

COVID Outdoor Dining Guidelines

The Knox City Council 'COVID Outdoor Dining Guidelines' ('guidelines') aim to help hospitality venues to temporarily expand outdoor dining and table service into the public realm.

Hospitality venues also need a COVIDSafe Plan and to comply with the requirements under the 'Victorian Government Hospitality Industry Guidelines' for coronavirus (COVID19).

These guidelines detail your options to expand your outdoor dining on public land, the application process, and assessment criteria about how decisions are made.

We will assess permit eligibility on a case-by-case basis, considering any safety, site specific conditions, physical distancing and adequate pedestrian, cyclist and essential vehicle access.

1. Assessment Principles

When we consider your application we will take into account:

- safety: outdoor dining areas should have furniture, infrastructure and safety features, as well as allow clear lines of sight through the public place and streets.
- site specific conditions: outdoor dining should be integrated in a way that does not compromise existing street uses or public infrastructure (such as bins, hydrants, parking meters or bicycle hoops).
- COVID restrictions: outdoor dining areas must follow the Victorian Government rules about social distancing, COVID hygiene practices and the maximum number of patrons that can be seated at a time. You will need a COVIDSafe Plan.
- access: outdoor dining should not obstruct required access for essential vehicles, cyclists, pedestrians and allow for disabled access.
- traffic: outdoor dining should consider surrounding traffic conditions including speed limits, separation from traffic, intersections, visibility of signs and that drivers and cyclist have a clear sight at all times.

If you want to expand or change your current permit or if you are a new applicant, the COVID Outdoor Dining Guidelines will be used to assess safe outdoor dining options that do not compromise safety and amenity on a case-by-case basis.

Please note - The COVID Outdoor Dining Permit is temporary and may be subject to early variation due to safety, changes to COVID restrictions and conditional on continued consent from other affected businesses. Council may refuse or terminate a permit if a business has unaddressed compliance issues. This permit only applies to Council land and not for activities occurring on private land.

2. Permit duration and fees

Permits can be issued up until 31 August 2021. Permit conditions are temporary and may be subject to early variation due to safety, changes to COVID restrictions and conditional on continued consent from other affected businesses.

It is free to apply for the COVID Outdoor Dining Permit. There are no permit fees until 31 August 2021.

Permits to use space in front of another business will be subject to the continued agreement of that business. If a business withdraws agreement, the permit may be withdrawn.

Permits for other Street Trading activities, such as displaying a sign or placing out goods for sale in a Public Place will not incur a fee until 31 March 2021.

3. Application assessment timelimes

We will decide your application as quickly as possible. More complex applications may take longer to process. We can decide on your application more quickly if you provide us all the information required when you submit your application. If you are unsure what you need to provide, contact the Community Laws team at CommunityLaws@knox.vic.gov.au or on 9298 8000.

Estimated permit processing times:

- standard outdoor dining permit – 3-5 days
- proposals to extend dining on footpath outside a neighbouring property – 3-5 days
- proposal involving larger areas and multiple furniture items – 3-5 days
- proposal to occupy on-street parking spaces requiring business consultation – 7-10 days
- proposals in residential areas requiring notification – 7-10 days

Please note: these are estimates only. Demand and/or changes to restrictions may impact timelines.

4. For assistance

Applicants can apply online by visiting the Knox City Council www.knox.vic.gov.au/outdoordining

If you have any questions and need some help or advice, please contact the Community Laws team at CommunityLaws@knox.vic.gov.au or call 9298 8000.



5. Expanding outdoor dining options and criteria

Restaurants, cafes and hospitality venues may apply to expand onto a variety of public realm spaces. Examples include footpaths, nature strips, on-street car parking spaces or immediately outside or adjacent to their business.

Neighbouring hospitality businesses can also apply in a joint application to take over sections of on-street car parking, footpaths and potentially larger segments of street space.

These businesses are encouraged to work with neighbouring businesses to find an approach that best fits their unique part of the public realm.

Businesses that have an existing Outdoor Dining permit will need to apply for a new permit if they are changing their proposal. They can apply to increase outdoor space via the COVID Outdoor Dining Permit. If you have an existing permit, you will not be required to resubmit your Public Liability Insurance Certificate.

Businesses who don't have an existing permit and want to occupy the footpath immediately in front of their business can also apply for a COVID Outdoor Dining Permit. You will need to comply with the COVID Outdoor Dining Guidelines.

All new applications must have current \$20 million Public Liability Insurance and disability access principles must be in place.

There are two options to expand covered under these guidelines:

1. Footpath in front of neighbouring property
2. On-street parking space ('café parklet')

Option 1 - Footpath in front of neighbouring property

If you are applying to occupy the footpath next door to your café, restaurant or hospitality venue, you need written consent from the occupants of your neighbouring building, (or consent from a managing agent if building is vacant).

Eligibility criteria

1. Outdoor dining area can be for more than two neighbouring building frontages but cannot be more than 10m in length
2. Must have consent letter from affected building occupants or managing agent if building is vacant



Option 2 -On-street parking space (café parklet)

If you are applying to expand outdoor dining by repurposing on-street car parks immediately in front of your business there are site specific criteria that will be used to decide the suitability of the site, infrastructure and furniture. Local streets, speed limit, traffic conditions, safety and accessibility will be considered for each case.

We encourage you to talk to your neighbouring hospitality venues to apply for a minimum of two or three consecutive on-street parking spaces to create an attractive and viable outdoor trading space.

Note: The permit holder is also responsible for operating, managing and cleaning the space, including supplying furniture and using suitable barriers, such as picket fence or canvas screen to define the trading space from the road. No barrier is to be fixed (bolted or screwed) into the road pavement or footpath, so as to avoid damage to the road or footpath. Refer to Appendix 1 technical specifications and design criteria for Council approved infrastructure.

All applications to expand into on-street parking spaces will be assessed strictly on a case-by-case basis and considered against site specific conditions and criteria below.

Eligibility criteria

1. Must be an eligible street (see below)
2. Must satisfy safety, accessibility and amenity requirements
3. Must have consent letter from adjacent neighbouring businesses on either side of the proposed outdoor trading area
4. Applications should include more than one hospitality business requesting multiple consecutive café parklets

Note: If your proposal affects residential dwellings, Council will notify affected residents.



6. Site specific criteria

Traffic conditions

Outdoor dining may be supported in designated on-street spaces, and certain excess traffic lane parking spaces, on streets with:

- speed limit of 40km or more with proposed minimum 0.5m buffer with protective elements separating the live lane of traffic
- speed limits of 50km/h with additional safety features
- green sign parking spaces (time-based parking spaces)
- physical barrier installed on parklet approach
- straight road geometry ensuring uninterrupted sight lines for drivers
- more than 10m from an intersection
- more than 20m from a signalled intersection
- a minimum of one parking space away from an intersection on the approach side
- excess traffic lanes will be considered on a case-by-case basis

Eligible streets

- A. Local streets with 40 km/h speed limits
- B. Local streets with 50km/h speed limits (subject to additional safety features)

Streets considered on a case by case basis

Some streets are not suitable for parklet outdoor dining unless additional requirements are met, these include:

- streets with service/utility access panels or storm drains within the parking space, unless furniture is movable and no platforms are involved
- ninety degrees car parking (angled parking may be considered on a case-by-case)
- spaces designated as loading zones, unless relocated with support of traders
- spaces designated as no stopping zones, unless relocated with support of traders
- spaces designated as disabled parking, unless relocated with support of traders
- construction zones, unless relocated with support of building company and Council

Streets not eligible

Outdoor trading will not be supported in:

- streets with speed limits above 50km/h
- arterial roads
- areas where trading would obstruct access for deliveries (if no alternative can be found), essential and emergency vehicle access, access to commercial carparks, buildings and residences
- roads with clearways
- streets with protected cycle lanes

Parklet operation and management

- All furniture such as tables and chairs must be removed from café parklet at the end of trade each day, unless approved in writing by Council.
- The permit holder must not place condiments/napkins/eating utensils on the tables in the café parklet unless diners are seated and are placing an order.
- The café parklet must be cleaned and maintained in a neat and tidy condition at all times and in accordance with operation and management responsibilities under the COVID Outdoor Dining Guidelines.
- The parklet must also be cleaned, sanitised and managed in accordance with the Victorian Government Hospitality Industry Guidelines for coronavirus (COVID19).

Changes

You can make minor changes, such as furniture arrangements or adding plants to the café parklet without notifying Council. Make sure the changes, such as new plants or furniture placement do not affect the sight line of pedestrians, drivers or cyclists. If you are unsure, please contact Council.

If you'd like to make major changes to the café parklet, such as changing the function or parklet size, you will need to contact Council for approval.

Please contact the Community Laws team at CommunityLaws@knox.vic.gov.au or call 9298 8000.

Removal

If streetscape work or improvements are required by Council, a café parklet may need to be removed temporarily or permanently. We will give the permit holder as much notice as possible. Refer to Appendix 1 technical specifications and design criteria for council approved infrastructure.



7. General provisions

We will assess applications on a case-by-case basis taking into consideration traffic conditions, patron safety, amenity and access for pedestrians, cyclists, residents and essential vehicles. There may be some areas that are not appropriate for extended outdoor dining because of safety, accessibility and amenity conditions.

Serving liquor in COVID outdoor trading permitted areas

If your businesses is serving alcohol in new or expanded outdoor areas you will need to apply for a liquor licence separately through the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

The VCGLR has a new, easier way to help existing licensees temporarily use outdoor areas for dining. Please visit www.vcglr.vic.gov.au/covid-19

If you have a COVID Outdoor Dining Permit or a Street Trading and Commercial Use of Footpath Permit (Outdoor Dining) and you apply to the VCGLR, they may issue a Temporary Limited Licences (outdoor area), so you can supply liquor in your outdoor area. There is no fee for this application if you already have a liquor licence.

VCGLR will ask you to provide:

1. Written permission from council allowing you to use the outdoor area. You may use your COVID Outdoor Dining Permit.
2. A plan that clearly describes boundary of the outdoor area that council has approved. You may use the site plan from your COVID Outdoor Dining Permit.
3. Specified trading hours for the outdoor dining area. You may be able to use your COVID Outdoor Dining Permit if this is detailed in your application.

Permit duration

COVID Outdoor Dining Permits will be temporary in nature and valid up until 31 August 2021. Permit conditions may be subject to early variation due to safety, changes to COVID restrictions and conditional on continued consent from other affected businesses.

Permit costs

It is free to apply for the COVID Outdoor Dining Permit. There are no permit fees until 31 August 2021.

No smoking or vaping

Smoking or vaping is not permitted in any outdoor dining or drinking areas at any time of operation.

Public risk

The permit holder is required to maintain a valid Public Liability Insurance policy noting specifically the interest of the Knox City Council as an insured party. The policy must insure for the amount of at least 20 million dollars (\$20,000,000) and must cover injury, loss or damage to persons arising out of the activity carried out under the permit or the granting of this permit. The Knox City Council may from time to time request a Certificate of Currency from the permit holder.

Enclosing outdoor dining

Fully enclosed outdoor dining areas reduces accessibility, visibility, amenity and public safety and will not be approved.

Compliance with local laws

The permit holder is responsible for complying with these COVID Outdoor Dining Guidelines, the Disability Discrimination Act (1992), all laws and all other legal requirements relevant to operating an outdoor hospitality venue, as well as ensuring employees and agents also comply. Council may refuse or terminate a permit if a business has unaddressed compliance issues.

Managing amenity and safety

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

Applications in a residential area or close to a residential building

Applications located in, or close to, residential areas will be carefully considered to ensure that safety is upheld and the residential amenity in the area is maintained at a reasonable level during the temporary permit period.

Safe and clean outdoor cafes

Outdoor dining needs to contribute to public safety by maintaining clear lines of sight on the approaches to and through the public place and streets. Staff monitoring also ensures outdoor dining areas are not used for anti-social or unsafe activities.

Appropriate selection of furniture and fittings, as well as regular maintenance of items is important to ensure the furniture (and barriers) are secure and to minimise the potential for personal injury.

Hygiene and cleanliness

Permit holders are responsible for maintaining the safety and cleanliness of outdoor dining areas. They are also responsible for ensuring rubbish is not windblown into neighbouring areas. Regular cleaning of the outdoor trading area by staff ensures rubbish does not accumulate.

Minimise unnecessary noise and nuisance

It is important that outdoor dining areas do not unnecessarily or unreasonably compromise other activities, particularly residential amenity.

8. Appendix 1 – technical design specifications for café parklets

Site plan

A site plan will need to be submitted with the café parklet proposal application. The site plan needs to extend 10m on either side of the café parklet footprint and should include:

- street/roadway name
- the hospitality venue and its entrance
- adjacent buildings (include addresses and entrances)
- footpath (with width shown), kerb line, driveways, adjacent traffic/ bike lanes
- existing parking spaces and their dimensions
- existing street furniture such as, street lights, street signs, fire hydrants, seats, bicycling parking, utility access points.
- street trees, tree pits, grates and landscaped areas.
- external parklet cafe footprint and its dimensions

Safety elements

- Safety elements must be installed in the parklet to ensure that the space remains safe from the surrounding traffic.
- To ensure visibility of moving traffic and parking cars, parklets must be buffered using a physical barrier, such as wheel stop, concrete barrier or large planter box.
- A continuous physical barrier of min 1.2m height should be provided to live traffic lanes of 40km/hr or more speed.
- Parklets should have vertical elements that make them visible to traffic, such as flexible posts or bollards.
- Large planter boxes with chevron signs and appropriate barriers will need to be installed at the edge of the parking space between the adjacent parking bays.
- Reflective tape or bollards with reflective strips will need to be placed along the edge of the parklet.
- All safety elements and designs will be considered on a case-by-case basis.
- Applicants may contact the Knox City Council about the possibility of installing planters or bicycle hoops as buffer elements.
- Furniture must be of a suitable quality for public use – and not prone to breaking, wind lift or other adverse impact under reasonably expected conditions.

External elements and buffer clearances

- The parklet will be limited by the car park boundary.
- The edge of the parklet will need to be 1m from adjacent parking bays and 30cm from adjacent traffic/bike lanes.
- Other features to improve the streetscape and amenity of the area.

Furniture

- Furniture such as tables and chairs must be durable, comfortable and contribute to their unique precinct.
- Materials chosen should be of a high quality, enduring and environmentally friendly.
- Low emission, recycled, sustainably sourced and/or locally sourced products are preferred.
- Natural materials and muted finishes are strongly preferred, i.e. steel, aluminium, wood, recycled content concrete, etc. Colours are permitted where a contextual and contributory response can be proven.
- Furniture should be weather resistant, easy to disassemble/relocate and not subject to uplift from wind loads.
- A precinct approach to provide consistent colour and selection of large furniture items such as umbrellas is recommended through consultation with other traders within the street section

Planting and landscaping

- Integrating planter boxes and greenery into the design of the parklet is encouraged and can help soften the edges and create a visually appealing boundary or buffer to the adjacent road.
- The same guidelines for furniture selection also apply to the material and finishes selections for planter beds.
- Appropriate planter boxes planter boxes will be considered on a case-by-case basis.

Lighting

- Incorporating lighting in the design of a parklet will encourage the space to be used at night.
- Electrical cords which extend across the footpath are not allowed.
- Low voltage solar powered lights are acceptable.

Engineered modular café parklets

- Modular designed parklets that meet the design criteria will be considered.

Bicycle parking

- Incorporating bicycle parking into the parklet design is encouraged.

Shelter and Shade

- Permanent marquees or awnings and canopies are not permitted.
- Umbrellas may be used.

Accessible entrance and path of travel

- The entrance to parklet must be at least 1500mm wide with no chain or rope privatising the space.
- There must be an accessible path of travel into the parklet. This path should connect to the accessible entrance, wheelchair turning and resting space.
- Mobile platform for wheelchair must be provided if there is a step into the parklet.