The business needs to submit a site assessment once a month. We will perform regular inspections to ensure permit conditions are being met. • The ‘parklet permit’ issued includes temporary road occupation approval and footpath trading approval. The footpath trading approval will last until 30 June 2021. | |
| How do I apply | <ol style="list-style-type: none"> 1. You express interest in a Parklet solution via an Expression of Interest form (EOI). | |

2. We will assess the site suitability. If suitable, we will prepare a Traffic Management Plan (TMP).
3. You submit a Parklet permit application.
4. We issue a Parklet permit

We encourage a collection of businesses to come together and operators are encouraged to engage with neighbouring hospitality venues to apply for a collection of car spaces to be converted together.

Implementation timeframes Once we receive your EOI, we will try to let you know if your site is eligible within 5 working days from the date of submission.

We will try to commission a Traffic Management Plan and issue your Parklet Permit within 10 working days.

Temporary installations You might like to have a temporary installation:

- while you finalise the details of your short or long term parklet application
- while you are awaiting construction and delivery of your parklet furniture
- if you only wish to have on-street dining space for a short period and then have it removed.

We can assess if your car space is suitable for a temporary installation and in this case, temporary furniture such as planter boxes and an access ramp can be installed to allow you to use the car space as a dining area. All of the obligations of the short and long term parklet program apply. Let us know when you submit your EOI if you'd like a temporary installation and we can assess the suitability of your site for a temporary installation.

Contact Enquiries via parklets@moreland.vic.gov.au or contact the Urban Design team on 9240 2353.

Option 3a: Temporary Street Closures (small scale / low risk)

Appropriate streets and laneways can be closed for on-street dining during peak dining times. This will only be considered after the first two options have been explored and found to be inadequate or inappropriate.

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| Description | <p>This option can help create more space for outdoor dining in areas if there is:</p> <ul style="list-style-type: none">• limited space to expand footpath dining (while retaining sufficient space for pedestrian accessibility)• limited ability to use parklets (e.g. on busier roads including arterials, or where there are clearway restrictions). <p>Appropriate streets can be closed for on-street dining during peak dining times. No through roads, laneways or side streets that have alternative access for affected residents and businesses are good examples. These are generally streets that do not carry a significant amount of traffic.</p> <p>This may suit 1 to 2 hospitality businesses. You will need to obtain support from immediately affected residents of any road closure. You will need to be able to show reasonable attempts to contact the occupants of all properties whose access would be affected, to seek and consider their views as much as possible in developing this application.</p> |
| Locations | <p>No through roads, laneways and side streets that do not carry much traffic, and where the access needs of any properties impacted by the closure can be more easily accommodated.</p> <p>We will assess applications for road closures on a case by case basis and confirm whether they are a “small scale” or “large scale” closure (Option 3a and 3b respectively).</p> <p>Depending on the location and local access needs, closures may be at certain times of the day/week. For example, Friday and Saturday evenings only or 24/7 until June 2021.</p> |
| Operation and Duration | <p>Trading days and times as per existing planning conditions, or footpath trading permits, should noise and amenity issues be mitigated. Current advice from the VCGLR is that outdoor alcohol service will be available up to 11pm only.</p> <p>Amended permits will finish 30 June 2021.</p> |
| Responsibilities | <ul style="list-style-type: none">• You submit an Expression of Interest for street closure• We will assess the suitability of the location, considering access requirements for nearby properties, road safety, amenity impacts (particularly for residents) and other factors.• If supported, we will prepare a Traffic Management Plan and issue a Temporary Road Occupation Permit.• We will provide traffic management signs for road closure, with you co-contributing to the cost (costs will be determined by requirements in Traffic Management Plan – you should allocate some funding towards this).• You supply dining furniture in accordance with footpath trading guidelines.• You close the street temporarily on agreed days in accordance with the Traffic Management Plan. |

- We inspect operational set ups to ensure Traffic Management Plan is being implemented in accordance with conditions provided.

What you need for your EOI

An Expression of Interest must include:

- Proposed areas for conversion to outdoor dining (outline map / drawing)
- Proposed hours of operation and proposed number of patron seats
- Number of businesses involved
- A commitment from all businesses to “host” (including fit out, cleaning, maintenance of any plants, etc) the space including an equitable system for allocation of dining space (to be guided by a Council process)
- A commitment to obtain expanded public liability insurance to cover the new outdoor dining area

Process and Permits

1. You submit an Expression of Interest form
2. We will assess the site suitability and advise you of our assessment.
3. We will prepare a Traffic Management Plan (TMP)
4. We will issue a Temporary Road Occupation Permit (with Traffic Management Plan)
5. After Road Closure is granted, you apply for footpath trading permit.

Timeframes

We will try to let you know if your site is eligible within 5 working days from the date of submission.

We will try to provide a Traffic Management Plan and Temporary Road Occupation permit within 10 working days.

Notes

This set up will also require an amendment to a Footpath Trading Permit but will need a Temporary Road Occupation Permit in place before applying. Please note that in order to extend your VCGLR red line area for liquor licencing, an amended Footpath Trading permit is required first, as evidence from us of our consent.

Option 3b: Temporary Street Closures (medium scale / higher risk)

Appropriate side streets can be closed for on-street dining during peak dining times. This will only be considered after the first two options have been explored and found to be inadequate or inappropriate.

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|-----------------------------------|---|
| Description | <p>This option can help create more space for outdoor dining in areas if there is:</p> <ul style="list-style-type: none">• limited space to expand footpath dining (while retaining sufficient space for pedestrian accessibility)• limited ability to use parklets (e.g. on busier roads including arterials, or where there are clearway restrictions). <p>Appropriate streets can be closed for on-street dining during peak dining times. These are local streets which carry more traffic or have other complex issues in terms of accommodating local access requirements compared to Option 3a. These do not include arterial, major and collector roads as defined in Council's road hierarchy (see Figure 1 at the end of this document).</p> <p>This option would suit 2 or more hospitality businesses, subject to agreement and clarity on roles and responsibilities between the businesses. You will need to be able to demonstrate reasonable attempts to contact occupants of all properties whose access would be affected by the temporary street closure to seek and consider their views as much as possible in developing this application.</p> |
| Responsibilities | <ul style="list-style-type: none">• You submit an Expression of Interest.• We will assess the EOI and work with you on the best approach.• If supported, Council will prepare a Traffic Management Plan and issue a Temporary Road Closure permit.• You engage traffic controllers to close the street temporarily on agreed days.• You supply outdoor furniture and set up and pack down.• We monitor set up during operation of street closure.• Your co-contribution is likely to be larger than in Option 3a reflecting the greater cost and complexity of this option. You are encouraged to plan a joint application with equitable allocation of space and cost-sharing. |
| Locations | Local roads, including off main streets which have more complex access and vehicle control needs. |
| Operation and Duration | Depending on the location and local access needs, closures may be at certain times of the day/week (e.g. Friday and Saturday evenings) or 24/7 until June 2021. |
| What you need for your EOI | <p>An Expression of Interest must include:</p> <ul style="list-style-type: none">• Proposed areas for conversion to Outdoor Dining (outline map/drawing)• Proposed hours of operation and proposed number of patron seats• Number of businesses involved |

- A commitment from all businesses to “host” (including fit out, cleaning, maintenance of any plants etc) the space including an equitable system for allocation of dining space (to be guided by a Council process)
- A commitment to obtain expanded public liability insurance to cover the new outdoor dining area

Process & Permits

1. You submit an Expression of Interest We will assess the site suitability and advise you of our assessment. We will prepare a Traffic Management Plan (TMP)
2. We will issue a Temporary Road Occupation Permit (with Traffic Management Plan)
3. After Road Closure is granted, you apply for footpath trading permit.

Timeframes

We will try to let you know if your site is eligible within 5 working days from submission.

We will try to prepare a Traffic Management Plan and Temporary Road Occupation permit within 10 working days.

Notes

This set up will also require an amendment to a Footpath Trading Permit but will need a Temporary Road Occupation Permit in place before applying. Please note that in order to extend your VCGLR red line area for liquor licencing, an amended Footpath Trading permit is required first, as evidence from Council of our consent.

Option 4: Establish New Outdoor Dining Areas on Private Land

Where an existing hospitality business wants to expand their outdoor dining into previously unused outdoor areas on their property or adjoining private land.

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| Description | For businesses looking to expand on private land |
| Locations | Businesses to confirm with council that if a planning permit is required. |
| Operation and Duration | Businesses to obtain planning permit if necessary. |
| Responsibilities | Private land on the site or adjoining properties where a planning permit is required for the use, or the sale and consumption of liquor. This may include areas currently set aside for car-parking. |
| What you need for your application | To be confirmed with Council's commercial priority planner |
| Process and permits | Case by case basis. |
| Permit issue timeframes | Please contact the Commercial Priority Planner on 9240 1258 to confirm if a planning permit is required. |
| Notes | A planning permit standard timeline is 60 days, if all information is provided up front and in accordance with the checklist available here: https://www.moreland.vic.gov.au/planning-building/planning-permits/when-you-need-a-planning-permit/commercial-planning-permit-applications/ |

Option 5: Establish New Food Truck Dining Areas

This option is for new mobile food truck or mobile van businesses as well as existing businesses who wish to extend their permit to trade in additional locations.

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| Description | For businesses who have a Roadside Trading Permit, the permit can be extended to allow trading on roadsides near parks, in sections of large carparks or other smaller locations. For mobile food truck or mobile van businesses who do not currently have a permit, this can be applied for now. |
| Locations | Roadsides by parks, sections of large carparks, smaller locations. |
| Operation and Duration | Permits for new locations will finish 30 June 2021. |
| Responsibilities | Read about Roadside Trading Permits |
| What you need for your application | You set up and pack down each operating day. |
| Permit process | You maintain site cleanliness and dispose of loose litter. |
| Permit issue timeframes | Complete the Roadside Trading Permit application and provide details of your proposed locations. |
| Notes | All fees for new locations have been waived until 30 June 2021 for food truck businesses registered to addresses in Moreland. Food truck businesses with registered addresses outside Moreland are required to pay the standard fee. For support with your application, please contact csaenquiries@moreland.vic.gov.au or call the Business Support team on 8311 4185. |

Outdoor Dining - General Considerations

Equity of access

Outdoor dining areas must ensure access and inclusion of people of all ages and abilities, in accordance with [disability legislation](#). This includes maintaining safe and dignified access to footpaths for all pedestrians, as outlined in Council's [Footpath Guidelines](#). Existing accessible parking spaces should be retained for people with Disability Parking permits.

COVID Safe plan

All businesses applying for outdoor dining must hold a COVIDSafe Plan and comply with patron limits for outdoor spaces. Information on Victorian Government requirements can be found on the [DHHS website](#).

Serving of Liquor in outdoor dining areas

Businesses will need to apply for a liquor licence separately through the Victorian Commission for Gambling and Liquor Regulation (VCGLR). Temporary Limited Licences are available for external, outdoor areas to supply liquor, subject to Council permission. If a business holds an existing liquor licence, a letter, plan and consent to proposed hours will be needed from Council prior to applying to VCGLR. Visit the [VCGLR website](#).

No smoking or vaping

Council recognises the importance of creating healthy environments and minimising the risk of exposure from smoking and vaping, especially during COVID-19. Smoking, shisha or vaping is not permitted in any outdoor dining areas at any time of operation.

Food preparation and cooking

Outdoor dining areas shall not be used for cooking, preparation or food handling, including barbeques. All food handling activities should take place in established registered kitchens, as per requirements under the Food Act and Food Standards Code.

Managing amenity and safety

Applications located in a residential area or close to a residential building will be carefully considered to ensure that the amenity in the area is maintained at a reasonable level during the temporary permit period. Access, safety, amenity conditions and noise restrictions will apply as conditions to a permit.

Permit holders are responsible for monitoring and managing patron behaviour and must ensure that if they operate a licensed premises that staff practice responsible serving of alcohol in accordance with the liquor licence.

No loudspeaker, amplifier or other audio equipment may be used to direct sound into the public domain or outdoor areas without the prior consent of Council.

Hours of operation

Hours of operation for outdoor dining should generally be in accordance with your current planning permit, or current footpath trading permit (where applicable). Approval for use of public space in Moreland will only be granted for the following hours: 7am – 11pm Sunday to Thursday; and 7am – Midnight Friday and Saturday. It is noted that current advice from the VCGLR is that outdoor alcohol service will be available up to 11pm only, depending on potential for negative amenity impacts on adjoining properties. Hours of operation will be assessed for each application and will be noted as a condition on the permit.

Cleaning and maintenance

Permit holders are responsible for maintaining the cleanliness of outdoor dining areas. This includes litter removal, spillage clean up, and general tidiness, as well as compliance with a COVIDSafe Plan.

Temporary outdoor furniture, such as tables chairs and umbrellas, must be returned to inside of the property outside of permitted trading hours, to allow street cleaning of footpaths, laneways and street furniture.

Parklets must be cleaned and maintained by the permit holder including the parklet platform, seating and planters and removal of debris, rubbish and graffiti. Drainage flow along the kerb and gutter must always be maintained.

Waste

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

Outdoor dining should not impede pedestrian flow or access to waste bin storage areas.

Furniture and lighting

Appropriate lighting should be considered if the outdoor dining space is to be used at night. Electrical cords which extend across the footpath are not allowed.

Furniture should be weather resistant, easy to disassemble/relocate and not subject to uplift from wind loads. Moveable seating allows for flexibility and for the venue to cater to different group sizes as well as complying with Covid-safe requirements.

The permit holder must only use approved furniture under the permit and only during the approved hours of operation. All approved items must be suitably weighted and must not cause an obstruction or public safety risk.

Umbrellas in parklets must not impact on sight distance for pedestrian crossing locations or nearby intersections and associated traffic signal infrastructure, in order to maximise visibility at all times. They should be secured to protect from uplift from wind.

Outdoor freestanding gas heaters must be maintained in a proper state of repair and be operated in a safe and lawful way.

Planting and landscaping

Integrating planter boxes and greenery into the design of the parklet can help create a visually appealing boundary while positively contributing to the environment. Trees in planter boxes must maintain adequate clearance, accessibility and visibility for pedestrian, bicycle and vehicular traffic. Planter box sizes, materials and location will be considered as part of your permit application.

Edible and seasonal plants are encouraged. See [Moreland's planting guides](#) or the [ABC monthly planting guide](#) for inspiration.

Enclosing outdoor cafes and parklets

Fully enclosed outdoor cafes and parklets are discouraged, as this results in reduced accessibility, visibility, amenity and safety to the public. The risk of exposure to COVID-19 is reduced in outdoor open spaces. An enclosed outdoor space creates privatisation of the public realm and therefore won't be supported.

Attractive public spaces

The design and appearance of outdoor dining areas should be of high quality and compliment the character of the area. Applicants are encouraged to consider the whole street perspective and how the outdoor dining area contributes to the surrounding streetscape and public space.

Permit duration and amendments

Permits for outdoor dining will be temporary and valid until 30 June 2021. Once a permit is issued it must be visible and available upon request by a Local Laws or Authorised Council officer. If amendments need to be made to the placement or number of items in the outdoor dining area, Council must be notified in writing. A permit may be revoked by Council if there is a failure to comply with specific conditions placed on the permit.

Public risk

The permit holder must maintain a comprehensive public risk insurance policy for a minimum of ten million dollars (\$10,000,000) cover with an insurer approved by the Australian Prudential Regulation Authority ("APRA") current for the term of the Permit.

Figure 1: Moreland's Road Hierarchy; Road closure requests to accommodate outdoor dining cannot be considered on State, Major or Collector Roads.

