



City of
**GLEN
EIRA**

GLEN EIRA
CITY COUNCIL



COVID-19 PUBLIC SPACE PROGRAM

Extended Footpath Trading and Parklets Guidelines



October 2020

Bentleigh | Bentleigh East | Brighton East | Carnegie | Caulfield | Elsternwick | Gardenvale | Glen Huntly | McKinnon | Murrumbeena | Ormond | St Kilda East

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I. INTRODUCTION

As COVID-19 restrictions ease businesses are looking at how they can reopen with physical distancing measures in place, with a focus on how they can offer sit-down service to customers.

To assist, Council is offering the following opportunities available for a period of approximately six months (to end of March 2021):

- Extended footpath trading
- Parklets

In offering these opportunities, our aim is to:

- enable safe outdoor options for the community;
- enhance Glen Eira's urban areas and street character;
- attract people back to our activity centres in a safe, accessible manner; and
- provide a boost for business, helping our local traders recover from COVID-19.

To achieve these aims, it will be important to:

- ensure the outdoor space is safe and patrons are protected from vehicles;
- ensure the outdoor space is safe from trip hazards;
- provide physical distancing and other COVID-19 health requirements;
- maintain pedestrian access and ensure accessibility for all members of the community;
- consider amenity impacts on surrounding properties, including noise and lighting; and
- ensure maintenance of facilities and security outside of trading hours.

2. ABOUT THESE GUIDELINES

These *Guidelines* are:

Focused on extended footpath trading and parklet opportunities

Council is also exploring possibilities for laneway, public parking areas and other spaces. Interest in these opportunities should be directed to Council's Expression of Interest page at <http://www.haveyoursaygleneira.com.au/public-space-opportunities-for-business> Council will work with businesses who express interest in these opportunities on an individual basis to determine your needs and how we can help.

Of key relevance to our cafes, restaurants and other eateries

The Victorian Government has announced the Outdoor Eating and Entertainment Package which aims to support hospitality businesses to offer outdoor dining. The Package offers funding support directly to hospitality businesses for this purpose. Consequently, these *Guidelines* are of particular relevance to Glen Eira cafes, restaurants and other eateries.

Subject to adjustment as needed

All care has been taken to ensure these guidelines are accurate at time of writing. The current, fast-moving environment however, may mean that adjustments might need to be made to ensure they remain up-to-date and able to support you.

Designed to be read together with the following important resources

- *Footpath Activities Guidelines* specifying safety, amenity, access, furniture design requirements www.gleneira.vic.gov.au/outdoor-trading
- Victorian Government Coronavirus Roadmap for Reopening <https://www.gleneira.vic.gov.au/services/business-support/business-responsibilities/footpath-trading>
- Victorian Government Outdoor Activation and Entertainment Package <https://www.business.vic.gov.au/support-for-your-business/grants-and-assistance/business-resilience-package/outdoor-eating-and-entertainment-package>

These *Guidelines* aim to:

- describe extended footpath trading and parklet opportunities; and
- provide information to interested businesses.

Have a question about anything contained in these Guidelines?

You can contact Council's City Futures department on 9524 3333 or email cityfutures@gleneira.vic.gov.au

3. ENSURING SAFETY, ACCESS AND AMENITY

To ensure a safe environment for all, the following requirements apply to the opportunities outlined in these *Guidelines*.

3.1 COVIDSAFE PLAN

All submitters (and all open businesses generally) must have a *COVIDSafe Plan* in place:

<https://www.coronavirus.vic.gov.au/covidsafe-plan> The *Plan* must set out compliance with:

- face-coverings: <https://www.dhhs.vic.gov.au/face-coverings-work-covid-19#do-i-have-to-wear-a-face-covering-while-working>
- record keeping for COVID-19 contact tracing: <https://www.dhhs.vic.gov.au/record-keeping-contact-tracing-covid-19>
- the four and two square metre rules for services accessible to the public: <https://www.dhhs.vic.gov.au/four-square-metre-rule-covid-19>

3.2 CORONAVIRUS ROADMAP FOR REOPENING

Specifications set out in the Victorian Government's Roadmap¹ will apply, including:

- maximum of 10 persons per group, seated 1.5m from other groups (both within the venue and between patrons at adjacent venues);
- indoor spaces open with a maximum of 10 persons per indoor space and a maximum of 20 per total venue, subject to density requirements of one person per 4m²; and
- outdoor space open with a maximum of 50 persons per venue outdoors subject to density; requirements of one person per two square metres.

3.3 ACTIVITY CENTRE AREAS AMENITY

Outdoor trading should create an attractive, comfortable and safe ambience for the public and not compromise the public amenity. Spaces should be non-invasive and respectful. Safety features and well-designed and maintained fixtures and associated infrastructure are required.

3.4 DISABILITY ACCESS

As per the *Australian Disability Discrimination Act 1992*, people with disability must be able to access public footpaths. Outdoor trading activities must not compromise this access.

3.5 EMERGENCY AND ESSENTIAL VEHICLE ACCESS

Outdoor trading activities must not compromise access by essential or emergency vehicles, or obstruct loading areas, construction zones or entrances to private buildings and car parks.

¹ The Roadmap outlines further detail about how outdoor spaces are defined.

4. EXTENDED FOOTPATH TRADING

4.1 WHAT IS EXTENDED FOOTPATH TRADING?

Council has a regular program of footpath trading which supports Glen Eira businesses who want to extend their trading space to the footpath in front of their premises. The program recognises that footpath trading is a vital part of the vibrant culture of Glen Eira shopping strips and seeks to balance these benefits with safety and accessibility.

Council is offering a temporary opportunity for extended footpath trading, to existing footpath permit holders, who would like to expand their footpath trading space. Interested businesses can apply to use a wider area, a neighbouring businesses' footpath space, with their consent.



Don't currently trade on a footpath?

Footpath trading is more important than ever and is a great way to expand your businesses' space and accommodate customers. If you do not currently have a footpath trading permit, you are able to apply. Once you have a regular footpath trading permit you have the option of also applying to use extended space.

4.2 WHERE WILL COUNCIL CONSIDER EXTENDED FOOTPATH TRADING?

Council will consider extended footpath trading in locations where:

- Written consent from affected neighbouring businesses/property owner has been sought and provided;
- The space does not block access to loading zones, disability parking bays, tram and bus stops.
- The space is free of public fixtures such as a post box, phone booth, power box, bin, bench or bus stop.
- The space meets Council's required dimensions for footpath trading:
 - at least 2.9 metres wide;
 - 1.8 metres of clearance between the front of the premises and the trading area;
 - minimum clearance on 0.6 metres from the kerb; and
 - minimum of 1 metre of clearance with neighbouring trading space.

4.3 WHAT CAN BE PUT IN THE SPACE?

Extended footpath space can be used in the same way as regular footpath space: for outdoor dining and trading, with equipment and furniture that includes tables and chairs, windbreaks, umbrellas, heaters, goods, and advertising signs.

There are a range of requirements associated with the placement of these items. These requirements are set out in Council's *Footpath Activities Guidelines*: <https://www.gleneira.vic.gov.au/media/6125/footpath-activities-guideline.pdf>

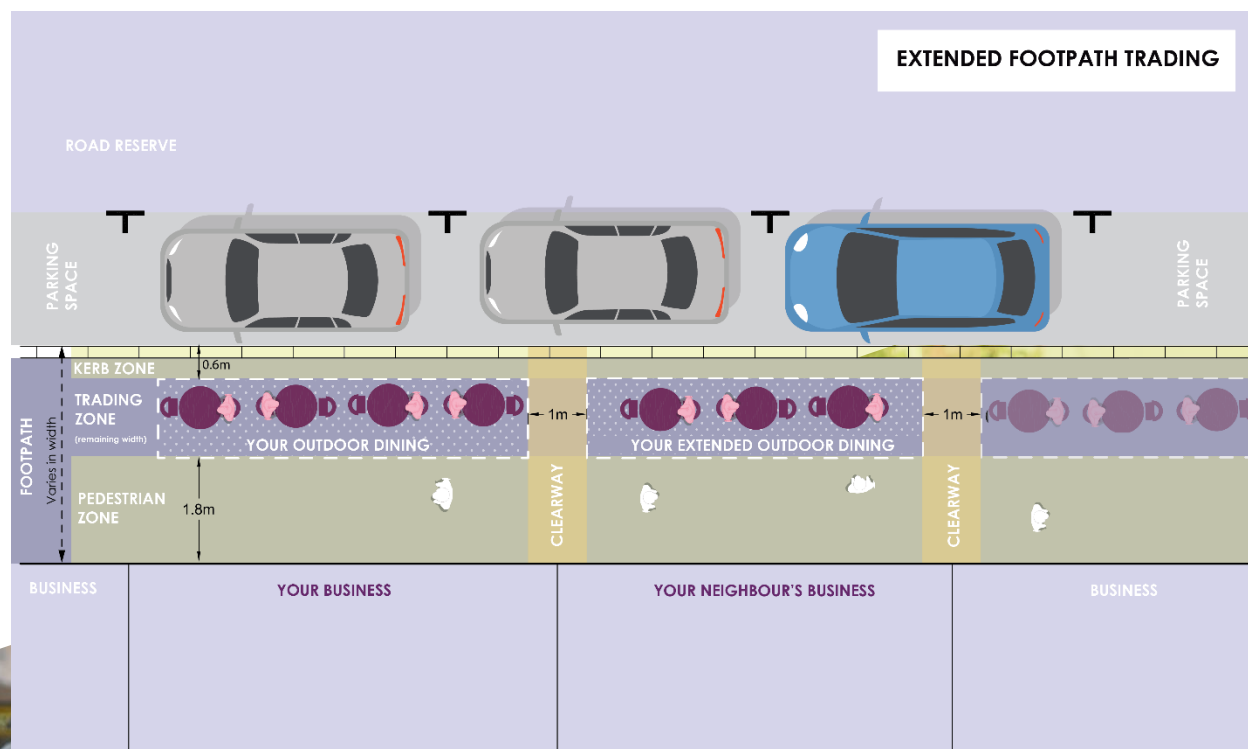
You are encouraged to review these Guidelines and information including:

- what a trading zone is and what you can put there;
- what access areas are, and how wide they need to be;
- what a pedestrian zone is;
- clearances required for public infrastructure;
- information around placement of furniture, screens, windbreaks, planters and umbrellas;
- information around the placement of trading goods and displays; and
- information about signage and other advertising.



4.4 WHAT ARE THE REQUIREMENTS AROUND CLEARANCES?

To ensure that our footpaths are safe environments for customers, and trading does not impede surrounding activity, areas of clearance are required. The following image sets out these clearances for guidance.



5. PARKLETS

5.1 WHAT ARE PARKLETS?

Parklets are spaces created by repurposing on-street car parking bays. Parklets can range from raised platforms placed in a parking bay to simple fixed planter barriers along a footpath or car parking space. Council is offering an opportunity to re-purpose either one or two parking spaces directly adjacent to your business.

While parklets provide a point of difference, extended footpath trading is easier and quicker to establish. Businesses are welcome to apply for both extended footpath trading and a parklet together, or just a parklet alone. The image below is a concept only, included for illustrative purposes.



5.2 WHERE WILL COUNCIL CONSIDER PARKLETS?

Council will consider parklets in areas that include the following attributes:

- a speed limit of maximum 50km/hr or less;
- not a clearway, or red parking zone (such as 'no stopping', disability, or loading zone);
- more than 10m from an intersection;
- a minimum of one parking space away from an intersection on the approach side;
- not obstructing Council assets, utility and emergency access panels or storm drains;
- directly adjacent to the submitting business;
- ordinarily occupied by a car parking bay;
- parallel or 90 degrees parking; and
- where Council and relevant agencies determine the location able to meet and maintain safety requirements.

5.3 WHAT CAN BE PUT IN THE SPACE?

Pre-prepared parklet base

Council is able to offer limited off-the-shelf parklet bases. These may include:

- basic platform and edge panels;
- installation of parklets and break-down;
- traffic barriers to delineate the parklet;
- planter boxes (with plants) pending availability;
- surface covering;
- line marking and required surveying;
- additional bike racks if requested by applicant; and
- safety control measures as determined by Council inspectors.

Traders will need to supply their own additional items which may include of the following:

- tables, chairs other seating or cushions;
- replacement plants if required;
- rubbish bins.

Please note that pre-prepared bases:

- have limited availability;
- will be offered following submissions at Council's discretion; and
- will be installed by Council-accredited suppliers.

Council may need to limit the term of installations of these bases in a particular area, or rotate installations for a term that is equitable.

All fixtures and hardware provided by Council remain the property of Council. Engagement with businesses will be undertaken to determine the removal of fixtures and hardware.

Trader-supplied base

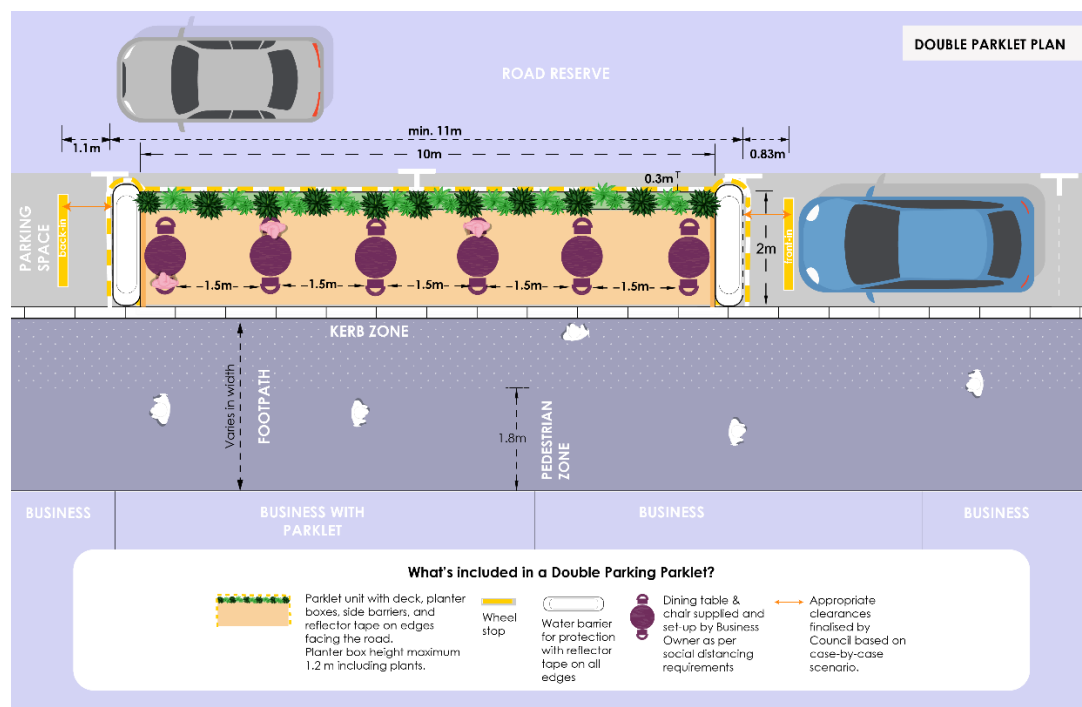
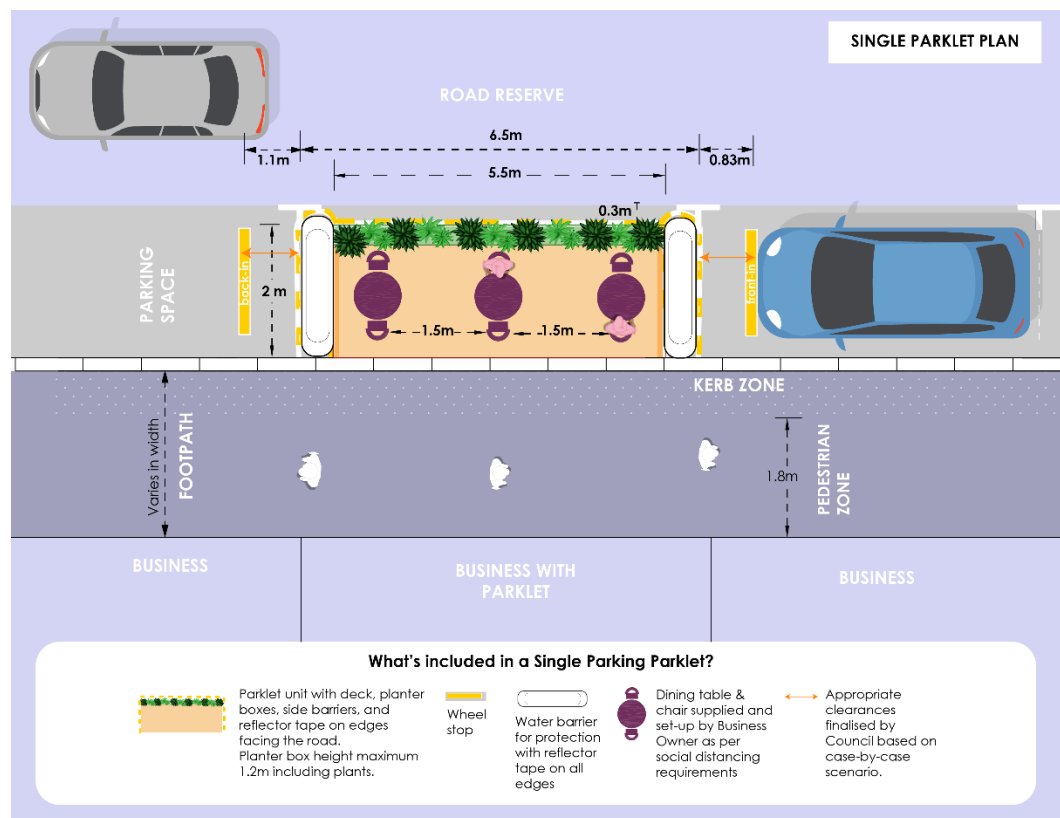
Businesses are able to secure and put together their own base, including any of the items listed above.

A Victorian Government grant is available for hospitality businesses and traders are encouraged to apply:

https://www.business.vic.gov.au/__data/assets/pdf_file/0008/1939535/Outdoor-Eating-and-Entertainment-Package-Guidelines.pdf

5.4 WHAT ARE THE REQUIREMENTS AROUND CLEARANCES?

To ensure that parklets are safe environments for customers and do not impede surrounding activity, areas of clearance are required. The following images set out these clearances for guidance.



6. OPERATION AND MAINTENANCE

Operation and management expectations that businesses will need to commit to are outlined below.

6.1 UPKEEP

All outdoor trading spaces must be:

- cleaned and maintained in a neat and tidy condition (including watering of any plants in a parklet);
- sanitised and managed according to the Victorian *Hospitality Industry Guidelines for Coronavirus*: <https://www.coronavirus.vic.gov.au/coronavirus-sector-guidance-accommodation-and-food-services>;
- cleared of furniture such as tables, chairs, and any unfixed items at the end of each day's trade; and
- kept clean of condiments, napkins, or utensils on tables at all times unless diners are seated and placing an order.

6.2 SERVICE OF ALCOHOL

A liquor licence is required for service of alcohol in a trading space. If your business has an existing liquor licence, a Temporary Limited Licence (which does not require planning approval) is available on application to the *Victorian Commission for Gambling and Liquor Regulation*: <https://www.vcglr.vic.gov.au/covid-19>

VCGLR consideration of applications by existing licence holders will be fast tracked. For public outdoor areas (which include footpaths and on-street parking spaces), the VCGLR requires:

- written permission from Council enabling use of the area (this can be a permit issued in accordance with these *Guidelines*);
- a layout plan (showing the extended trading space) that clearly describes boundary of the outdoor area endorsed by Council (the site plan that you will need to submit to us);
- specified trading hours for the outdoor area from Council (this may be part of the permit issued with these *Guidelines*).

Permit holders are responsible for monitoring and managing patron behaviour and must ensure that if they operate a licenced premise that staff are accredited for, and practice Responsible Service of Alcohol in accordance with the liquor licence.

6.3 LIGHTING

Electrical cords which extend across the footpath will not be permitted. Low voltage solar powered lights are acceptable for individual parklets/footpath areas.

6.4 PARKLET REMOVAL FOR WORKS

A parklet may need to be removed temporarily or permanently for streetscape improvements or other works as required by the Glen Eira City Council or its contractors. Council will give the permit holder as much notice as possible.

6.5 EXCLUSIONS

Please note that fully enclosed outdoor cafes and dining areas and the use of marquees, awnings or canopies are not permitted. Smoking or vaping is not permitted in any outdoor dining areas at any time.

7. WHAT YOU NEED TO SUBMIT

To be eligible for extended footpath trading and/or parklets, you will firstly need to commit to the safety, amenity and access requirements outlined above. This includes having a *COVIDSafe Plan* in place.

7.1 ELIGIBILITY CRITERIA

You will also need to meet these eligibility criteria:

- hold a current Footpath Trading Permit;
- operate from a commercial premise in a Glen Eira activity centre²;
- are able to provide furniture/equipment you wish to use in the space;
- can provide photographs of the space;
- can provide a description explaining your plans for the space, with supporting information such as:
 - A map, diagram or illustration.
- Have extended proprietors' Public Liability Insurance policy for at least \$20 million (\$20,000,000). The Policy must cover injury, loss or damage to persons arising out of the activity carried out in the space. The Policy must cite Council as an insured party.

If a parklet is included in your submission, the insured party included in your extended insurance needs to be the road authority. If the road is a non-local road, please ensure that the Department of Transport is also included as an insured party. Eligible non-local roads in Glen Eira include Hawthorn Road, Murrumbeena Road, Centre Road and East Boundary Road.

- Seek and obtain written consent from your affected neighbouring businesses/property owner. This consent should express 'no concerns' in relation to your business utilising their footpath space, or a car parking space in front of/adjacent to their business.

² **Please note:** that businesses operating from residential and mobile premises are not eligible.

8. HOW TO SUBMIT

You can submit for the opportunities outlined in these *Guidelines* on Council's website.

STEP ONE

Extended footpath trading and parklet opportunities require you to have a **current footpath trading permit**, so the first step in submitting is to make sure that you have one. Our website has a separate application form for this purpose.

The processing time is approximately four (4) business days to assess and all Council fees will be waived.

STEP TWO

If you have a current footpath trading permit and want to make a submission for extended footpath trading and parklet/s, you can do so via the 6 months duration, temporary 'additional outdoor trading' form online. This form will ask you for:

- your footpath trading permit number;
- evidence of Public Liability Insurance;
- photographs of the trading space;
- a description and supporting information on your plans for the space;
- what hours of operation you will have;
- whether you are intending to serve alcohol in the space;
- written consent from affected neighbouring business/property owner; and
- your commitment to complying with these guidelines and expectations.

The processing time is approximately four (4) business days to assess and all Council fees will be waived.

8.1 JOINT SUBMISSIONS

Food businesses in particular are encouraged to make a joint submission. This is where at least two neighbouring hospitality businesses with current footpath trading permits can request to use two parking spaces (for a double parklet) and/or (if required) extended footpath trading. A double parklet has no dividing wall between the two bays and can therefore include more space for dining. The arrangement is a better use of space and able to accommodate additional patrons.

To make a joint submission, we will need:

- one submission from a lead business;
- details of partnering businesses;
- written consent from affected neighbouring business/property owner;
- Footpath trading permit numbers, making sure that you request extended footpath trading if you want to use footpath space **not currently covered** by a footpath trading permit; and
- Public Liability Insurance with Council (and the Department of Transport if applying for a parklet on an eligible non-local road) listed as insured parties from all submitting businesses.

9. WHAT FACTORS WILL COUNCIL TAKE INTO CONSIDERATION?

Council will assess submissions with regard to:

- whether the submission satisfy the eligibility criteria;
- the extent to which activation of the space may interfere with or obstruct existing fixtures and assets (benches, poles, bins etc). As a general rule, public infrastructure already in place will not be moved or removed (relocated or repositioned) to allow for activation; and
- involvement of multiple business: joint submissions are welcome.

10. FREQUENTLY ASKED QUESTIONS

If you have a question that is not covered by these *Guidelines* or the list below, please contact Council's City Futures department on 9524 3333 or cityfutures@gleneira.vic.gov.au

How much space can I have? Each submission will be assessed case-by-case and it depends on what you request. Individual businesses are able to apply for extended footpath trading with the consent of affected neighbours, so you could potentially access your own, plus a neighbouring area of footpath space. Individual businesses can also make a submission for to use a car parking space directly adjacent their premises for a parklet. If your neighbouring businesses agree, or if the premises next to you is vacant and a managing agent agrees, you may be able to submit to use an additional car parking space as well. Joint submissions are a bit different and will be considered case-by-case.

How many tables and chairs could I have in the space, and what kind? To ensure safety and amenity, our *Footpath Activities Guidelines* set out requirements to consider on tables, chairs and other furniture. Please review the *Guidelines* to find out more: <https://www.gleneira.vic.gov.au/media/6125/footpath-activities-guideline.pdf> You will also need to consider physical distancing requirements and density quotas which will limit how many customers can be accommodated and the placement of furniture.

What hours can I operate in on the footpath/in the parklet space? Hours of operation must be stated in your submission and must adhere to local laws and traffic regulations. You will not be allowed to operate your parklet outside of the hours approved in your submission.

Can I place umbrellas in my parklet? Umbrellas are able to be placed in on the footpath (including in extended footpath space), however to ensure the safety of adjacent road users and surrounding activities, they won't be permitted in a street parklet.

What if someone else wants to apply to use the same parking space? If there is interest from more than one business in using a parking space, we will consider submissions carefully and on a case-by-case basis to determine the allocation of access.

When can I install a parklet? You will need to have made a submission and have been contacted by Council to advise that you can proceed. If you have applied for, and been successful in, requesting a pre-prepared parklet base, we will arrange installation.

Can I install my own parklet? Yes, but you will need to have made a submission and have been contacted by Council to advise that you can proceed. Installation of your own parklet will need to be completed in compliance with these *Guidelines*, the safety, amenity and access considerations that they outline (including clearances), and with reference to requirements around furniture set out in the *Footpath Activities Guidelines*.

What are Glen Eira activity centres? Our activity centres are busy community hubs for shopping, walking, socialising, accessing services, employment and community facilities. They contribute to the local economy and are key locations for business in our City. To read more about Glen Eira activity centres, view our *City Plan* at: <https://www.gleneira.vic.gov.au/media/6356/glen-eira-city-plan.pdf>

I am interested in extending my hospitality trading area into outdoor space that is privately owned (such as an area covered by my premises). What do I need to know? There are a range of considerations that may be involved, depending on the land you are interested in using. If you are looking to extend operations on your own property, then approval from Council's Urban Planning department may be all that is required. As a first step, you are encouraged to contact us to discuss and ask specific questions about your circumstances. Please contact Council's Urban Planning department on 9524 3333 or email to mail@gleneira.vic.gov.au

It is also important to note that if you would like to include service of alcohol in this private space you will need to apply to the Victorian Commission for Gambling and Liquor Regulation for a temporary limited licence for privately owned outdoor areas. This will require you to confirm you have permission to use the land.

The VCGLR does not require an applicant for a temporary limited licence for privately-owned outdoor areas to provide evidence of permission from Council in relation to the use of a privately-owned outdoor area. However, please note that if the VCGLR grants you an outdoor area temporary licence, while the licence provides you with authority to supply liquor in the privately-owned outdoor area, it does not provide you with authority to use that privately-owned outdoor area. You will need to confirm whether a planning permit is required or whether any restrictions on an existing planning permit need to be varied.

I am interested in extending my hospitality trading area into outdoor space (other than a footpath and on-street car parking areas) that is publically owned. What do I need to know?

Council is exploring possibilities for laneway, public parking areas and other spaces and looking at ways in which we can offer site-specific and tailored opportunities for interested businesses. Interest in these opportunities should be directed to Council's Expression of Interest page at <http://www.haveyoursaygleneira.com.au/public-space-opportunities-for-business> Council will work with businesses who express interest in these opportunities on an individual basis to determine your needs and how we can help.



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National Relay Service

If you are deaf, hearing-impaired, or speech-impaired, we ask that you call us via the National Relay Service and then ask for (03) 9524 3333.

Online: <https://internet-relay.nrscall.gov.au>

Teletypewriter (TTY): 13 36 77

Speak and Listen: 1300 555 727

Social media

Glen Eira City Council

www.facebook.com/GlenEiraCityCouncil

@cityofgleneira:

www.instagram.com/cityofgleneira

Glen Eira arts, gallery and events:

www.facebook.com/gleneiraarts

Glen Eira Libraries and Learning Centres:

www.facebook.com/GlenEiraLibraries

Glen Eira Maternal and Child Health:

www.facebook.com/GlenEiraMaternalandChildHealth

Glen Eira Sports and Aquatic Centre:

www.facebook.com/GESAConline

www.twitter.com/GESAConline

Glen Eira Youth Services:

www.facebook.com/GlenEiraYouthServices

www.instagram.com/gleneirayouthservices

Glen Eira sustainable living:

www.facebook.com/sustainablelivinggleneira