



12.4 OUTDOOR TRADING (DINING) POLICY

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1. PURPOSE

1.1 To seek Council's endorsement of the Outdoor Trading (Dining) Policy.

2. EXECUTIVE SUMMARY

- 2.1 This Policy sets out how the City of Port Phillip will manage the provision of outdoor trading opportunities across the municipality under Local Law No. 1 and applies to all outdoor trading on Council managed land and car parking spaces within the Municipality.
- 2.2 Outdoor trading is a valuable use of public space. It can improve the look of our streets and add life and vibrancy to shopping strips. It supports both modern and traditional traders and helps create a prosperous local economy.
- 2.3 Footpath trading opportunities provide valuable commercial opportunities for businesses by extending their floor space and advertising their presence. It provides the community and visitors opportunities to shop, dine and drink outside.
- 2.4 Business parklets are a well-established method of activating public spaces in Australia and overseas. In September 2020, Council started to allow businesses to trial the expansion of their outdoor dining with a range of outdoor activations. This was a response to the adverse impacts COVID-19 was having on local businesses and the increased pressure being placed on public outdoor spaces.
- 2.5 This policy formalises parklets as part of our municipality and is informed by key learnings from the trial. It considers the positive impact parklets have on the vibrancy of our local businesses and the wider community. It ensures that business parklets are implemented in a balanced way and that businesses make an appropriate contribution for the use of public space and to their upkeep.
- 2.6 This policy also considers the appropriate requirements for longer-term outdoor dining installations, where a trader or group of traders may wish to invest in a shared or independent structure that would be permitted for longer-term use (at least 5 years).

3. RECOMMENDATION

That Council:

- 3.1 Endorses the Outdoor Trading (Dining) Policy (Attachment 1).
- 3.2 Notes that Officers will now commence work on revised Parklet and Footpath Trading Guidelines incorporating the agreed outcomes of this Policy and that these will be the subject of engagement.
- 3.3 Authorises the CEO to make minor amendments that do not change the nature or intent of the Policy and to make the document publicly available via Council's communications channels.



4. KEY POINTS/ISSUES

- 4.1 The COVID-19 pandemic has changed the way residents and visitors shop and dine outdoors and parklets and other commercial uses of public space have now become a way of life. This Policy considers the learnings of the past 3 years and articulates Council's vision for how Outdoor Trading should be conducted throughout the Municipality via a range of desired outcomes:
- 4.1.1 Encourage activation and vibrancy in our main streets, activity centres and laneways, which makes them more enjoyable and safer for our community.
 - 4.1.2 Ensure that outdoor trading enhances the quality of streetscapes and activity centres.
 - 4.1.3 Ensure that the City of Port Phillip's 'brand' as a vibrant, sophisticated, arts-focussed community is represented by strong design and visual outcomes being apparent in approved parklets and activations.
 - 4.1.4 Support our local businesses and economy to survive and thrive and be more resilient to future economic shocks.
 - 4.1.5 Balance the activation of public space with amenity requirements of surrounding businesses and the community more broadly.
 - 4.1.6 Ensure activation of public space meets (and in some cases exceeds) accessibility, public safety and sustainability requirements.
 - 4.1.7 Ensure businesses that benefit from use of public space make a fair contribution for this use through appropriate fees, charges and upkeep responsibility.
 - 4.1.8 Provide certainty to businesses, community, Councillors and staff on the way requests to use public space in new ways will be treated (and any fees, charges and engagement required) to ensure applications can be considered efficiently, effectively and in a timely manner.
 - 4.1.9 Ensure appropriate oversight and compliance measures are in place to provide our community with confidence that public safety, maintenance and legislative requirements are being achieved and that policy objectives are being met.
 - 4.1.10 For temporary activities only, test and trial new uses of public space, which could inform longer-term public space priorities, projects and investment by Council.
 - 4.1.11 When considering shared public space, ensure a balanced and equitable sharing of opportunities between the public, hospitality traders and non-hospitality traders adjoining the public space.
- 4.2 Following the endorsement of this Policy, Officers will commence work on updated Footpath Trading and Parklet Guidelines to ensure that these outcomes are incorporated into Council's operational processes.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Consultation with traders around Outdoor Trading is regular and ongoing.
- 5.2 Community feedback from the creation of the Parklet Policy in 2020 has been utilised in drafting this Policy.



- 5.3 Further consultation will take place with the Community and Traders once the relevant Guidelines are drafted.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 All operators must use equipment and infrastructure that is well maintained, structurally sound and is able to withstand exposure to climatic conditions.
- 6.2 Safety checks must be done to evaluate and eliminate any risks or hazards that may harm customers, employees or the community including those from vehicle impacts.
- 6.3 All business parklet structures must be designed in strict accordance with the Business Parklet Guidelines to ensure that pedestrians are safely separated from moving vehicles.
- 6.4 Business parklet operators must accept any impacts as a result of approved events, capital projects or maintenance works by Council or other service providers.
- 6.5 Council may require approvals from other relevant regulatory bodies, including Victoria Police, Department of Transport and the Victorian Commission for Gambling and Liquor Regulation. Failure to provide these will result in permits being revoked or not issued.
- 6.6 Council will also consider whether external agencies or internal operations will be impacted by the granting of permits and ensure appropriate egress for cleaning and maintenance is considered.

7. FINANCIAL IMPACT

- 7.1 Fees will be set by utilising a valuation of retail rates and charging an applicable percentage. Any income received is used to administer the policy and for a range of Council services, including maintenance and operations of our streets.
- 7.2 Fees will be set through the annual Council budget process or as varied by Council resolution. An assessment of economic conditions at the time and the impact on businesses will be taken into consideration as part of this process.
- 7.3 The permit-holder will be held responsible for any damage caused to Council assets.
- 7.4 The associated fees will be advertised on Council's website and made available to Traders as part of the permit application process.

8. ENVIRONMENTAL IMPACT

- 8.1 City of Port Phillip is committed to sustainable practices and requires Business Parklet operators and Footpath traders to adopt sustainable practices where possible.

9. COMMUNITY IMPACT

- 9.1 The Policy contains outcomes designed to enable the community to support local traders as well as opportunities to socialise outdoors.
- 9.2 The Policy is designed to support local traders in growing their patronage and increasing visitation to the Municipality.
- 9.3 The Policy is designed to support access to high quality dining experiences as well as healthy and vibrant neighbourhood shopping strips for our community.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Outdoor Trading is a key initiative under the Vibrant Port Phillip Strategic Direction.



11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 Once endorsed, Officers will commence work on operational guidelines for Footpath Trading and Guidelines that will embed this Policy into Council operations, including on what basis permits are granted.

11.2 COMMUNICATION

11.2.1 Once endorsed, the Policy will be published on Council's website and promoted via our communications channels. The Have Your Say webpage will be updated to communicate its publication.

11.2.2 The Policy will also be provided to all Traders who are interested in utilising Outdoor Dining Opportunities.

12. OFFICER DIRECT OR INDIRECT INTEREST

12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS 1. [OutdoorTrading\(Dining\)PolicyFINAL](#) 