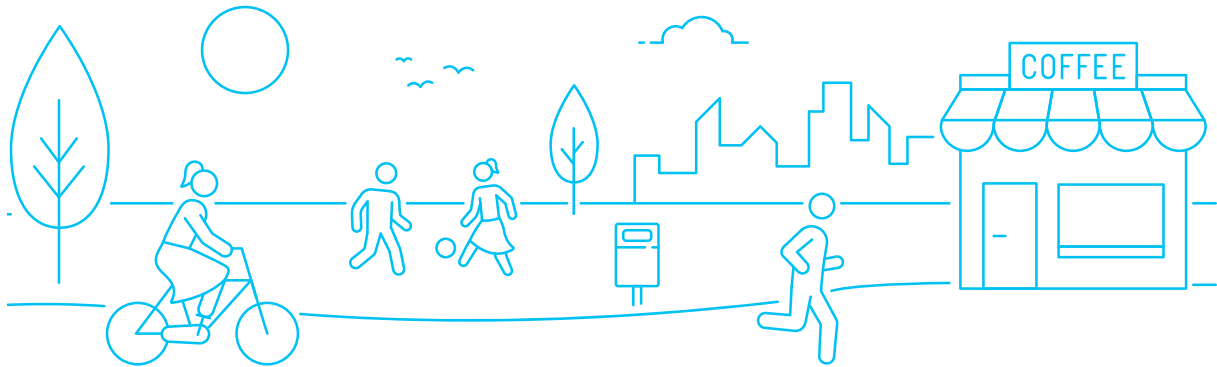


# Roadside dining - Framework 2023





## Purpose

**The City of Stonnington recognises the importance of local businesses to the Stonnington economy.**

Stonnington's roadside dining program has been established to support local businesses by extending on the City of Stonnington's existing outdoor dining offering.

## Scope

This framework sets out eligibility criteria for businesses to apply for either a Summer Roadside Dining Permit to occupy the road with a Roadside Dining permit area for 6 months, or a 365 annual Roadside Dining Permit to occupy the road with a Roadside Dining permit area for 12 months.

### Responsible executive

Director Planning and Place

### Delegation authority

The Chief Executive Officer has delegated City of Stonnington Officers to issue Roadside Dining Permits and to enforce compliance with permit conditions.

### Referenced documents

- » [Roadside Dining Framework 2021](#)
- » [Stonnington General Local Law 2018 \(1\)](#)
- » [Footpath Trading Policy 2023](#)
- » [Footpath trading fees - Framework 2023](#)
- » [Disability Discrimination Act 1992](#)
- » Amendment VC193 (amends clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through a temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.
- » [Road Safety Act, s99B](#) (enables approval of non-road activities, including temporary outdoor dining on declared roads).
- » [Stonnington Climate Emergency Action Plan.](#)

## Introduction

A Roadside Dining permit area as referred to in this document is a re-purposed car space/s to provide on-road dining for exclusive use by a business. A Roadside Dining Permit will allow a business to establish a Roadside Dining permit area. There are two types of roadside dining permits, which may be applied for;

- A **Summer Roadside Dining Permit** to allow for the establishment of a Roadside Dining permit area for a period of 6 months.
- A **365 Roadside Dining Permit** to allow for the establishment of a year-round Roadside Dining permit area. Participants in the Summer Roadside Dining program will require a new application to be submitted each year. All 365 Roadside Dining Permit holders will have the option to renew their permit annually.



## Application eligibility

**A Roadside Dining permit area can occupy at least one existing car parking space, or area within a roadway where there is an existing intermittent closure.**

The Roadside Dining permit area must be at the front or side of an applicant's business. An applicant may also request to occupy a car space/s in front of a neighbouring premises, (see Consent outlined below). A business may not apply for a Roadside Dining permit area on the opposite side of the street. To apply for a Roadside Dining permit area the business must operate at least five days per week.

A Roadside Dining permit area will not be permitted in the following locations:

- » on streets where the speed limit exceeds 50 km/h
- » in car parking spaces with blue restrictions (such as accessible parking spaces), red zones (such as No Stopping areas, Loading Zones, Truck Zones, Taxi Zones, Mail Zones) or green parking restrictions less than one hour
- » in areas obstructing access for deliveries, essential and emergency vehicle access, access to commercial carparks and residential building carparks
- » in bus zones or adjacent to tram stops
- » in clearways/tow-away zones
- » in protected cycle lanes
- » where a three metre width for through traffic cannot be maintained e.g. a one-way street, or laneway
- » within one metre of a fire hydrant or three metres from a post box
- » within two meters of a Yarra Trams pole - contact Yarra Trams for guidelines on road hospitality Roadside Dining permit areas – installation on tram corridors
- » in car spaces where the City of Stonnington deems it unsafe for the public
- » where emergency access cannot be maintained for a first-floor neighbouring business.

**Where a Roadside Dining permit area is proposed in a car space/s which contains service pit lids, utility access panels or storm drains there may be additional access requirements.**



## Application process – Summer Roadside Dining

### To apply for a Summer Roadside Dining Permit applicants must:

1. hold a current Food Registration Certificate approved by City of Stonnington's Environmental Health Unit
2. provide a current copy of Public Liability Insurance (Certificate of Currency) at a minimum of \$20 million which notes the address/es of all premises in front of where the roadside dining is proposed
3. provide a complete aerial, elevation, and platform site plan for the proposed Roadside Dining permit area.

**All site plans must be an appropriate scale (1:100 or 1:200).**

## Summer Roadside Dining supporting documentation

### An aerial site plan showing:

- » the dimensions of the Roadside Dining permit area (width and length – a Roadside Dining permit area to a single business will not be permitted to exceed 3 car parking spaces in length to allow for sufficient access/clearances)
- » the number of car parking spaces to be occupied
- » the layout of dining furniture, umbrellas, heaters, and other items within the Roadside Dining permit area. Provide a list of furniture and other items which may remain stored within the Roadside Dining permit area overnight. (Refer to list in Design Guidelines on page 10.)
- » where items will be stored securely overnight
- » all parking restrictions affecting the car parking spaces to be occupied
- » the location and set back of existing streetlights and infrastructure, including lights, poles, all City of Stonnington assets, waste bins, bike racks, street furniture and public transport stops.

### An elevation site plan showing:

- » height of all proposed items within the Roadside Dining permit area including height of barriers and planter boxes (max. height one metre)
- » premises in front of where the Roadside Dining permit area will be located
- » materials and finishes to structure.

**Please provide three photos showing the frontage of the premises including either side of the premises.**

### A platform design plan showing:

- » aerial plan showing design measurements – length and width
- » elevation plan showing supporting footing structure, spaces for cleaning, flush with kerb edge
- » materials and finishes of structure and surface
- » opening cover lids for access to service utilities, stormwater drains and City of Stonnington drainage.

**Please refer to Design Guidelines on page 10 for further information on supporting documentation.**

**Failure to submit any of the above mandatory information may result in an application being unsuccessful.**

## Consent

Where a Roadside Dining permit area is proposed either partially or entirely in front of an occupied ground floor neighbouring premises, consent from the relevant business owner/s must be obtained. Consent is given for the duration of the program for 6 months. Consent will entail the sighting and signing of proposed plans for the Roadside Dining permit area.

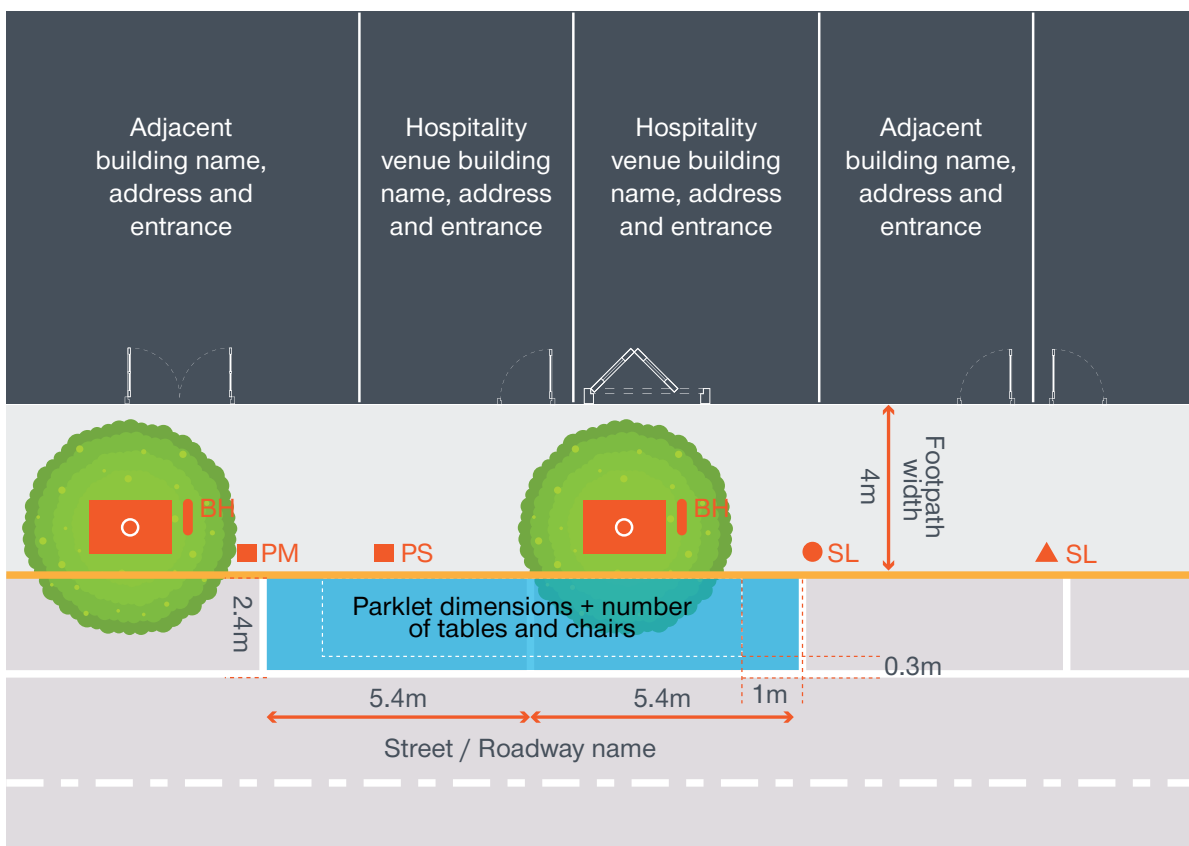
Consent may be revoked by the adjoining authorising business.

Where a Roadside Dining permit area is proposed either partially or entirely in front of the entrance to a residential building, consent from the relevant body corporate must be obtained.

Where a Roadside Dining permit area is approved either partially or entirely in front of a vacant neighbouring premises and the business at that premises is leased, consent from the new business owner is required.

Where a Roadside Dining permit area is approved either partially or entirely in front of a neighbouring premises and the business at that premises is sold, consent from the new business owner is required.

### Example of where consent may need to be obtained



### Key

PS Existing parking sign	BH Existing bike hoop	Existing building entrance	Parklet footprint and dimensions
PM Existing parking metre	SL Existing street light	Existing street tree	



## Assessment

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Applications open in October for the Summer Roadside Dining Program. The City of Stonnington will advise when the application period closes, prior to 30 December.

Businesses are invited to apply for a Roadside Dining permit area online by visiting the City of Stonnington website at [stonnington.vic.gov.au](https://stonnington.vic.gov.au).

### Apply

Complete an online application form, submit the required supporting documentation, and pay the application fee.

Roadside Dining Applications within tram corridors are required to be submitted to Yarra Trams for approval prior to installation. Further information can be found in the **On Road Hospitality Roadside Dining permit areas – Installation on Tram Corridors Guidelines**.

**\*Note** - For all applications located on Department of Transport (Vic Roads) managed roads, a separate assessment will need to be submitted and will be subject to approval by the Victorian Government prior to a permit being issued by the City of Stonnington. Please contact the City of Stonnington prior, if this is applicable.

### Review process

City of Stonnington will review your application upon receipt. Applicants may be contacted to discuss aspects of their application or to seek further information.

### Approval

Should your application meet the necessary criteria and be approved, a permit invoice will be issued. Prior to installation you will be required to apply for a Road Occupation Permit.

### Installation

Installation can occur after your permit has been approved and issued as directed by City of Stonnington.

### Operation

As the permit holder, it is your responsibility to manage the Roadside Dining permit area in accordance with the permit conditions.

**The summer roadside dining period is between 1 November to 30 April. It is the responsibility of the permit holder to arrange the removal of all roadside dining infrastructure within 7 business days of the permit expiry date.**

## Fees

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Fees are set through the City of Stonnington's annual budget process and may be varied by resolution. Please refer to the [Footpath trading fees - Framework 2023](#) on the City of Stonnington website.

### Applicable fees for a Summer Roadside Dining Permit include:

- » A non-refundable application fee payable at the time of lodgment of the application
- » A pro-rata (6 month) permit fee payable prior to the program's commencement.

## Application process – 365 Annual Roadside Dining

### To apply for a 365 Annual Roadside Dining Permit applicants must:

- » hold a current Food Registration Certificate approved by the City of Stonnington's Environmental Health Unit
- » provide a current copy of Public Liability Insurance (Certificate of Currency) at a minimum of \$20 million which notes the address/es of all premises in front of where roadside dining is proposed, indemnifying City of Stonnington
- » provide an aerial, elevation, and platform site plan from a qualified professional, with structures designed by a registered engineer or architect.

The business applying for the Roadside Dining Permit will require a Letter of Consent from adjacent ground level business owners, body corporate and/or occupiers. If the adjacent property is vacant, a Letter of Consent from the owner of the property is required.

**All site plans must be an appropriate scale (1:100 or 1:200) see below.**





## 365 Annual Roadside Dining supporting documentation

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### **An aerial site plan showing:**

- » the dimensions of the Roadside Dining permit area (width and length) – a Roadside Dining permit area to a single business will not be permitted to exceed 3 car parking spaces in length to allow for sufficient access/clearances
- » the number of car parking spaces to be occupied
- » the layout of dining furniture, umbrellas, heaters, and other items within the Roadside Dining permit area. Provide a list of furniture and other items, which may remain stored within the Roadside Dining permit area overnight. (Refer to list in the Design Guidelines on page 10.)
- » where items will be stored securely overnight
- » all parking restrictions affecting the car parking spaces to be occupied
- » the location and set back of existing streetlights and infrastructure, including lights, poles, all City of Stonnington assets – waste bins, bike racks, street furniture and public transport stops.

### **An elevation site plan showing:**

- » height of all proposed items within the Roadside Dining permit area including height of barriers and planter boxes (max height 1-metre)
- » premises in front of which the Roadside Dining permit area will be located
- » materials and finishes of structure.

**Please provide three photos showing the frontage of the premises including either side of the premises.**

### **A platform design plan showing:**

- » aerial plan showing design measurements – length and width
- » elevation plan showing supporting footing structure, spaces for cleaning and flush with kerb edge
- » materials and finishes of structure and surface.

Please include opening cover lids for access to service utilities, stormwater drains and City of Stonnington drainage.

**Please refer to Design Guidelines on page 10 for further information on supporting documentation.**

**Failure to submit any of the above mandatory information may result in an application being unsuccessful.**

## Consent

Where a Roadside Dining permit area is proposed either partially or entirely in front of an occupied ground floor neighbouring premises, the consent of the relevant neighbouring business owners/s must be obtained. Consent will entail the sighting and signing of proposed plans for the Roadside Dining permit area.

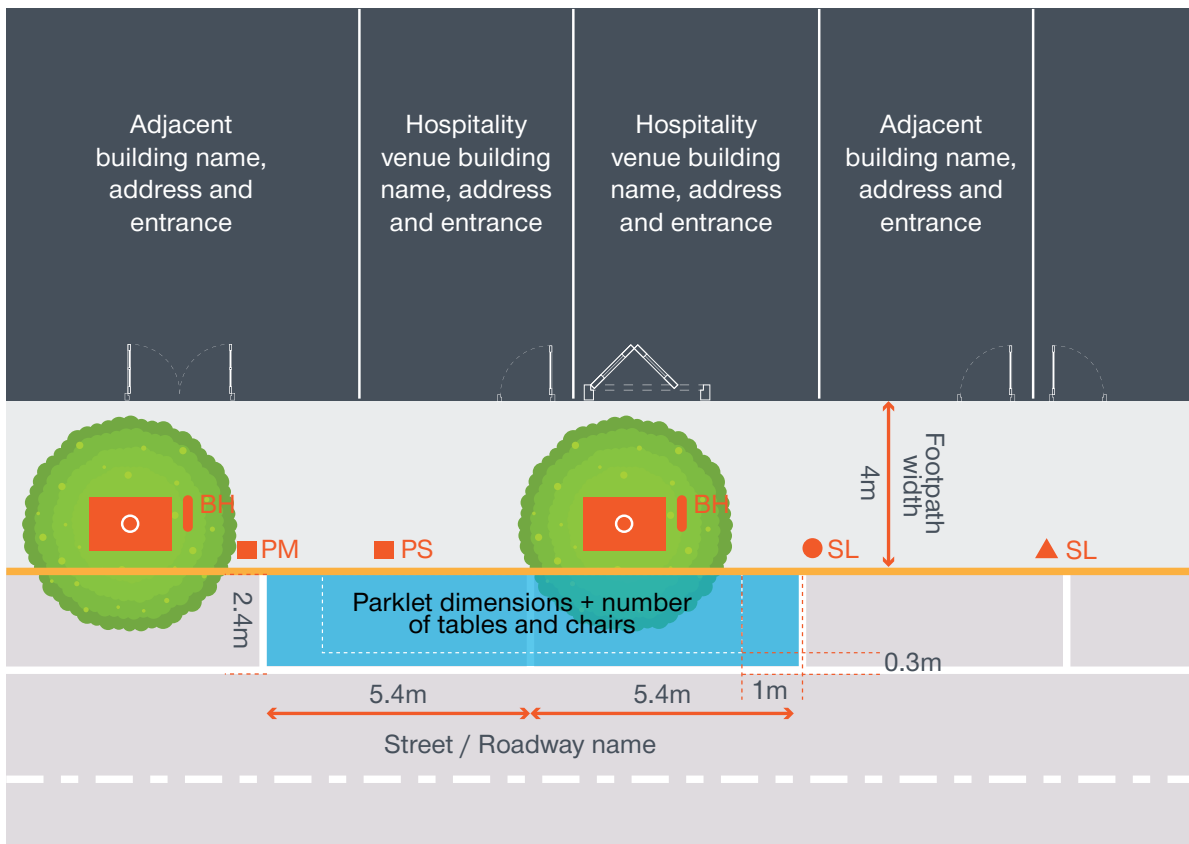
Where a Roadside Dining permit area is proposed either partially or entirely in front of an unoccupied ground floor neighbouring premises, the applicant must obtain a Letter of Consent from the owner and or leasing agent.

Where a Roadside Dining permit area is approved either partially or entirely in front of a vacant neighbouring premises and the business at that premises is leased, consent from the new business owner will be required.

Where a Roadside Dining permit area is approved either partially or entirely in front of a neighbouring premises and the business at that premises is sold, consent from the new business owner will be required.

Where a Roadside Dining permit area is proposed either partially or entirely in front of the entrance to a residential building, consent from the relevant body corporate must be obtained.

### Example of where consent may need to be obtained



### Key

- |    |                        |    |                       |  |                            |  |                                  |
|----|------------------------|----|-----------------------|--|----------------------------|--|----------------------------------|
| PS | Existing parking sign  | BH | Existing bike hoop    |  | Existing building entrance |  | Parklet footprint and dimensions |
| PM | Existing parking metre | SL | Existing street light |  | Existing street tree       |  |                                  |

## Assessment

Applications are open year-round: Businesses are invited to apply for a Roadside Dining permit area online by visiting the City of Stonnington website at [stonnington.vic.gov.au](https://stonnington.vic.gov.au).

### Apply

Complete an online application form, submit with supporting documentation, and pay the application fee.

Roadside Dining Applications within tram corridors are required to be submitted to Yarra Trams for approval prior to installation. Further information can be found in the [On Road Hospitality Roadside Dining permit areas – Installation on Tram Corridors Guidelines](#).

\*Note - For all applications located on Department of Transport (Vic Roads) managed roads, a separate assessment will need to be submitted and will be subject to approval by the Victorian Government prior to a permit being issued by the City of Stonnington. Please contact the City of Stonnington prior, if this is applicable.

### Review process

City of Stonnington will review your application. Applicants may be contacted to discuss aspects of their application or to seek further information. Prior to installation you will be required to apply for a Road Occupation Permit.

### Installation

Installation can occur after your permit has been approved and issued as directed by the City of Stonnington.

### Operation

As the permit holder, it is your responsibility to manage the Roadside Dining permit area in accordance with permit conditions.

### Annual Renewal

Renewal invoices will be sent to permit holders. The renewal process will require the submission of an up-to-date copy of Public Liability Insurance and written consent if required by adjoining businesses.

## Fees

Fees are set through the City of Stonnington's annual budget process and may be varied by resolution. Please refer to the [Footpath trading fees - Framework 2023](#) on the City of Stonnington website.

### Applicable fees for a 365 Annual Roadside Dining Permit include:

- » A non-refundable application fee payable at the time of application lodgement
- » Annual permit fee payable prior to installation and a valid permit being issued.

Renewal invoices will be sent in June each year as the permit expires on 30 June.



# Roadside Dining design guidelines

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**Depending on the type of Roadside Dining permit area proposed, there may be other applicable costs. These include, for example:**

- » registered builder
- » building surveyor
- » engineer
- » road safety audit
- » traffic management
- » glazing certificate

## Construction and installation

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If your application is successful, you may wish to hire or purchase outright any required Roadside Dining permit area infrastructure that meets the Design Guidelines in this document. Installation of the infrastructure and any traffic management requirements is payable by the permit holder.

**Permit holders will be able to select from one of the following options when considering Roadside Dining permit area infrastructure:**

- » purchase or hire a ready-made or 'off the shelf' option, so long as the design criteria and the location of the Roadside Dining permit area has been approved by the City of Stonnington
- » design your own - ensuring you use a registered architect and builder, and you adhere to the Design Guidelines on page 10 and permit conditions.

Regardless of what type of option is chosen, it will need to be self-maintained, and meet your permit conditions. Regular inspections will be carried out to ensure safety, accessibility, and compliance of the Roadside Dining permit area, so it is important to understand the requirements and contact the City of Stonnington first if you have any questions at [footpathtrading@stonnington.vic.gov.au](mailto:footpathtrading@stonnington.vic.gov.au).

## Building requirements for structures

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For Roadside Dining permit area structures (e.g., decking, ramps, overhead structures), a number of requirements must still be met to ensure the structures provide adequate safety and accessibility.

Applications must demonstrate that the structures are compliant and meet the requirements set out in the Design Guidelines on page 10 to ensure the structures are of high-quality design.

**All structures require:**

- » engineer and architect designed plans
- » submission of construction details, shelf life of structure, suitable site plan, floor plan and elevations generally equivalent to draftsman standard
- » Engineers Certificate of Compliance (Reg 126) - Inspection conducted at completion of works confirming installation compliance
- » maintenance of the structures.

Decks/structures to be set back one metre clear of fire hydrants (including L type) and other fireplugs, sluice valves or other services as per service authority requirements.

Decks/structures to be set back at least one metre from trees and other permanent structures/fixtures.

Any glass proposed is to be suitably thick, fixed type safety glass, built in accordance with current Australian Standards (AS1288). A Glazing Certificate must be provided.

No decks or structures are to be placed in flood prone areas or over drains without City of Stonnington approval. Adjustments may need to be incorporated into the design of a platform to accommodate access requirements, at the request of the City of Stonnington. This may include opening coverlids for access to service utilities, stormwater drains and City of Stonnington drainage.

The City of Stonnington must balance the importance of outdoor dining as a means to enhance the vibrancy of our local community and support the sustainable growth of local businesses with the City of Stonnington's obligation to allow for pedestrian and vehicular movement in a safe and accessible manner.

Understanding the responsibilities involved in managing a Roadside Dining permit area, design requirements, legal obligations and other relevant matters is important. Applicants must familiarise themselves with the design and operation guidelines prior to making an application.





## Material

### **Materials used for the construction of the Roadside Dining permit area should be:**

- » fit for purpose and suitable for public use
- » of a high-quality design with minimal visual clutter
- » suitable for the local context and streetscape character
- » complimentary to the surrounding architecture (without replicating heritage styles)
- » long-lasting and weather resistant
- » easy to maintain
- » appropriately treated/finished to manage graffiti/vandalism
- » visible during the day and evening
- » non-reflective
- » non-slip (ground/floor surfaces)
- » sustainable or locally sourced where possible
- » able to be reused/recycled where possible to prevent materials going to landfill.

## Maintenance and repair

Materials should be carefully selected to ensure that they are long-lasting and can be easily maintained over time. For all materials used, it is important to have a plan in place for how many items will be maintained, cleaned, and repaired.

Any damage or graffiti should be dealt with immediately by the permit holder to ensure the Roadside Dining permit area maintains a clean presentation and prevent it becoming a graffiti hotspot.

Ensure that materials are appropriately sealed/finished so that graffiti can be cleaned off; or have spare matching paint on hand to touch up painted items.



## Preferred materials

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**The following materials are preferred for barriers and planter boxes:**

### **Treated pine, sealed marine plywood and recycled plastics**

Consider material that is appropriate for outdoor use, including hardwood timber, treated pine that is painted and sealed, marine plywood or recycled plastic.

### **Metal**

Consider thickness to avoid denting.

### **Timber materials**

- » Timber must be treated and finished to ensure its longevity.
- » Hardwood timber is preferred, however treated pine may be used as an alternative provided it is painted/sealed.
- » Plywood is not appropriate for outdoor use however; marine plywood is more suited to different weather conditions.
- » Consider appropriate construction methods to avoid timber items buckling/warping over time. For example, timber planters may benefit from using a steel frame with timber slats to provide a more robust structure.

**Recycled plastic** is encouraged for use and consideration should be given to the use of low emission, recycled, or salvaged, sustainably sourced or locally sourced materials that can be recycled when the program concludes.

## Materials that are discouraged

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The following other materials are generally discouraged as they cannot be recycled. If the applicant wishes to use these and can demonstrate exceptional circumstances/public benefit, they must contact the City of Stonnington and seek approval before finalising their design and purchasing any items.

- » Composite materials
- » Astroturf
- » Non-recyclable and not fit for re-purpose.

## Platform design

All Roadside Dining permit areas must be constructed with a platform level to the adjacent footpath. There must be a clear one metre accessible path of travel into the café Roadside Dining permit area.

There must be adequate wheelchair turning and resting space to ensure equitable access and compliance within the requirements of the *Disability Discrimination Act 1992*.

Any platform at the base of the Roadside Dining permit area must be constructed for easy removal. To ensure that the Roadside Dining permit area remains accessible to everyone, the construction of the Roadside Dining permit area platform must sit flush with the adjacent footpath.

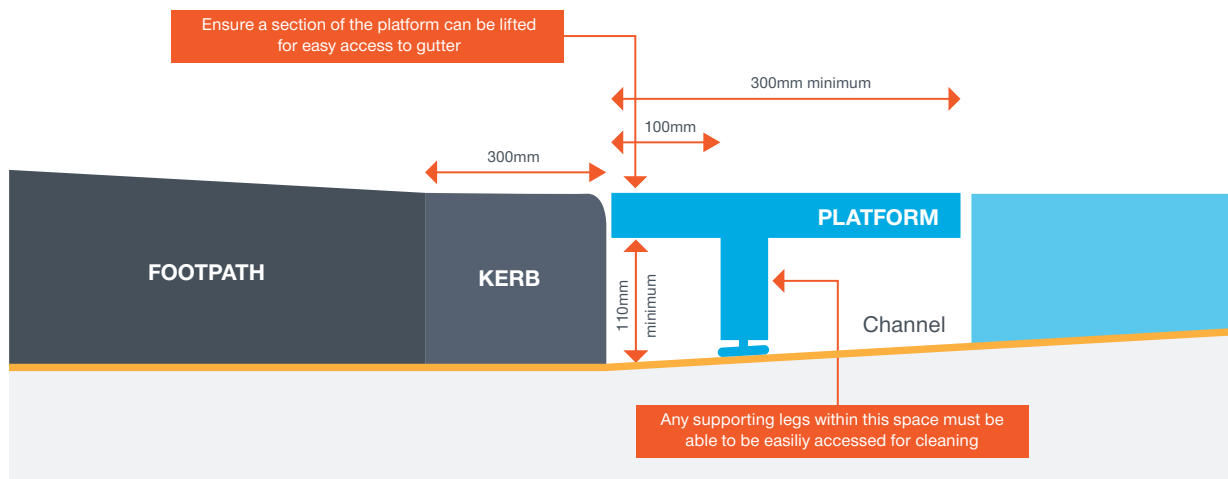
The platform should be constructed and designed to allow for drainage and prevent litter build-up underneath.

Access must be incorporated in the design of a platform to accommodate access requirements to drains and pits, at the request of City of Stonnington. Include opening cover lids for access to service utilities, storm drains and City of Stonnington drainage.

Where there is a gap between the kerb and the Roadside Dining permit area platform a threshold platform will be required to bridge the gap.

If a platform cannot sit flush with the footpath, the applicant/owner is responsible for providing an appropriate accessibility ramp which complies with the *Disability Discrimination Act 1992*.

All platform edges should be suitably highlighted with caution non-slip tape for the safety of patrons.



**No fixtures are to be permanently fixed to safety barriers, the road surface, kerb, or channel including but not limited to drilling or nailing.**

**Fixtures must be freestanding.**

## External elements and buffer clearances



Applicants are responsible for sourcing their own chevron signs required to be displayed at each corner of roadside infrastructure to direct traffic away from Roadside Dining permit areas. These must be the applicable safety standard black and white hazard marker sign **D4-1-2**.

Advertisements must not be displayed on the façade of barriers.

Additional reflective measures may be used in conjunction with chevron signage along the length of the Roadside Dining permit area, separating the Roadside Dining permit area from the live traffic lane.

Safety, visibility, and accessibility should be assessed for day and night conditions.

Applicants must ensure all structural items are secured. Sandbags may be used to prevent the risk of flying objects onto the carriageway during windy conditions or for any other reason. Barriers and other items must not be bolted onto the road surface.

All Roadside Dining permit areas must be closed adjacent to live traffic lanes to ensure safety of patrons. Entry and exit shall be by the footpath only.

Line-marking and/or signage to direct traffic away from Roadside Dining permit areas may need to be installed by the permit holder.

The Roadside Dining permit area will be limited by the car park boundary unless otherwise approved by City of Stonnington.

The sidewalk-facing side of the Roadside Dining permit area must be open to allow diners to enter.

Where there are existing fixed barriers near the kerb surrounding a footpath trading area, a section of the barrier must be removed to allow access and permeability into the space.

### **The edge of the Roadside Dining permit area must maintain:**

- » One metre from adjacent parking bays
- » 0.5-metre clearance located either side of a marked parking bay and will be assessed at the time of application and will depend on the location of the applicable parking bay
- » 0.3-metres from adjacent traffic/bike lanes where the speed is below 40km/h
- » 3.5-metre clearance adjacent to a traffic lane must be provided or maintained, a minimum of a three metre clearance may be considered with approval.

## Weather proofing, shade structures, permanent marquees, or enclosures

The use of marquees, plastic awnings or full enclosures is not permitted within a Roadside Dining permit area unless otherwise approved by the City of Stonnington.

This is to maintain the character of our streets and not introduce unnecessary clutter or obstruction of traffic. If additional protection from the elements is required, consider the use of portable heaters.

Overhead canopies and shade structures are not permitted within tram corridors.

The layout of the Roadside Dining permit area space may be adjusted to make better use of natural barriers, if present, as long as the overall footprint of the Roadside Dining permit area does not change.

**Only open structures, which are built for the purpose of providing shade and rain protection may be considered, and must be approved by the City of Stonnington.**

### These types of structures must:

- » be open above the planter box or fencing and lightweight in appearance
- » designed by a suitably qualified, registered engineer.

This must be included as part of the Final Certificate of Compliance.

A suitably qualified registered builder must carry out all works.

**Permission must be obtained and granted by the City of Stonnington before any alterations or additions are made after a permit has been approved.**





## Roadside Dining permit area items

Items that may be permitted in a Roadside Dining permit area include tables, chairs, heaters, umbrellas, platforms and decorative items e.g., pot plants or materials to dress the internal face of the barriers.

Items should be hardy and sturdy and secured with weights or sandbags to resist wind gusts and ensure these are not moved or knocked over.

Items **within** the Roadside Dining permit area should be non-reflective.

Typically, items exceeding 1-metre in height will not be permitted within a Roadside Dining permit area. Exemptions may be made for umbrellas and heaters shown on plans submitted with the application.

No items within the Roadside Dining permit area will be permitted to encroach outside of the Roadside Dining permit area.

### Where permitted, heaters must:

- » be covered by the business owner's public liability insurance
- » comply with Australian Standards. For more information contact Energy Safe Victoria at [esv.vic.gov.au](https://esv.vic.gov.au).

Without approval, items within the Roadside Dining permit area must be removed and stored within the business premises outside of operating hours. Where items have been shown to be left within the Roadside Dining permit area overnight exemptions may be made for large or heavy furniture.

Low emission, recycled, sustainably sourced and/or locally sourced products are preferred.



## Planting

Providing planters within the Roadside Dining permit area enables greening opportunities.

Plants grow and change over time and require regular and ongoing maintenance and replacement to meet maximum height requirements of one metre.

### Plant selection should:

- » consider sun exposure and local conditions
- » be suited to the soil volume
- » prioritise larger plant stock to minimise opportunities for plant theft
- » provide hardy and drought tolerant species
- » avoid noxious weeds/toxic plant species.

### To maintain clear sight-lines for traffic:

- » the height of plantings should generally not exceed a maximum height of one metre from road level, particularly where visibility is needed for vehicles (e.g., corners)
- » trees should be pruned/maintained to one metre.

### The Roadside Dining permit area host is required to:

- » maintain plants regularly to ensure healthy and attractive appearance
- » regularly water, prune and fertilise plants
- » replace/rotate plant stock as needed
- » bring any small potted plants inside at night to reduce instances of theft
- » remove any rubbish or cigarette butts on a regular basis.

## Umbrellas

Umbrella canopies must not protrude beyond any boundary of the Roadside Dining permit area and must have a minimum height when open of 2.2 metres to not impact on sight lines.

Umbrellas should not interfere with tree canopies.

If there are any overhead wires, additional consent may be required, or use of umbrellas may not be permitted.



## Lighting

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Incorporating lighting into the design of a Roadside Dining permit area will encourage the space to be used at night.

Electrical cords that extend across the footpath are not permitted.

Low voltage LED solar powered lights with Australian Standard compliance are acceptable.

Lighting used will need to be water and dustproof to a minimum rating of IP65.

Lighting is not permitted to cast upwards.

No lighting is permitted to be present in, or attached to trees.

Illuminance is not allowed to exceed five lux.

Lighting must not be directed and shine directly toward oncoming motorists.

Lighting should not be flashing or otherwise distracting to motorists and must not be able to be confused for traffic signals.

## Existing tree requirements

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Furniture should be placed 500mm from the tree base and not within the tree plot that could damage the tree and its roots.

City of Stonnington trees must not have anything fixed or attached to the trunk or canopy.

The pruning of public trees is not permitted.

No outdoor heaters can be placed within the proximity of the canopy of any public tree.

Awnings, parasols, or any other overhead coverings must not be in contact with branches within the canopy of any public tree.

Tree trunk or branch protection requirements are in accordance with AS4970 – 2009.

The City of Stonnington may conduct an inspection by a member of the Arboriculture Team, prior to the approval of a permit.



## Emergency vehicle access

Ensure that access to street entrances and lane entrances are not obstructed. Ease of access for fire trucks to access streets and laneways must always be maintained to prevent unnecessary delays for fire-fighting crews or other emergency services.

## Risk assessment and road safety audit

Applicants may need to engage independent road safety consultants and undertake independent road safety audits for non-standard and complex applications, or for applications that do not adhere to the guidelines.

All applications to extend into on-street parking spaces will be assessed strictly on a case-by-case basis and considered against site-specific conditions and must meet the criteria in these guidelines.

# Operations

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The operation guidelines below apply to both Summer Roadside Dining and 365 Roadside Dining Permits.

## Activity in Roadside Dining permit areas

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Activity in Roadside Dining permit areas will only be permitted between 7am and 11pm. If the Roadside Dining permit area is within 30 metres of a residential zone pursuant to the Stonnington Planning Scheme, unless conditions on an associated planning permit stipulate otherwise, activity in the Roadside Dining permit area will only be permitted between 7am and 10pm.

Food must always be available for purchase while the Roadside Dining permit area is in use. This does not mean that patrons in the Roadside Dining permit area must consume food. Food and/or liquor consumption in a Roadside Dining permit area may only occur when patrons are seated.

A permit does not license the supply or consumption of liquor in a Roadside Dining permit area. Businesses may only supply or allow for the consumption of liquor in a Roadside Dining permit area provided they have obtained all relevant permits and licenses from Liquor Control Victoria (LCV) for a Liquor License to permit the supply or consumption of liquor.

**NOTE: Applicants are required to contact the City of Stonnington's Planning Department for any amendments to an existing Liquor License and/or to submit a new application.**

Smoking in a Roadside Dining permit area may only occur in accordance with State Government Legislation.

**Without the permission of the City of Stonnington, the following activities are prohibited on the road, footpath, or City of Stonnington land and will therefore not be permitted in a Roadside Dining permit area:**

- » preparation of food or drinks
- » ice-cream, coffee stations or similar
- » barbeques, hot dog stands and cooking stations
- » playing of amplified music.

## Conduct of serving staff

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Where a permit has been issued, the applicant must ensure staff prioritise pedestrian movement above their own, when moving between the business's premises and the Roadside Dining permit area.



## Waste and litter

For the maintenance of hygiene and cleanliness of public land, the permit holder must ensure that:

- » food scraps or other rubbish generated by outdoor dining is immediately removed and deposited within the permit holder's own bins kept within the premises
- » litter generated by outdoor dining is not disposed of in street gutters, storm water drains, adjacent footpath areas, or public litter bins.

## Graffiti

Graffiti on Roadside Dining permit areas must be removed immediately and must not remain on permit area barriers.

Permit holders can contact the City of Stonnington Customer Service team on **03 8290 1333**, to obtain a graffiti cleaning pack.

## Displaying a permit

Permit holders will be provided with a sticker to display on their business window as proof of payment of applicable fees.

Failure to display the sticker will result in a breach of the permit conditions.



# Permit Management

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## Amendments to an existing permit

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City of Stonnington retains the right to add/amend conditions to permits to ensure public safety and amenity is not compromised.

No changes or additions to an approved Roadside Dining permit area plan including but not limited to the addition/relocation of items within a Roadside Dining permit area or the materiality of the Roadside Dining permit area may be made without prior consent. Advice of proposed changes should be submitted via email to [footpathtrading@stonnington.vic.gov.au](mailto:footpathtrading@stonnington.vic.gov.au).

## Transfer of ownership

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Permits are issued to the person/company/association listed on the permit and cannot be transferred to any other party. In the event of a change of ownership of the business, a new permit application must be made.

## Change in circumstances of neighbouring business

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The road is public space and as such is not owned by any one business. This means a business owner cannot charge rent for the use of a car space in front of their business or neighbouring business.

## Summer Roadside Dining

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Where a Roadside Dining permit area is approved in front of a neighbouring premises and the business at that premises is sold, during the permit period, consent from the new business owner will be required to be submitted to the City of Stonnington.

Where a Roadside Dining permit area is approved either partially or entirely in front of a vacant neighbouring premises and the business at that premises is leased, consent from the new business owner will be required to be submitted to the City of Stonnington.

## 365 Roadside Dining

Where a Roadside Dining permit area is approved either partially or entirely in front of a neighbouring premises and the business at that premises is sold, consent from the new business owner will be required to be submitted to the City of Stonnington.

Where a Roadside Dining permit area is approved either partially or entirely in front of a vacant neighbouring premises and the business at that premises is leased, consent from the new business owner will be required to be submitted to the City of Stonnington. A Roadside Dining permit area may need to be removed temporarily or permanently for streetscape improvements, to access utilities or for cleaning and maintenance. The City of Stonnington will give the permit holder as much notice as possible in these situations.

City of Stonnington reserves the right to provide permit holder details to a service authority if access to the Roadside Dining permit area is required.

Costs for disassembly, storage, re-installation, or damage will be the responsibility of the permit holder.

City of Stonnington indemnifies itself of any liability concerning costs incurred by a business or business owner where a Roadside Dining permit area is first constructed and then required to be removed.

At the conclusion of the permit, business operations within the Roadside Dining permit area must cease. Businesses will be notified prior to the expiry date of the permit to remove all items located within the permit area.

## Insurances

The permit holder must maintain a Public Liability Policy of Insurance for an amount no less than \$20 million. The policy must note the business name and the address/es of all premises in front of where the Roadside Dining permit area is located.

The policy must be able to meet any possible claim, which may be sustained against the licensee or City of Stonnington in relation to the death or injury of any person or the damage to any property arising out of anything authorised by a Summer Roadside Dining or 365 Roadside Dining Permit.

Failure to maintain a current Public Liability Policy of Insurance is considered a serious breach of this permit and will result in cancellation of the permit.

An up-to-date copy of the Public Liability Policy of Insurance will be required to be provided annually at the time of a 365 Roadside Dining Permit renewal.



## Responsibilities

### The permit holder must:

- » monitor and manage their Roadside Dining permit area to ensure they are operating within the requirements as set out in this document and their permit
- » operate in accordance with the conditions of any other City of Stonnington issued permit for the business or premises and LCV issued Liquor License (if applicable)
- » observe all local law provisions relating to outdoor dining, noise, responsible service of liquor, and health and amenity
- » ensure patron behaviour does not interfere with the use or enjoyment of the area by other patrons, or affect the amenity.

## Enforcement

Any non-compliance is an offence under the City of Stonnington **General Local Law 2018 (No.1)** and may result in enforcement action being taken. The permit holder will be liable for any breach that occurs in a Roadside Dining permit area.

Clause 186 of the City of Stonnington General Local Law 2018 (No 1) sets out in full the circumstances when the City of Stonnington may cancel, suspend or amend a permit.

City of Stonnington’s Authorised Officers monitor the operation of all outdoor dining areas and ensure the conditions of permits are complied with.

Pursuant to the City of Stonnington’s Local Law, an Authorised Officer may seize and impound roadside dining furniture and items where there has been an ongoing contravention of the permit or City of Stonnington’s Local Law.

**Additionally, depending on the severity and/or repetitive nature of the breach, the permit holder may receive:**

- » a written Notice to Comply
- » a written Official Warning
- » an Infringement Notice
- » cancellation of the permit.

Failure to pay an infringement notice or continued non-compliance may result in prosecution proceedings in addition to cancellation of the permit. The City of Stonnington reserves the right to adjust permits or revoke a permit at its discretion.



# Application document checklist

- Summer Roadside Dining Permit
  - 365 Annual Roadside Dining Permit
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## ● Certificate of Currency

- » Required to display business name, business address, and \$20 million public liability insurance.
  - » Note: If the roadside dining area occupies a parking space outside an adjoining business, it is also essential to display the address of that business on the Certificate of Currency.
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## ● Three photos of proposed area

- » Photos should clearly display the area you are intending to occupy for roadside dining.
  - » The photos must show any current infrastructure on the footpath (City of Stonnington assets, bins, poles, signs etc.) and parking restrictions effecting the proposal.
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## ● Letter of consent

### Notification to neighbouring businesses

- » A Letter of consent is only required if the Roadside Dining permit area proposal is outside an adjoining business.
- » A notification letter should be provided to adjoining businesses informing them of the occupation of the parking space directly outside your business.



# Site Plan checklist

**Site plans must be designed by a qualified architect or engineer to an appropriate scale.**

## **A. Aerial site plan must display:**

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- parking space/(s) you intend to occupy
- parking restrictions effecting the proposed roadside dining area
- layout of all furniture and a description of how you intend to store it outside of business hours
- current infrastructure on the footpath (City of Stonnington assets, bins, poles, signs, etc.)
- length x width of total barrier perimeter
- length x width of barrier structure
- business trading hours (include Liquor Licence times if applicable)
- display of traffic signage around circumference of proposed roadside area (chevron and reflective signage)
- clearance zones stipulated within Roadside Dining Framework.

## **B. Elevation site plan / platform plan must display:**

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- height of proposed barriers (maximum height including plants is one metre)
- platform design must include height of platform which must be flush with the footpath
- height of all furniture within roadside dining area
- proposed materials for construction of barriers and platform
- furniture must not be fixted to platform, barriers, and roadway
- a 300mm unobstructed channel at base of kerb for drainage
- how the platform is supported
- include any opening cover lids for access service utilities, storm water drains and City of Stonnington drainage.



City of  
**STONNINGTON**

## National Relay Service

If you are deaf, or have a hearing impairment or speech impairment, contact City of Stonnington through the National Relay Service (NRS).

- » **TTY** users, phone **13 36 77** then ask for **8290 1333**.
- » **Speak and Listen** users, phone **1300 555 727** then ask for **8290 1333**.
- » **Internet relay** users, connect to the **NRS** then ask for **8290 1333**.

## Community languages

Call the Stonnington Community Link, a multilingual telephone information service.

Mandarin	普通話	9280 0730	Polish	Polski	9280 0734
Cantonese	廣東話	9280 0731	Russian	Русский	9280 0735
Greek	Ελληνικά	9280 0732	Indonesian	Bahasa Indonesia	9280 0737
Italian	Italiano	9280 0733	Vietnamese	Tiếng Việt	9280 0748
All other languages		9280 0736			

## Service Centres

### Stonnington City Centre

311 Glenferrie Road, Malvern  
Monday to Friday, 8.30am-5pm

**Telephone:** 8290 1333 (all hours)

**Email:** [council@stonnington.vic.gov.au](mailto:council@stonnington.vic.gov.au)

**Post:** PO Box 58 Malvern Vic 3144

### Stonnington Services and Visitor Centre

Prahran Square, corner Chatham  
and Izett streets, Prahran

**Monday to Friday**, 8.30am-5pm

(**Thursday** till 7pm)

**Saturday** 11am-3pm