

Additional information for traders

The Shire is seeking expressions of interest from businesses to expand outdoor dining on Council land this summer.

Expressions of interest can be for the following options:

1. Expansion on footpaths, including in front of a neighbouring property.
2. Expansion into on-street parking space immediately in front of business ('Parklet').
3. Expansion or extension into streets and laneways, including closing part of the street.

Outdoor dining and other activities bring public and private interests together in one place. The Shire must carefully balance the use, variety and enjoyment of public space to maintain:

- continuous, safe and equitable pedestrian access
- ease of access for service and emergency vehicles
- traffic safety and movement along roads and intersections
- a clear line of sight for pedestrians and drivers whether on a road, at an intersection or private property.

Traders will require a dedicated 'outdoor dining' permit to operate an outdoor restaurant, pub or café on Council land. The Shire will assess applications case by case including for safety, amenity, access and site suitability. Full guidelines, including technical requirements, will follow.

Important: Some spaces will not be appropriate for outdoor dining. Traders are advised not to invest in outdoor dining kit until a site and design is approved by the Shire.

Proposals on other Council land will be considered in some circumstances.

Contact the Shire's Planning Services Team on 5950 1010 for liquor license changes on private land.

Eligibility

Outdoor dining areas must be in front of or next to your existing registered food business, which includes a compliant working kitchen or food preparation area. You may provide table service or cleaning for take away and waiting areas.

Public liability insurance of \$20 million will be required for your space, including a certificate of insurance naming Mornington Peninsula Shire as an interested party. We recommend that you contact your insurer to discuss requirements for coverage.

You must comply with your current authorised occupancy limit and hours of operation. Hours of operation for your outdoor area will be at the Shire's discretion.

Safety

We will require certain safety features and you will be responsible to maintain the outdoor dining area and furniture. The outdoor dining area must be structurally sound and comply with all food safety, occupational health and safety and Covid-19 health and safety requirements.

Access

Your outdoor dining area must not prevent pedestrian, emergency or disability access or block existing uses, including entrances to other buildings or private land, loading zones and public transport.

Your outdoor dining area should be well designed and maintained to promote access for all. Include a note in your expression of interest if you would like to request the Shire to move Council infrastructure for better access.

Amenity

Outdoor dining should promote vibrant commercial and community precincts. Street furniture should complement the local streetscape character with quality, durable design. Unfixed furniture and items must be packed away each night and semi-permanent items (as approved by the Shire) must be built to withstand all weather.

Liquor

The Victorian Commission for Gambling and Liquor Regulation is fast-tracking temporary limited liquor licenses for outdoor dining. We will help you to meet Shire requirements for temporary licenses on Council land as part of your application.

Contact the Shire's Planning Services Team on 5950 1010 for liquor license changes on private land.

Minimum criteria

The Shire will issue guidelines for businesses wishing to apply for expanded outdoor dining. Minimum criteria are expected to apply as follows.

Expanded footpath dining areas

You can already apply for outdoor dining on the footpath under the Shire's [Commercial Activity on Footpaths Policy](#).

For footpath space in front of neighbouring properties:

- You must supply a letter of consent from the current occupier (if any) and landlord.
- You must comply with criteria under the Shire's [Commercial Activity on Footpaths Policy](#).

Parklets

Parklets temporarily repurpose the carparks in front of your business for additional outdoor dining space. Neighbouring businesses are encouraged to apply together for consecutive or nearby parklets.

Proposals will be assessed case by case for safety and community amenity, however minimum requirements for parklets include that:

- Parklets must be temporary and removable at short notice for works and maintenance. Parklet infrastructure must not be fixed to the roadway and must allow drainage.
- Parklets must have support from neighbouring businesses or residential neighbours. A letter of support will be requested.
- Parklets must be *Disability and Discrimination Act 1992* (DDA) compliant.
- Parklets must be situated:
 - a. On streets with a speed limit of 50 kph or under. The Shire is working to reduce speed limits to 40 kph on parklet streets where possible.
 - b. On parallel or 90-degree carparks. Angled parking may be considered with additional conditions. The Shire may consider proposal to close some lanes or streets (see below).
 - c. On straight streets to maintain driver and pedestrian lines of sight.
 - d. 10m from an intersection or 20m from a signalled intersection.
 - e. A minimum of one parking space away from an intersection on the approach side.
- Parklets must not prevent access for deliveries, essential and emergency vehicles, commercial carparks, buildings and residences.
- Parklets must allow access to service or utility access panels, storm drains and grease traps.
- Loading zones, no stopping zones and disabled parking may be relocated only with the support of the community and Shire approval.
- Parklets must not prevent access to construction sites, unless relocated with support of the building company and the Shire.
- The Shire will consider impacts on existing street furniture, signs, bins and other infrastructure.

- The Shire will specify minimum bollards or barriers, safety equipment, buffer zones and layout for the proposed site as well as basic structural requirements.
- The outdoor space must be delineated with a suitable physical barrier such as planter boxes, café fencing, picket fences, canvas screens or other infrastructure approved by the Shire.
- Unfixed furniture must be packed away each night.
- The parklet must be thoroughly cleaned and maintained.
- The trader is responsible to comply with all Covid-19, occupational health and safety and food safety requirements.
- The Shire will work with the Victorian Department of Transport for additional approvals on VicRoads roads (see the Shire's [list of VicRoads roads](#)).
- The Shire is working with partners to facilitate installation of traffic safety equipment and traffic management for first parklet installations when health restrictions allow.
- Fully enclosed outdoor dining spaces are not authorised.

Parklets will be supplied, maintained and operated by the trader. The Shire is working with partners to secure some basic components for installation as part of a 'rapid rollout' of first parklets when health restrictions allow.

The Shire will issue standards for the rapid rollout stream. Alternatively, you may submit designs for a 'semi-permanent' option however approvals may take longer and there may be additional requirements for installation and traffic management.

Technical specifications will follow.

Temporary street closures

A temporary street or laneway closure may be considered on a case by case basis. Neighbouring businesses are encouraged to apply together for temporary street closures and will need the support of the local Chamber of Commerce and community.

Other Council land

Proposals for Council land other than footpaths and roadways will be considered in some circumstances.