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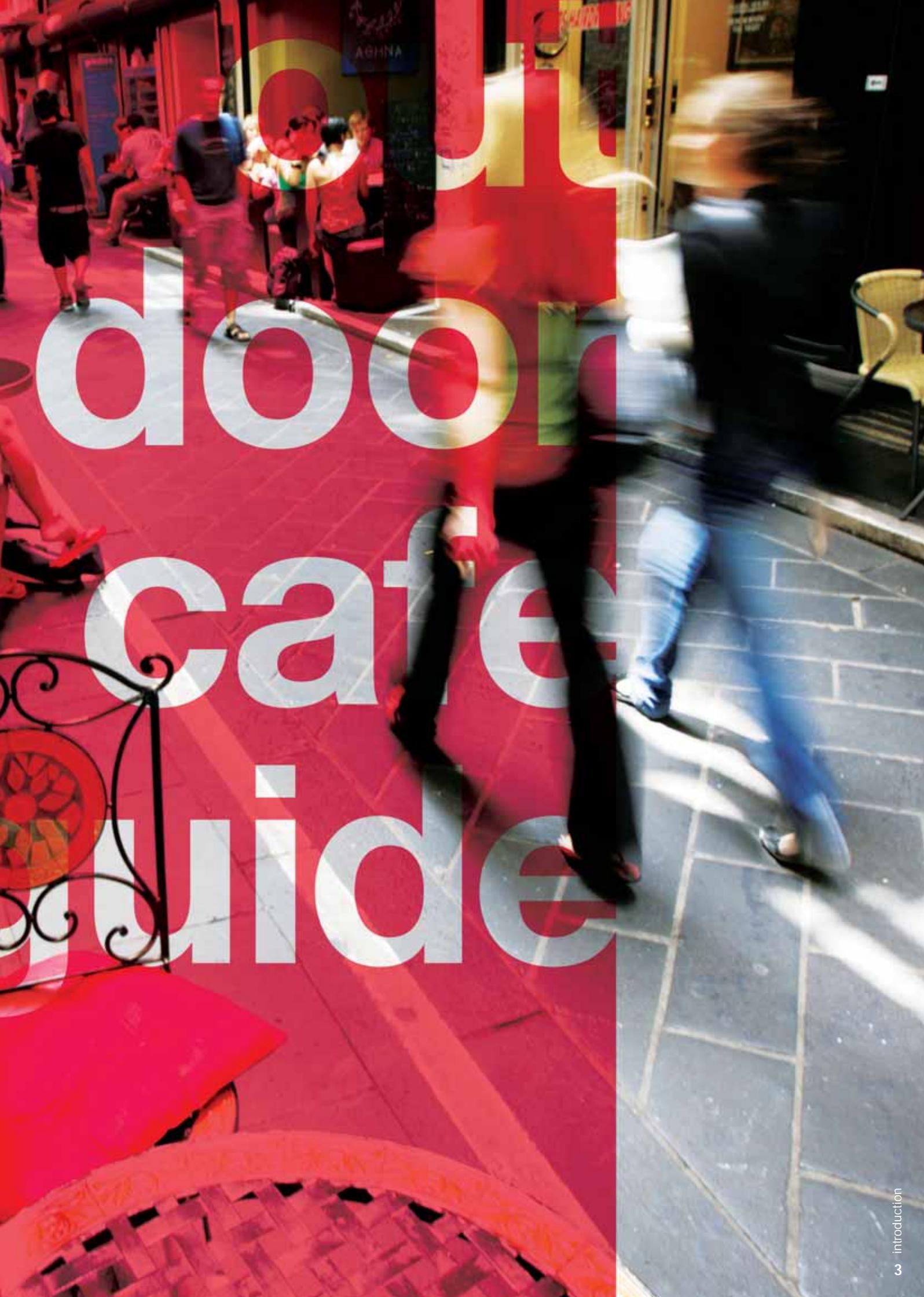


# Introduction

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## Introduction

The *Outdoor Café Guide* (the 'guide') outlines best practice design guidelines and requirements for establishing and managing outdoor cafés in 'the public place' in the City of Melbourne. The public place is defined as the city's public environment which provides the physical setting for all members of the community to access and enjoy cultural, social and recreational activities. The City of Melbourne adheres to the principle that public places should be free of restrictions on individuals and social groups regardless of ethnicity, age, economic circumstance, gender or physical disability.

The quality of a city's public environment is measured by the way this basic principle is expressed. While the principle is simple enough, the reality is more complex. For instance, the establishment of an outdoor café brings public and private interests together in one place. The relationship between these two interests must be carefully managed and balanced to maintain the use, variety and enjoyment of the public environment.

The purpose of this guide is to maximise the benefits and synergies between outdoor café areas and other public uses in the city.





## Key principles

The principles contained in this guide provide a set of best practice design requirements and guidelines for establishing and managing outdoor cafés.

They are also intended to promote awareness and understanding about the key responsibilities and requirements of café owners, managers and designers.

The principles are based on extensive research and community/stakeholder consultation. They are designed to meet the city's future needs and are in line with community values and City of Melbourne strategic policy.

### These principles are:

Major area policy	Principles for the guide
Access and public place	Inclusive public place and streets Convenient pedestrian access for all
Design and heritage	High quality design and appearance Attractive and innovative outdoor cafés
Operation and management	Positive contributions to environmental sustainability Maintaining social amenity in residential areas Safe, clean and well maintained outdoor cafés, public place and streets Minimise unnecessary noise and nuisance
Education and compliance	Education, training and compliance between permit holders and the City of Melbourne

### Objectives of the guide

- + Encourage high quality outdoor cafés to enhance the safety, amenity and ambience of the City of Melbourne.
- + Provide a comprehensive framework for the development and management of outdoor cafés in the public place.
- + Ensure outdoor cafés do not interfere with the safe and reasonable movement of pedestrians and vehicular traffic, and other street activities.

## Outline of key principles

**Access and the public place encompass the physical relationships between outdoor cafés and surrounding public places, particularly in relation to access.**

This includes:

- + the access needs and rights of people with disabilities, the vision impaired and those using mobility aids;
- + clearances mandated in the Guide for pedestrian access;
- + clearances mandated around public utilities; and
- + fixed and semi-fixed furniture in outdoor cafés.

**Design and heritage relates to the physical design expectations of the City of Melbourne for outdoor cafés and furniture.**

This includes:

- + the general approach regarding regulation of design;
- + the maximum acceptable level of enclosure and privatisation of outdoor cafés;
- + the relationship between outdoor café design and heritage places, precincts and streetscapes;
- + advertising restrictions; and
- + specific design requirements for each furniture type.

**Operation and management relates to the day-to-day responsibilities of Permit holders. This encompasses social and environmental factors contributing to a sustainable city.**

This includes:

- + monitoring the outdoor café and providing table service;
- + the minimisation of litter and nuisance;
- + expectations regarding spruiking and touting;
- + practices contributing to the safety of patrons and pedestrians;
- + café repair and presentation standards;
- + eligibility requirements;
- + the assessment of permits in socially sensitive areas, especially residential areas; and
- + environmentally sustainable outcomes for outdoor cafés.

**Education and compliance relates to effective communication and enforcement of the guide's responsibilities and requirements.**

This includes:

- + trader awareness of the requirements of the guide;
- + the presentation of information in the guide;
- + other education and information that supports and reinforces the guide; and
- + compliance procedures and outcomes.

## Outdoor Café Guide – structure

The structure of the *Outdoor Café Guide* is set out below:

### Design guidelines and requirements

#### Access, clearances, design and heritage responsibilities

This section is the key reference for new applicants and existing Outdoor Café Permit (permit) holders. It outlines design guidelines and requirements for establishing a new outdoor café or maintaining high standards for an existing outdoor café.

### Operation and management

#### Operating and managing an outdoor café and meeting sustainability requirements

This section is the key reference for existing Permit holders regarding operating and managing an outdoor café. It is also a secondary reference for permit applicants regarding their future roles and responsibilities.

### Education and compliance

#### Training requirements and compliance provisions

This section is the key reference for the City of Melbourne and Permit holders regarding the principles of education, compliance and offences pursuant to *Activities Local Law 1999* and *Environment Local Law 1999*.

### Application information

#### Application and amendments to permits

This section is the key reference for permit applicants regarding applying, re-applying and making amendments to existing permits.



## Outdoor cafés

### Definition and eligibility

Outdoor cafés in the public place can only be established in the City of Melbourne where there is an existing indoor restaurant or café. Outdoor cafés are not intended as the primary dining area but an extension of indoor seating, for use in fine weather. Outdoor cafés should only be visible and in use during café operating hours. They should not be designed for equipment other than temporary tables, chairs, umbrellas and screens.

Businesses eligible to operate an outdoor café are required to provide food prepared in a 'working kitchen' or food preparation area. 'Liquor only' establishments are not eligible for a permit.

The use of crockery and glassware is preferred in the serving of food and drink in outdoor cafés. Plastic containers, paper and polystyrene cups add to waste consumption and cause additional litter on the street and stormwater drains, as well as contribute to greenhouse emissions. In addition, the use of crockery and glassware indicates quality, attracts diners and ensures outdoor cafés are regularly serviced by staff.

**Food vending machines, food preparation equipment, and other equipment such as refrigerators, coffee machines and utensils are also not permitted in outdoor cafés.**

Outdoor cafés share the public place with all city users, including pedestrians of all ages and abilities; pedestrians with prams or pushers; other city businesses; street traders; public infrastructure and other facilities. To balance the interaction between outdoor cafés and the public place, the City of Melbourne requires that proprietors hold a valid permit, which provides for the use of a specified area and a specified number of tables, chairs and other furnishings in accordance with any other conditions.

### Summary of eligibility criteria

- + Must be an extension of 'indoor' seating.
- + Must be a lawfully existing food premises (café or restaurant).
- + Must have a 'working kitchen' or food preparation area.
- + Must provide 'table service' or provision for cleaning and servicing.
- + Should serve food and drinks in non-disposable crockery and glassware.

## Importance of outdoor cafés

The City of Melbourne has experienced significant cultural and land use changes over the past 10 years. The *Places for People* report (City of Melbourne, Gehl Architects, 2004) outlines the important contribution of outdoor cafés to city life, including greater diversity in street activity.

The rapid growth of outdoor cafés in the past 10 years has positioned Melbourne as a vital, vibrant and cosmopolitan city.

Well maintained outdoor cafés make a valuable contribution to the City of Melbourne's public place. They are attractive, interactive, offer passive surveillance of the street and provide opportunities for people to participate in street life. Outdoor cafés also boost pedestrian activity and improve quiet or less active areas of the city.

Outdoor cafés are established throughout the City of Melbourne within defined precincts such as prominent or traditional retail strips and within public and private laneways.

A key characteristic of outdoor cafés is the trend towards clustering. Outdoor cafés thrive in locations that epitomise café culture and where businesses can share and compete for clientele. Outdoor cafés are currently thriving throughout the City of Melbourne, including Lygon Street, Centre Place, Degraives Street, Block Place and The Causeway.

## City of Melbourne strategic directions

This guide links to other strategic directions of the City of Melbourne in terms of sustainability, accessibility, design and heritage principles in public places.

A key reference document is *City Plan 2010*, the City of Melbourne's strategic blueprint for the 10-year period 2001–2010. The plan identifies three strategic principles for sustainability:

- + **economic prosperity**, seeking to develop jobs, support business prosperity and market growth;
- + **social equity**, increasing the willingness and ability for all people to become involved in community life; and
- + **environmental quality**, seeking to use energy from renewable resources, maximising resource and infrastructure use and minimising pollution and waste.

Outdoor cafés in the public place make a valuable contribution to the social and cultural identity of Melbourne and contribute to the city's economic prosperity and sustainability. They also provide a way for people of all ages, incomes and tastes to participate in street life. The City of Melbourne is committed to supporting and managing appropriate outdoor cafés in partnership with café owners and operators.

## Public place

The City of Melbourne respectfully acknowledges that the municipality is the traditional land of the Kulin Nation. For the Boonerwung, Woiworung, Taungurong, Djajawurrung and Wathaurung which make up the Kulin Nation, Melbourne has always been an important meeting place and location for events of social, educational and cultural significance.

The public place is land that is used by the public as 'common ground'. The public is entitled to have access to all common ground within the municipality for community, social and commercial interaction. The public realm should also allow for pedestrian flow and movement from one place to another.

The following definition is an extract from the *Activities Local Law 1999* (1.13), which governs the use of the public place, including the activities of outdoor cafés, in the City of Melbourne.

- + Any place prescribed by the City of Melbourne as a public place, other than the interior of a building, which is not occupied by the City of Melbourne or a public body unless that part has been prescribed by the City of Melbourne.
- + Any place to which the public whether upon or without payment for admittance have or are permitted to have access, but does not include a shopping centre.
- + Any park, garden, reserve or other place of public recreation or resort.
- + Any vacant land or vacant space adjoining any road.
- + Any wharf, pier or jetty.
- + A City of Melbourne building.

Under the *Activities Local Law 1999*, a permit is required to operate an outdoor café in any public place approved by the City of Melbourne.

A permit fee applies to all public places within the municipality.

## Private property

A number of outdoor cafés currently operating from private properties are deemed to be a public place under the provisions of the *Activities Local Law 1999*. These areas are usually characterised by the direct and unobstructed accessibility from public areas. Outdoor cafés establishing in these areas are subject to the same design guidelines, safety and amenity checks as typical outdoor cafés located on the footpath.

Applications on private properties that do not satisfy the *Activities Local Law 1999* (1.13) definition are subject to the provisions of the Melbourne Planning Scheme. Under these provisions, the City of Melbourne will decide whether material detriment to any person would result from an outdoor café and, if so, these parties must have an opportunity to comment on the proposal. Decisions made by the City of Melbourne can be appealed to the Victorian Civil Appeals Tribunal (VCAT).

Proposals for outdoor cafés where development impacts on the heritage overlay are subject to the provisions of the Melbourne Planning Scheme, whether on public or private land.

## Policy framework

This Guide responds to a range of municipal, state and federal level legislation, and has been developed in line with best practice strategic principles, Local Laws and other departmental guidelines. This table details the policy framework.

### Policy framework

Federal		
Australian Standards (AS)	<i>Disability Discrimination Act 1992</i>	
State		
<i>Environment Protection Act 1970</i>	<i>Health Act 1958</i>	<i>Tobacco Act 1987</i>
<i>Victorian Heritage Act 1995</i>	<i>Summary Offences Act 1966</i>	<i>Liquor Control Reform Act 1998</i>
<i>Road Safety Act 1986</i>	<i>Road Management Act 2004</i>	<i>Road Rules Victoria 1999</i>
<i>Food Act 1984</i>	<i>Melbourne Planning Scheme 2005</i>	
Municipal		
<i>Activities Local Law 1999 (No.1 of 1999)</i> <i>Public Amenity Local Law 1999 (Docklands Area)</i>	<i>Environment Local Law 1999 (No. 2 of 1999)</i>	<i>City Plan 2010</i>
<i>Waste Management Strategy 2005</i>	<i>Street Trading Strategy 1995</i>	<i>People for Places Report (Gehl 2004)</i>
<i>Draft Melbourne Marketing Strategy 2007–2011</i>	<i>Melbourne Marketing Strategy 2003–2006</i>	<i>Sustainable Public Lighting Action Plan 2005–2010</i>
<i>Street Furniture Strategy 2005–2010</i>	<i>A Strategy for a Safer City 2004–2006</i>	<i>Disability Action Plan 2005–2009</i>
<i>Draft Urban Design Strategy July 2006</i>	<i>VicUrban Futures 2</i>	<i>Zero Net Emissions 2020</i>

# Access and design guidelines

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38 Umbrellas

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42 Menus and menu boards

42 Electricity and lighting

43 Gas heaters

44 Plants and planter boxes

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## Access and the public place

The guidelines and requirements outlined below provide a framework for consistent design of outdoor cafés while maintaining the flexibility to accommodate individual streetscape conditions.

The *Outdoor Café Guide* ('the guide') responds to a range of policies and legislation. A key objective of the guide is to allow convenient pedestrian access for people of all ages and abilities within the municipality.

*City Plan 2001–2010* identifies two key directions for accessibility and the public place:

- + a connected and accessible city, which seeks to prioritise pedestrian access networks and linkages; and
- + an inclusive and engaging city, which seeks to improve the design, amenity, safety and quality of the city's public environment for all users.

Through this guide, the City of Melbourne is committed to the accessibility principles and standards outlined in the *Disability Discrimination Act (1992)*, the City of Melbourne's *Disability Action Plan 2005–2009* and *Australian Standards for Access and Mobility (AS1428.2 -1992)*, *Road Safety Act (1995)*, the *Road Management Act (2004)* and *Road Rules Victoria (1999)*.



two



## Principles

### Inclusive public place and streets

Outdoor cafés should be designed to reflect the public nature of the street, with minimal fencing or boundaries that tend to privatise the public place.

Street frontages should not be obscured by furniture or fittings (including canvas screens, glass screens, planter boxes and freestanding awnings).

Similarly, natural air and light needs to be maintained and at least one-third of the walkway (width or length) should be kept clear of extendable awnings and other screening.

### Convenient pedestrian access for all

Outdoor cafés are required to provide minimum clearance areas in accordance with Australian Standards to allow pedestrian access and circulation. The Australian Standards set out minimum access requirements for pedestrians, including the vision impaired, and users of mobility aids.

Different city streets demand different clearance requirements due to the width of existing footpaths and the amount of pedestrian traffic. Refer to *Table 1. Minimum pedestrian clearance* on page 18.

As a minimum, outdoor cafés should allow sufficient space on the footpath for two mobility aids or child pushers to pass each other comfortably.

## Accessibility

Outdoor cafés should be integrated with existing street activities, pedestrian circulation and traffic safety by maintaining adequate clearances.

Well designed and maintained urban environments are essential to ensure adequate open space for people to enjoy without being impeded by commercial activity. The key to safer places is to improve the quality of the environment, minimise the opportunity for crime and promote accessible places that encourage a feeling of safety and community participation.

The issue of disability access is related to broader accessibility objectives. The City of Melbourne's *Disability Action Plan 2005–2009* aims to maximise opportunities for access and social inclusion for people of all abilities. The plan recognises it is the role of all city businesses and users to help deliver an equitable, safe and shared public environment.

In recognition of these objectives, the City of Melbourne does not permit the establishment of outdoor cafés against building frontages in the municipality's main and intermediate streets.

## Suitable location

The location of an outdoor café should provide for a comfortable, attractive and relaxing environment for patrons, while complementing other street activities.

Outdoor cafés are most appropriate in the following locations:

- + in streets with a minimum of 3.4m footpath space to accommodate an outdoor café without interfering with pedestrian access and other street activities;
- + in public and private plazas and squares; and
- + in laneways that are closed to vehicular traffic and have a suitable width.

Outdoor cafés can have benefits for the economic sustainability of an individual business, a precinct and for the social sustainability of the city as a whole.

Outdoor cafés are encouraged to establish:

- + in areas where neighbouring uses will not negatively impact on the amenity and/or atmosphere of an outdoor café;
- + in areas where the outdoor café will not negatively impact on other uses (particularly in terms of noise and amenity in residential areas); and
- + where there is opportunity for greater levels of pedestrian activity or in areas that require revitalisation.

The City of Melbourne will determine the impact on the safety, access and amenity of the immediate area for all outdoor café applications and amendments.

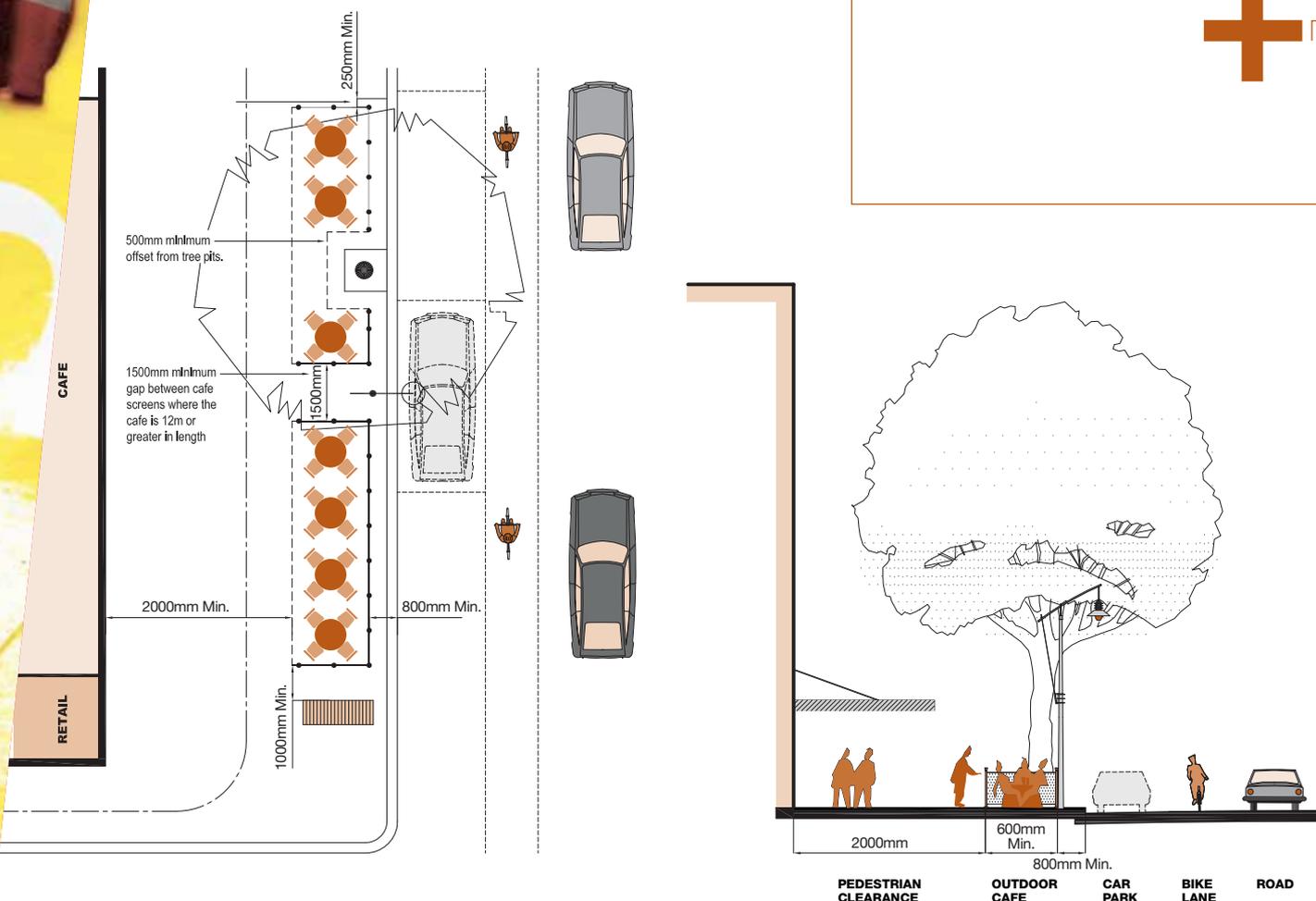
Outdoor cafés are a natural extension of existing restaurants or cafés. In most cases outdoor cafés are situated on the footpath immediately in front of the existing restaurants or cafés (on the kerb side).

- + The minimum width of an outdoor café area is 600mm.
- + Premises should have a clear view of the outdoor café area from the inside to ensure effective monitoring.
- + For premises with multiple entrances, consideration may be given to allowing an outdoor café on both sides of the building if the applicant can demonstrate the ability to manage both areas.

The City of Melbourne cannot approve an application if the above criteria are not satisfactorily met.

The appropriate location for an outdoor café is not always easily defined. Although there are larger public places in some precincts such as Melbourne Docklands, as distinct from narrow streets and laneways, the same general principles for outdoor cafés apply. The exact setback and conditions of an outdoor café are determined on a case-by-case basis.

## Outdoor café positioning in a streetscape



## Public street furniture and infrastructure

Consistent with the *Street Furniture Plan 2005–2010*, the City of Melbourne is committed to providing street furniture that is accessible, safe and comfortable. The provision of public seating gives people the opportunity to rest and take time out from the hustle and bustle of the city. Public seating also provides a place for people to pause along busy walking routes, and create informal meeting places.

Well maintained public places improve the perception of how safe a place is and support the public's desire to occupy and use those places. Management programs to clean, repair and maintain the public place and private buildings are vital for community safety and wellbeing.

Outdoor cafés should not compromise the ability for the general public or service contractors to access street furniture or public infrastructure. Public seating is just one form of street furniture provided in the City of Melbourne. Other street furniture and infrastructure may include:

## Street Infrastructure

- + bins
- + bicycle hoops
- + trees and tree plots
- + artwork
- + parking meters
- + payphones
- + fire hydrants
- + bollards
- + poles
- + wayfinding signs
- + horse troughs

Refer to *Table 2. Clearance from existing street infrastructure* on page 19.

## Relocation of street furniture

In some circumstances street furniture and infrastructure located on the footpath may impede the establishment of an outdoor café. In special circumstances, applicants may request the City of Melbourne to consider relocating benches, bins and bicycle hoops only. The approval of relocating these items will only be considered if all costs associated with these works are at the applicant's expense and furniture can be relocated nearby.



outdoor location



clear view of outdoor café

## Circulation and clearances

Clearances relevant to outdoor cafés include footpath access, clearances from adjoining properties, disabled parking, clearance through an outdoor café area, clearance from existing infrastructure and essential services, street trees, access to underground services, construction zones, clearways and clearances from intersections.

### Central City and Outside the Central City

The City of Melbourne streets and laneways are divided into two areas: the Central City and Outside the Central City.

The Central City consists of three types of street width. These are as follows:

- + main streets (30m);
- + intermediate streets (10m); and
- + minor streets and laneways.

Outside the Central City there are three types of streetscape. These are as follows:

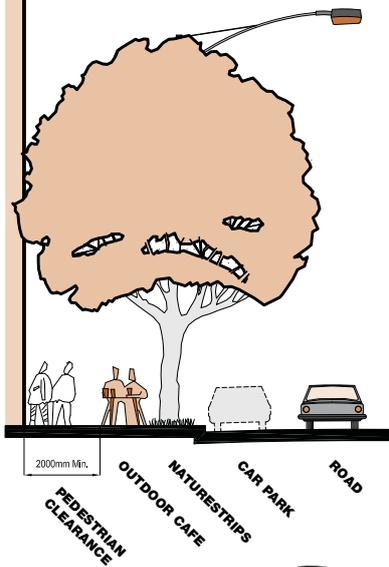
- + streets with naturestrips;
- + streets without naturestrips; and
- + Lygon Street.



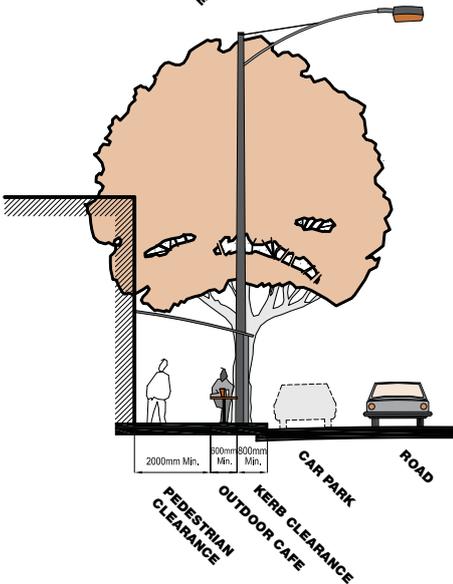
Map of Central City streets' widths



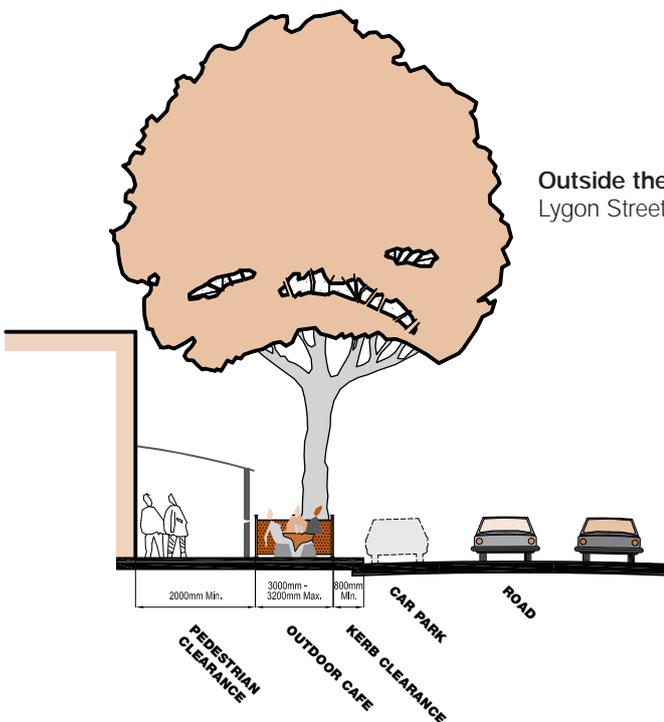
Outside Central City



**Outside the Central City streets with naturestrips**  
 St Kilda Road, Flemington Road, Royal Parade,  
 Queensbridge Street, Sturt Street, Coventry Street and  
 Grattan Street.



**Outside the Central City streets without naturestrips**  
 Errol Street, Victoria Street, Queensberry Street,  
 Rathdowne Street, Albert Street, Wellington Parade,  
 Domain Road, Pellham Street, Elgin Street and parts of  
 Grattan Street.



**Outside the Central City Lygon Street**  
 Lygon Street, Faraday Street.

## Pedestrian clearances

Pedestrian clearances are required to ensure a clear path between the relevant building and an outdoor café, wide enough for mobility aids and prams to pass each other.

Outdoor cafés in the City of Melbourne are not permitted to be placed directly against building façades. Except for minor streets and laneways, outdoor cafés should be placed against the edge of the footpath with appropriate setback clearances.

The minimum clearance required between a proposed outdoor café and building varies from street to street and depends on the width of the street and footpath, pedestrian activity, safety and circulation requirements.

The City of Melbourne reserves the right to vary clearances depending on pedestrian and vehicular traffic, existing footpath widths and concerns from other users. Refer to *Table 1. Minimum pedestrian clearances for outdoor cafés.*

**Table 1. Minimum pedestrian clearance for outdoor cafés**

Precinct	Pedestrian clearance
Central City – Main streets (30m)	Swanston Street 4500mm minimum Collins Street 3000mm minimum Parts of Bourke Street 2000mm minimum Lonsdale, Flinders, Elizabeth and Queen streets 2000mm minimum
Central City – Intermediate streets (10m)	2000mm minimum
Central City – Minor streets and laneways	To be specified by the City of Melbourne on a case-by-case basis. However 2000mm is the preferred minimum and 1500mm is the absolute minimum clearance
Outside Central City – Lygon Street	2000mm minimum
Outside Central City – streets with naturestrips	2000mm minimum
Outside Central City – streets without naturestrips	2000mm minimum
Residential areas	2000mm minimum
New Quay – Lower Promenade	10m minimum
New Quay – Upper Promenade	3000mm minimum
Victoria Harbour – Lower Promenade	10m minimum
Victoria Harbour – Upper Promenade	3000mm minimum
Yarra's Edge – Lower Promenade	10m minimum
Yarra's Edge – Upper Promenade	3000mm minimum





Pedestrian clearance



Parking meter clearance

**Table 2. Clearance from existing street infrastructure**

Object	Minimum clearance from object
Fire hydrants	1000mm
Exit doors	
Litter bins	
Public seats	
Payphones	
Bicycle hoops	
Parking meters	
Tram stop shelters	
Bus stop Shelters	
Other infrastructure used by the public:	500mm
Tree plots	
Bollards	
Poles	
Other similar objects	
Platform tram stop access point	1500mm

### Clearance break required through outdoor café

Clearance breaks of 1500mm through the centre of outdoor cafés are only required where the outdoor café exceeds **12m** in length. This minimises the obstruction caused by a long outdoor café and allows access to premises from alighting vehicles and pedestrians crossing the road, parallel to the kerb.

### Clearances from existing street infrastructure

Clearances between the outdoor café and existing street infrastructure ensures street furniture and infrastructure can be used or serviced while an outdoor café is in use. It also ensures adequate access for the general public moving through the public place. Refer to *Table 2. Clearance from existing street infrastructure*.

## Clearance between neighbouring properties

Clearances between neighbouring properties are also required to prevent a continuous line of outdoor cafés, and to facilitate pedestrian access to the kerb and road.

## Fixed furniture clearances

Glass screens are considered fixed furniture. A 750mm clearance is required between neighbouring outdoor café boundaries, where furniture such as screens are fixed in place. A minimum of 375mm clearance is required from the boundary of each outdoor café giving a total of 750mm.

## Non-fixed furniture clearances

A 500mm clearance is required between neighbouring outdoor cafés, where furniture such as screens are not fixed in place. A minimum of 250mm clearance is required from the boundary of each outdoor café giving a total of 500mm.

Special conditions apply to the Lygon Street precinct: 850mm clearance is required between neighbouring outdoor cafés. A minimum of 425mm clearance is required from the boundary of each outdoor café giving a total of 850mm.

Refer to *Table 3. Clearances between neighbouring outdoor cafés.*

**Table 3. Clearances between neighbouring outdoor cafés**

Precinct	Clearances between neighbouring outdoor cafés
Central City – Main 30m streets	250mm * 1500mm where Disabled Parking Bay adjoins the site
Central City – Intermediate 10m streets	250mm * 1500mm where Disabled Parking Bay adjoins the site
Central City – Minor streets and laneways 5m streets	250mm * 1500mm where Disabled Parking Bay adjoins the site
Outside Central City – Lygon Street	375mm non-fixed furniture 425mm fixed furniture * 1500mm where Disabled Parking Bay adjoins the site
Outside Central City – street with naturestrips	250mm * 1500mm where Disabled Parking Bay adjoins the site
Outside Central City – street without naturestrips	250mm * 1500mm where Disabled Parking Bay adjoins the site
Residential areas	250mm * 1500mm where Disabled Parking Bay adjoins the site

\*There must be unobstructed path clearance of 1500mm at both ends of the outdoor café to allow passing room for mobility aids and access to the footpath.



## Clearance from existing street trees

Clearances from existing tree plots and street trees must be maintained at all times to prevent damage to the root system. Tree plots that are uncluttered by furniture improve the attractiveness of the streetscape. A 500mm clearance must be kept between the edge of a tree plot and the permitted outdoor café.

## Clearances from essential services

Essential services are a vital component of the City of Melbourne's infrastructure. Clearances from existing essential services must be maintained at all times. A 1000mm clearance must be kept between the edge of essential services and the permitted outdoor café. Refer to *Table 4. Clearances from essential services*.

## Access to underground services

Services such as fire hydrants, sewers, telecommunications and electricity conduits should not be obstructed by fixed elements such as awnings, umbrellas and glass screens.

Removable tables and chairs may be placed on top of underground service pits providing these are structurally sound. In an emergency, immediate access is required.

## Clearance from kerb

A setback distance between an outdoor café and the edge of the kerb is essential for the safety of pedestrians crossing the road and for passengers alighting from vehicles. The City of Melbourne may require further setbacks or consider the reduction of setbacks outlined in *Table 5. The minimum distance between the face of the kerb and the outdoor café*. This is dependent on pedestrian and vehicular traffic conditions, impact on access and circulation, existing street activities and the concerns of local users.

**Table 4. Clearance from essential services**

Object	Minimum clearance for essential services
Substations	1000mm
Fire exit doors	
Switchboards	
Hose reel cupboards	
Fire equipment stores	
Boosters	
Fire hydrants	
Communication poles	

**Table 5. The minimum distance between the face of the kerb and the outdoor café**

Parking restrictions	Minimum setback from kerb
Normal parking conditions	800mm
Loading Zones	900mm
No Stopping	1000mm
90°, 60°, 45° Angle Parking	1200mm
Disabled Parking	1500mm
Taxi bus stops	1500mm
Bus stops	1500mm
Platform tram stops	1500mm

Tree plot clearance



kerb clearance



## Delineation markers

- + To assist owners and managers to set up an outdoor café, delineation markers may be installed in the footpath by the City of Melbourne to define the permitted outdoor café area. The permit holder must ensure all furniture associated with the outdoor café is located within the defined perimeter.



Delineation markers

## Clearway zones

Clearways operate during peak hours along a number of busy roads, and are either managed by the City of Melbourne or VicRoads. The function of a clearway is to reduce traffic congestion by prohibiting parking on these streets during clearway operating times.

When clearway restrictions are in place, outdoor café patrons are exposed to greater risk because there are no parked

cars to create a safety buffer between the outdoor café and moving traffic.

Outdoor cafés on footpaths operating in streets with clearway zones are not permitted to trade during restricted times.

All outdoor café furniture must be removed from the footpath during clearway operating times.

The following clearway zones are valid within the City of Melbourne:

## Clearway zones



### TYPE OF CLEARWAY

#### BOTH SIDES

- 7.00am - 10.00am  
4.00pm - 7.00pm
- 7.00am - 9.30am  
4.00pm - 6.30pm
- 7.30am - 9.30am  
4.00pm - 6.00pm

#### BOTH SIDES / ONE SIDE

- Both Sides 7.00am - 9.30am  
One Side 4.30pm - 6.00pm
- South Side 7.00am - 9.30am  
North Side 4.00pm - 6.30pm  
South Side 4.30pm - 6.30pm
- Both Side 4.00pm - 6.30pm  
West Side 7.00am - 9.30am

#### ONE SIDE AT A TIME

- South Side 6.30am - 9.30am  
North Side 3.30pm - 6.30pm
- South Side 7.00am - 9.30am  
North Side 4.00pm - 6.30pm
- South Side 7.00am - 9.30am  
(Nicholson to Hoddle)  
4.00pm - 6.30pm  
(Nicholson to Lansdowne)  
4.30pm - 6.30pm  
(Lansdowne to Hoddle)

#### ONE SIDE ONLY

- West Side 4.00pm - 6.30pm
- North Side 4.00pm - 6.30pm
- East Side 4.30pm - 6.30pm

## Intersections – line of sight

Outdoor cafés located next to intersections should be set back from the building to allow a clear line of sight for turning vehicles. The minimum setback from the outdoor café is determined by a line of sight from the corner. This is set at a 45° angle from the corner of the building, often resulting in a 1000mm to 3000mm clearance from the corner to the edge of the outdoor café.

## Construction zones

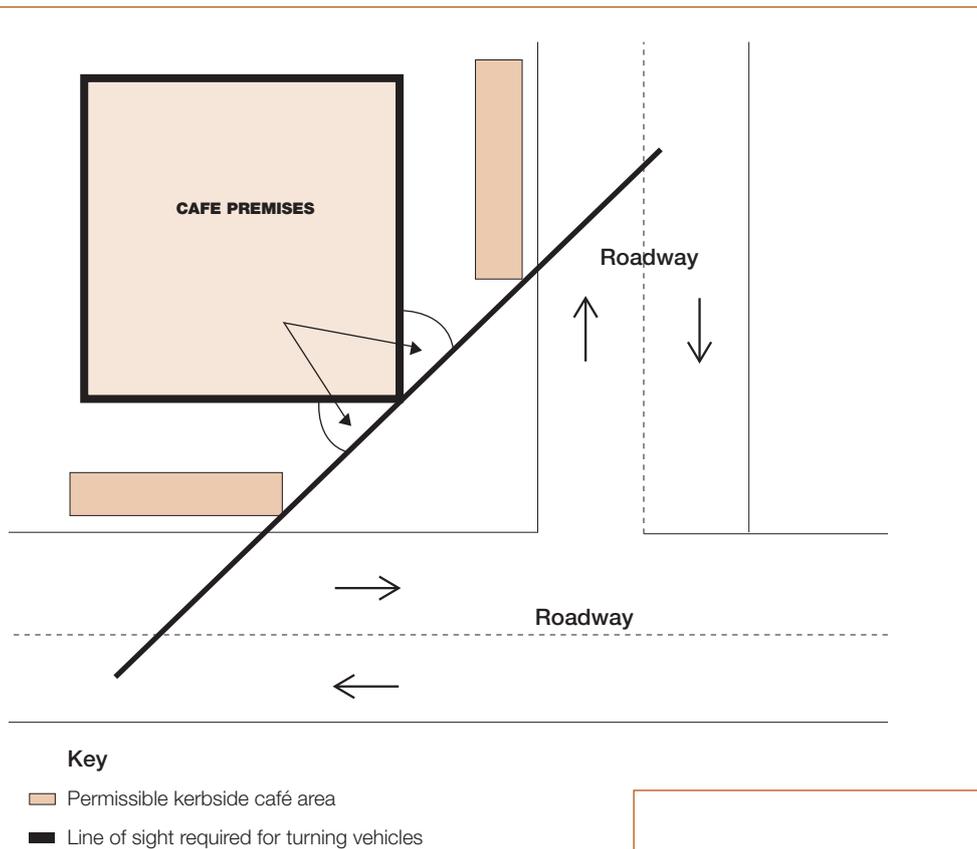
Construction zones are essential to maintain building façades and underground services, and to repair roads and footpaths.

Outdoor cafés are not permitted surrounding construction zones. A minimum setback of 3000mm should be provided to protect patrons from possible nuisance and dangers. However each application is assessed on a case by case basis.

*Please note: The City of Melbourne reserves the right to temporarily suspend or cancel a permit to ensure public safety during major construction projects.*

*A period of 14 days notice will be given to traders in these circumstances. Where the City of Melbourne suspends, relocates, amends, and/or cancels the permit, neither the permit holder or any other persons shall be entitled to any payments, compensation or damages of any kind from the City of Melbourne.*

### Site plan of line of site





## Toilet and sanitary conveniences

The addition of an outdoor café to an existing restaurant or café may lead to an increase in overall seating capacity. As such these premises must have adequate toilet facilities for the use of customers and staff. The Building Code of Australia provides guidance on what is considered an adequate number of toilets for indoor premises.

However, as the introduction of an outdoor café may increase the overall number of patrons, it may be necessary to upgrade existing toilet facilities to accommodate this increase.

Refer to *Table 6. Toilet and sanitary conveniences ratio*.

**Table 6. Toilet and sanitary conveniences ratio**

Seating capacity	Number and ratio of toilets			
0-20	No requirements			
21-50	Females:	1 closet pan	1 washbasin	
	Males:	1 closet pan	1 washbasin	1 urinal
51-100	Females:	2 closet pans	1 washbasin	
	Males:	1 closet pan	1 washbasin	1 urinal
101-200	Females:	3 closet pans	2 washbasins	
	Males:	1 closet pan	2 washbasins	2 urinals
201-300	Females:	4 closet pans	2 washbasins	
	Males:	2 closet pans	2 washbasins	3 urinals



## Occupying neighbouring premises

### Written consent

If a proposal for an outdoor café seeks to occupy the public place immediately neighbouring the café/restaurant, the City of Melbourne requires the applicant to obtain written consent from the owner or Body Corporate and occupier of the neighbouring building. The letter(s) of consent should be provided on official letterhead.

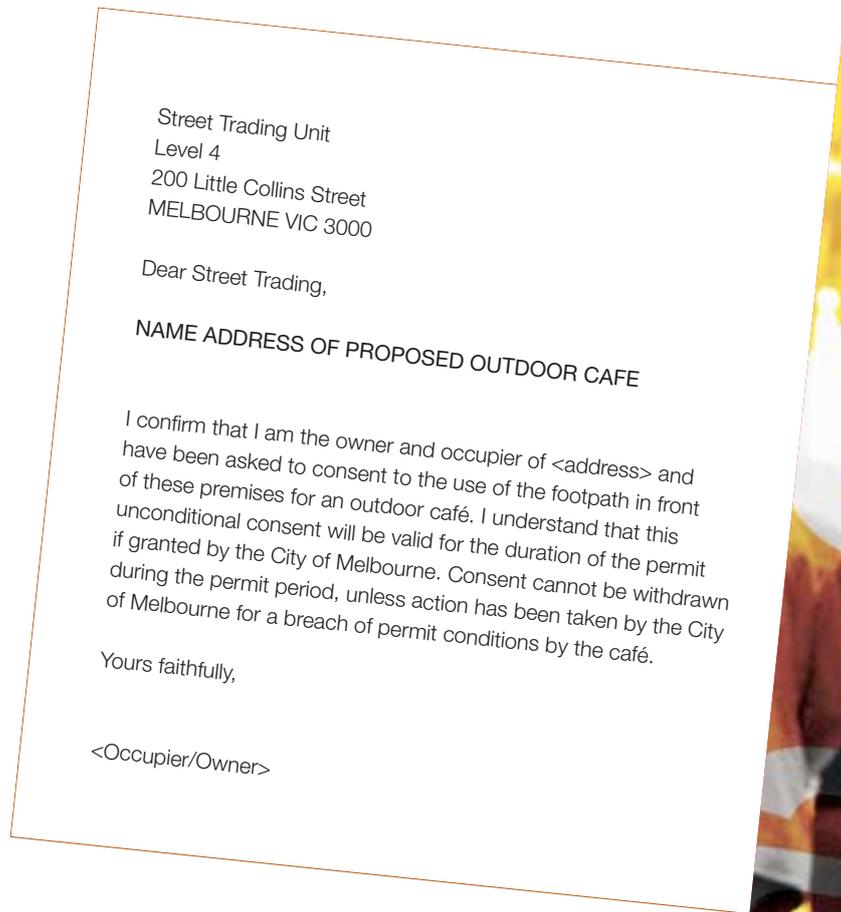
If the proposal is for an outdoor café on the ground floor of a neighbouring multistorey building, consent from neighbouring ground floor tenant(s) and the building owner are required.

### Withdrawal of consent

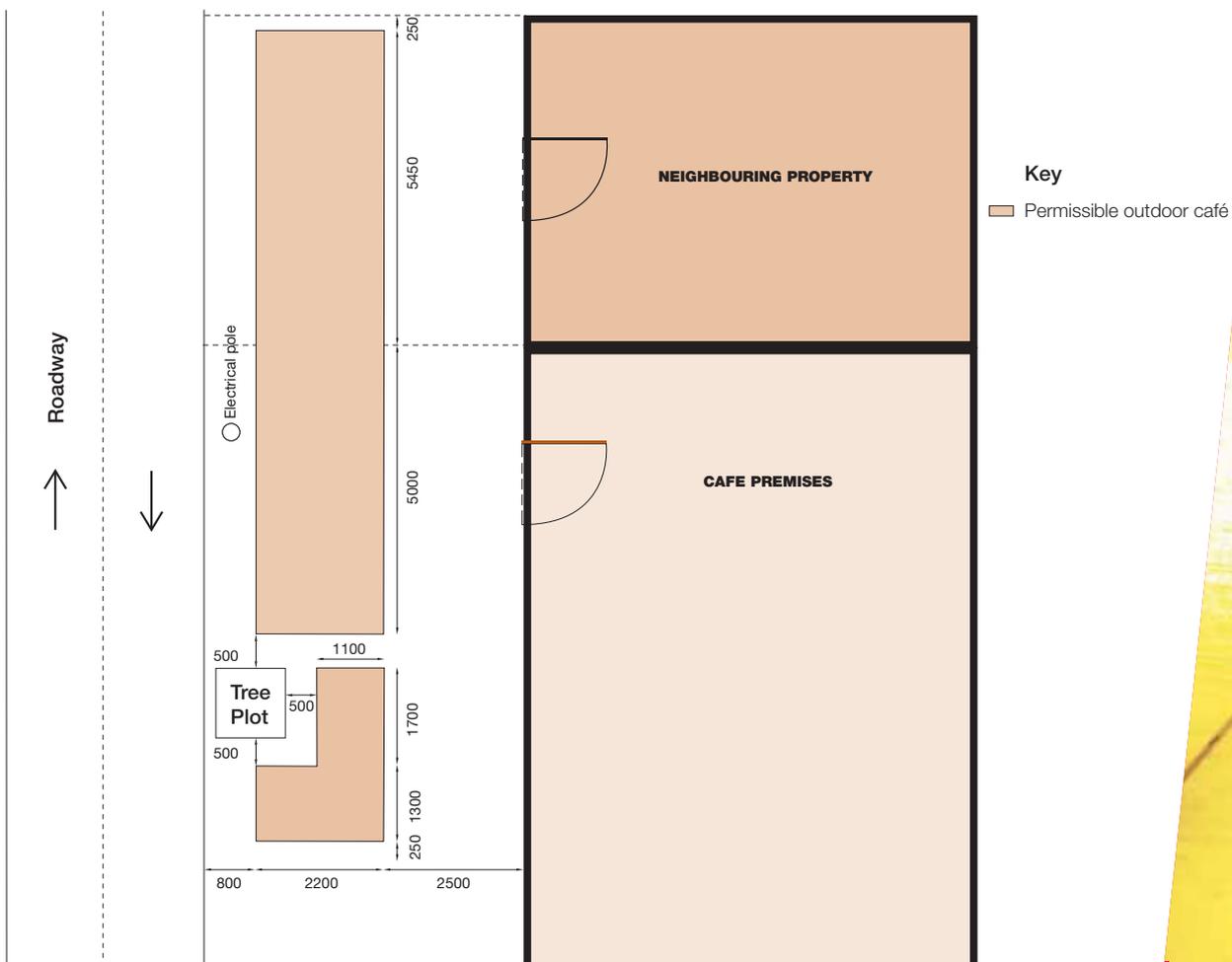
Consent from the owner or Body Corporate and occupier for use of the neighbouring public place may be withdrawn at any time. Depending on the specific circumstances, if the consent is withdrawn during the permit period, the permit holder may be permitted to trade in front of the neighbouring premises until the expiry of the permit. The City of Melbourne will decide on a case-by-case basis if the permit should be withdrawn prior to the expiry of the permit. In the event of withdrawal of consent, no refund will be made in respect of fees paid in advance for the use of the area in front of the neighbouring premises.

To assist applicants, a sample letter is provided.

### Example of letter of consent



### Diagram of neighbouring property layout of furniture



## Design and heritage

Outdoor cafés contribute to Melbourne's vibrant café culture and enrich city life. Outdoor cafés attract tourists and visitors and are an integral part of Melbourne's distinctive character.

The identification, assessment, and citation of heritage places in the City of Melbourne has occurred over decades, as part of an ongoing heritage conservation process.

Recognition and protection of heritage places has been a crucial component of planning in the City of Melbourne since 1982.



## Outdoor café furniture

Outdoor cafés should relate to, be sensitive towards and enhance existing urban character, cultural significance and street quality.

Café furniture should be unobtrusive and contemporary in style, appearance, materials, finishes and colours. Suitable materials and finishes should be attractive and durable, unobtrusive and complement the street. It is important for the permit holder to choose outdoor furniture that fits into the local environment and allows access to existing street furniture and infrastructure.

The City of Melbourne encourages outdoor café designs that are simple, attractive and make the best use of the public place. As such, the City of Melbourne will stipulate the maximum number of tables, chairs and other furniture during the consultation phase and eventual issue of the permit.

Culturally significant features and street trees should not be removed, relocated or modified as a result of an outdoor café installation and operation. Existing verandahs and street trees should be integrated into the siting and layout of the outdoor café to maximise comfort for patrons. Umbrellas and awnings may be appropriate where verandahs and trees do not exist to provide shelter.



## Principles

### High quality design and appearance

The City of Melbourne's streetscapes encompass many different architectural styles, scales and designs. The municipality is made up of many culturally significant places, including a high quality streetscape character. Appropriate outdoor cafés can contribute to a high quality urban space.

Heritage is an important part of consistent high quality streetscapes. Among other things, the purpose of the heritage provisions in the Melbourne Planning Scheme 2005 is to:

- + conserve and enhance heritage places of natural or cultural significance;
- + conserve and enhance those elements which contribute to the significance of heritage places; and
- + ensure development does not adversely affect the significance of heritage places.

The general heritage objectives that apply to outdoor cafés are the same as those of other developments within a heritage overlay:

- + to conserve all parts of buildings of historic, social or architectural interest which contribute to the significance, character and appearance of the building, streetscape or area; and
- + to ensure that new developments, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful of the architectural, social or historic character and appearance of the streetscape and the area.

### In the Central City:

- + to conserve and enhance all heritage places, and ensure that any alterations or extensions to them are undertaken in accordance with accepted conservation standards;
- + to consider the impact of development on buildings listed in the Central Activities District Conservation Study and the South Melbourne Conservation Study; and
- + to conserve and enhance the character and appearance of precincts identified as heritage places by ensuring any new development complements their character, scale, form and appearance.

### Attractive and innovative outdoor café areas

Outdoor café areas should be vibrant, innovative and attractive. Key design objectives for outdoor cafés include:

- + A layout that is appropriate to the setting. Permit applicants are invited to develop a response to site specific challenges and develop a simple, high quality outcome that suits the function of the café and the design of the street.
- + The provision and maintenance of high quality, durable furniture and fittings. Outdoor cafés in the public place should be presented in an attractive, clean and orderly manner, which can withstand prolonged exposure to the seasons.
- + The provision of interesting and attractive furniture and fittings. Umbrellas and screening should be designed as appropriate to the style of the street and in colours that minimise the effects of visible dirt and wear. Awnings, screens, planters and umbrellas should not enclose the outdoor café.

## Heritage guidelines

The Burra Charter sets the standard for heritage conservation in Australia. It uses the term 'cultural significance' and defines this as "aesthetic, historic, scientific, social or spiritual value for past, present or future generations. The term cultural significance is synonymous with heritage significance and cultural heritage value".

Conservation of places of cultural significance enriches people's lives, often providing a sense of connection to community and landscape, to the past and to lived experiences. Places of cultural significance reflect the diversity of our communities.

Culturally significant places are central to Melbourne's attractiveness, its character and its reputation. Melbourne has many heritage precincts, streetscapes and individual heritage places noted in the Melbourne Planning Scheme 2005 and the city's conservation studies.

Under the Melbourne Planning Scheme 2005, heritage controls apply to some street furniture, which means there is a legal requirement to protect the cultural significance of these sites. Heritage listed street furniture includes gas lamps, large cast-iron bollards, horse troughs, basalt bollards and ornamental tram poles.

- + A planning permit is required for any development on land covered by a heritage overlay (which includes a large portion of Melbourne's streets) including additions such as an extendable awning for use in an outdoor café. The proposed development is assessed by the City of Melbourne to ensure the context for heritage streetscapes and buildings is appropriate and contributing heritage assets are not hidden, cluttered, damaged or otherwise devalued.
- + The design and location of an outdoor café in front of heritage places should not adversely affect the cultural significance of the site, the streetscape or the precinct.
- + Commercial activity should not be dominant in the grounds of particular types of culturally significant buildings or places such as buildings or places which have a formal or sombre character.
- + The number, size and type of advertising displayed within the City of Melbourne also affects the character of streetscapes and buildings. A key principle is to allow for reasonable building identification, heritage place, and the precinct while ensuring advertising does not dominate the streetscape.
- + The City of Melbourne provides a list of culturally significant places within the City of Melbourne, including the Heritage Register of Heritage Victoria, National Trust Australia and Australian Heritage Commission. For more information visit: [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)
- + Applicants will be notified during the permit application process if their site is covered by a heritage overlay or other controls.

### Heritage design requirements

Retain an open aspect:

- + temporary furniture only to be used near or in front of culturally significant places; and
- + permanent elements such as glass screens and awnings should not obstruct views to neighbouring buildings and those on the opposite side of the street.

Outdoor cafés are encouraged to operate without screens:

- + in cases where appropriate glass screens should not exceed 1200mm in height.

Outdoor cafés should not replicate historical styles:

- + they should be simple and contemporary in design;
- + temporary and packed away at the end of trading; and
- + outdoor cafés in heritage streetscapes should be more traditional and simple colours such as black, grey, metallic silver, Brunswick Green or Hawthorn Red.



## Enclosing the public place

Fully enclosed café structures are discouraged. Installing an extensive, enclosed café structure in the public place to maximise café patronage can privatise an area. Privatisation of the public place results in reduced accessibility, visibility, amenity and safety to the public. The installation of an enclosed outdoor café to the front of a building diminishes public space.

### Permanent structures

City of Melbourne approval is required for any permanent structures proposed as part of an outdoor café such as fixed awnings, glass screens and signage. Special consideration will be given to these items if proposed in association with culturally significant places.

Where glass screens are in an open space without shading, they are transparent and do not present a visual obstruction to a culturally significant place. However, when set in a shaded area, such as under a verandah or awning attached to a building, the glass screens often become reflective. Dirt on clear or broken glass or advertising also affects transparency, thereby reducing views of the culturally significant place.

As such, café screens higher than pedestrian viewing height obscure views to the opposite side of the street within a heritage precinct. Therefore screens must be no more than 1200mm in height.

Fixed awnings or freestanding awnings are not permitted in front of culturally significant places.

### Awnings and fixed canopies

Fixed or removable awnings attached to an existing building covered by or neighbouring a heritage building are inappropriate where:

- + there is an existing verandah or awning which is a contributing component to the cultural significance of the heritage place;
- + the proposed awning would extend beyond the traditional alignment of the street verandahs; or
- + the building to which it would be attached would be physically damaged, the appearance or integrity of its architectural features compromised, or its façade obscured by an awning in either the fixed or retracted positions.

All fixed building awning installations require a planning permit. For more information contact the City of Melbourne on 9658 9658 or visit [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)



The essential elements of an outdoor café are temporary: chairs, tables, canvas screens and umbrellas. There are no heritage concerns arising from the use of outdoor cafés on a temporary basis. At the end of the day outdoor café infrastructure must be packed away leaving the culturally significant place physically unaltered.



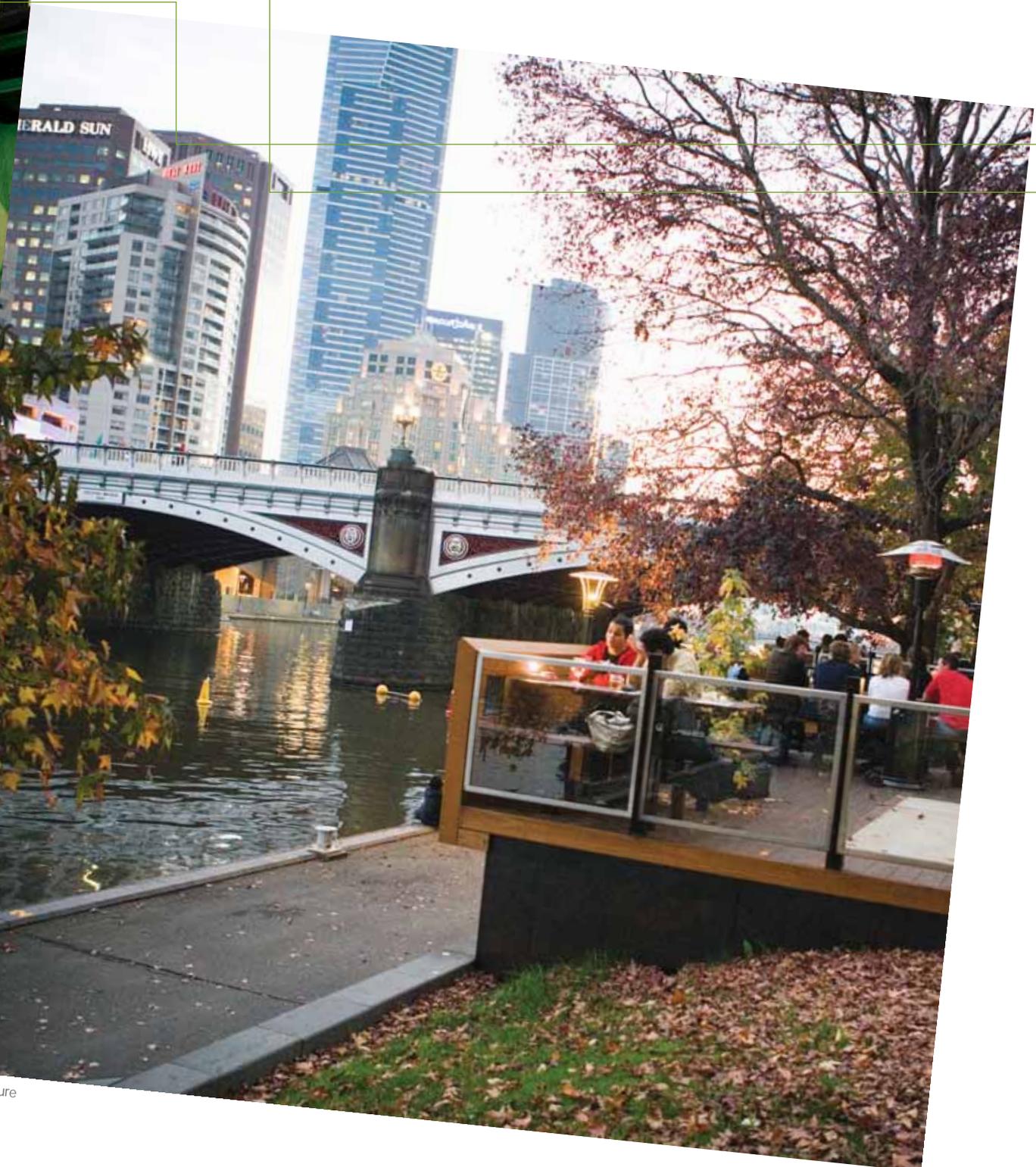
## Design guidelines

### Furniture design, storage and placement

The type and design of café furniture must be of a high standard in appearance and style, made of quality materials, with finishes that are practical, elegant, and durable. In all circumstances, furniture must be approved by the City of Melbourne before use.

Café furniture should be unobtrusive in nature, integrate well and complement the culture, character, style and appearance of the surrounding streetscape. For example, contemporary and brightly-coloured furniture may be appropriate for a predominantly modern street. Outdoor cafés proposed for heritage streetscapes should use more traditional and simple colours such as black, grey, metallic silver, Brunswick Green or Hawthorn Red.

The furniture should be strong, durable and of weatherproof design for commercial outdoor use. Public safety and comfort must be considered. Sharp edges, glass tables, hinges, folding chairs or other moving parts present a potential hazard to patrons or pedestrians and are not permitted.



fixed furniture

## Safety and security

Outdoor cafés in the public place should provide a sense of security for patrons and pedestrians at all times during operation. They should enhance the sense of security in the street through surveillance by café patrons and staff, whilst not compromising the safety of other people.

The clearances and setbacks as outlined in 'Access and the public place' should be maintained.

Café furniture not contained within the outdoor café permitted area prevents pedestrian traffic flow, which may cause congestion or force pedestrians on to the road, which in turn creates serious personal safety issues. Furniture obstruction may also cause injury to both people and property.

The permit holder is responsible for ensuring patrons keep furniture within the boundaries of the approved seating area (which may be defined by delineation markers in the pavement) and that all pedestrian clearances and safety requirements are maintained at all times during outdoor café operation.

Screens and planter boxes must not be placed where they present a physical/visual barrier or danger to pedestrians or people alighting from vehicles.

## Fixed furniture

Fixed furniture is immovable and permanently in place while semi-fixed furniture is placed in sockets embedded in the pavement, but movable without tools.

Fixed and semi-fixed items have safety benefits relative to unfixed furniture. Semi-fixed items cannot cause clearance breaches if their sockets are correctly placed.

However, fixed, immovable furniture presents the following disadvantages by:

- + creating a rigid environment that cannot be changed to suit the conditions or needs of café users;
- + presenting obstructions on the street even when the café is closed;
- + attracting vagrancy problems and anti social activities;
- + incurring significant costs to restore the pavement to a suitable condition;
- + permanently affecting heritage streetscapes; and
- + restricting access for street cleaning and maintenance vehicles.

## Semi-fixed furniture

Semi-fixed furniture refers to any item locked down or bolted into the ground via a socket and sleeve system such as glass screens, planter boxes, umbrellas or awnings. It does not include canvas screens, chairs, tables, and gas heaters that can be shifted or removed.

Canvas screens cannot be fixed to any structure or the footpath.

## Non-fixed furniture

Non-fixed furniture includes anything that can be shifted or removed such as chairs, tables, planter boxes, umbrellas and canvas screens.

fixed furniture



semi-fixed and non-fixed furniture



## Tables and chairs

### Design

- + Tables and chairs for an outdoor café must be of an outdoor design style. Indoor style furniture is inappropriate for use in an outdoor café.
- + Tables and chairs should be uniform in style and design within the individual outdoor café. The use of only one shape and colour of table or chair is permitted.
- + Tables and chairs should be hardy and sturdy yet portable. The use of metal or timber frame is required. Plastic frames are not suitable.
- + Tables and chairs are to be solid enough to resist wind gusts.
- + Tables and chairs must be constructed of materials that do not deteriorate quickly. No fragile materials or finishes are permitted such as natural wicker. The use of a synthetic wicker look, powder-coated or polished aluminium, brushed or stainless steel frame is preferred.



black stool



red plastic chair



synthetic wicker brown chair



slimline black chair

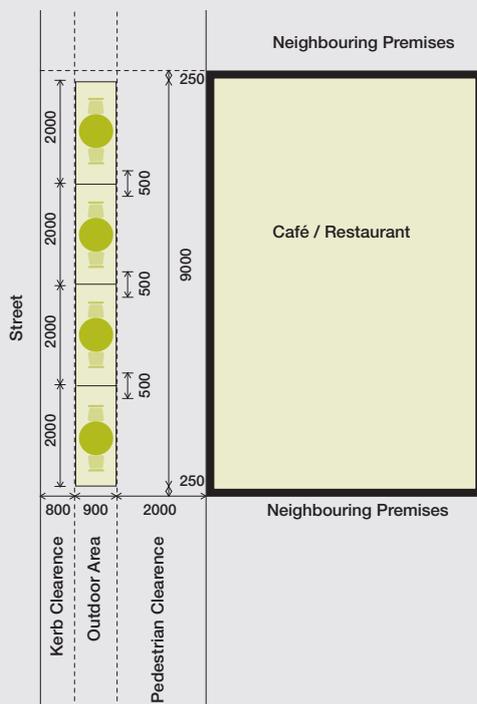
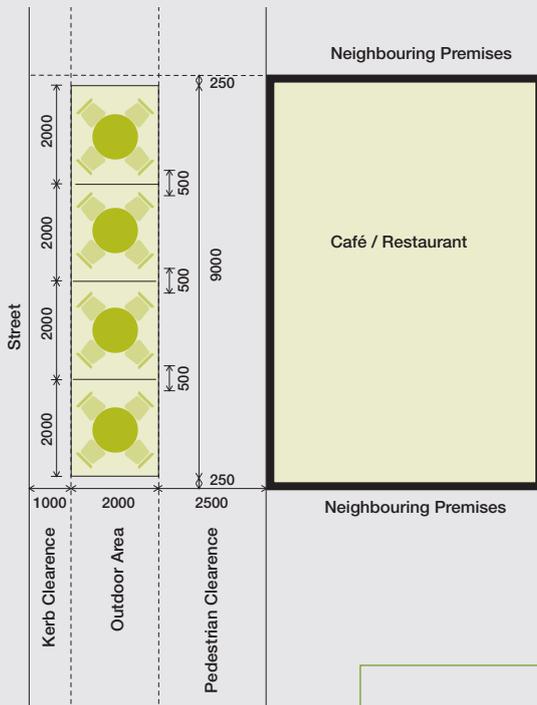


- + Tables and chairs must be easy to clean. White table surfaces, chair seats and backs are discouraged due to the tendency for rapid deterioration and discolouration.
- + All café chairs and tables must have a minimum 30mm diameter rubber pad on chair and table legs to protect the pavement surface.
- + Tables and chairs must be stackable for ease of storage and readily removed and stored within the indoor (private) part of the café at close of business.
- + In culturally significant areas, muted colours which recede into the background are recommended such as Brunswick Green, Hawthorn Red, black or metallic and with natural/traditional finishes and materials (eg. timber, metal and stone).
- + No form of advertising is permitted on tables and chairs.
- + The City of Melbourne will consider all furniture designs on a case-by-case basis.

## Placement and storage

- + No more than the maximum number of tables and chairs specified on the permit can be used in an outdoor café.
- + Tables and chairs must be set back from existing infrastructure, including street trees, lights and public furniture as previously defined.
- + For safety reasons, chairs must not be placed with their backs to the road.
- + Chairs must not be placed with their backs to the walkways where an outdoor café is aligned against the building frontage in lanes.
- + The use of removable tables and chairs is encouraged and these must be removed and stored inside the premises outside business trading hours.
- + No fixed tables or chairs may be used in the outdoor café.
- + The number of tables and chairs placed within an outdoor café must allow unobstructed access and circulation for patrons and staff.
- + A minimum space of four (4) square metres is considered appropriate for a table and four chairs (2m x 2m) and a distance of 500mm should be allowed between adjoining settings.

## Furniture layout opportunities



wooden chairs and pedestal round table



bucket seat and square table



aluminium wicker combination



aluminium and wood bench seating



black stool and round table

## Glass screens

Glass screens are permitted in special circumstances and may be approved on a case-by-case basis. They may be permitted subject to available space, urban character, and the existing street infrastructure and traffic conditions. They are not permitted if they adversely affect the openness or character of the streetscape.

Glass screens will only be considered if the premises is within a nominated centre, commercial or industrial zoning. Glass screens will not be permitted in any residential precincts. The City of Melbourne is unlikely to permit glass screens where they create a cluster of continuous glass screens along the footpath.

The City of Melbourne encourages innovative and quality design for fixed glass screens. To avoid cluttering the street, glass screens are to be simple in design and should appear as a decorative element.

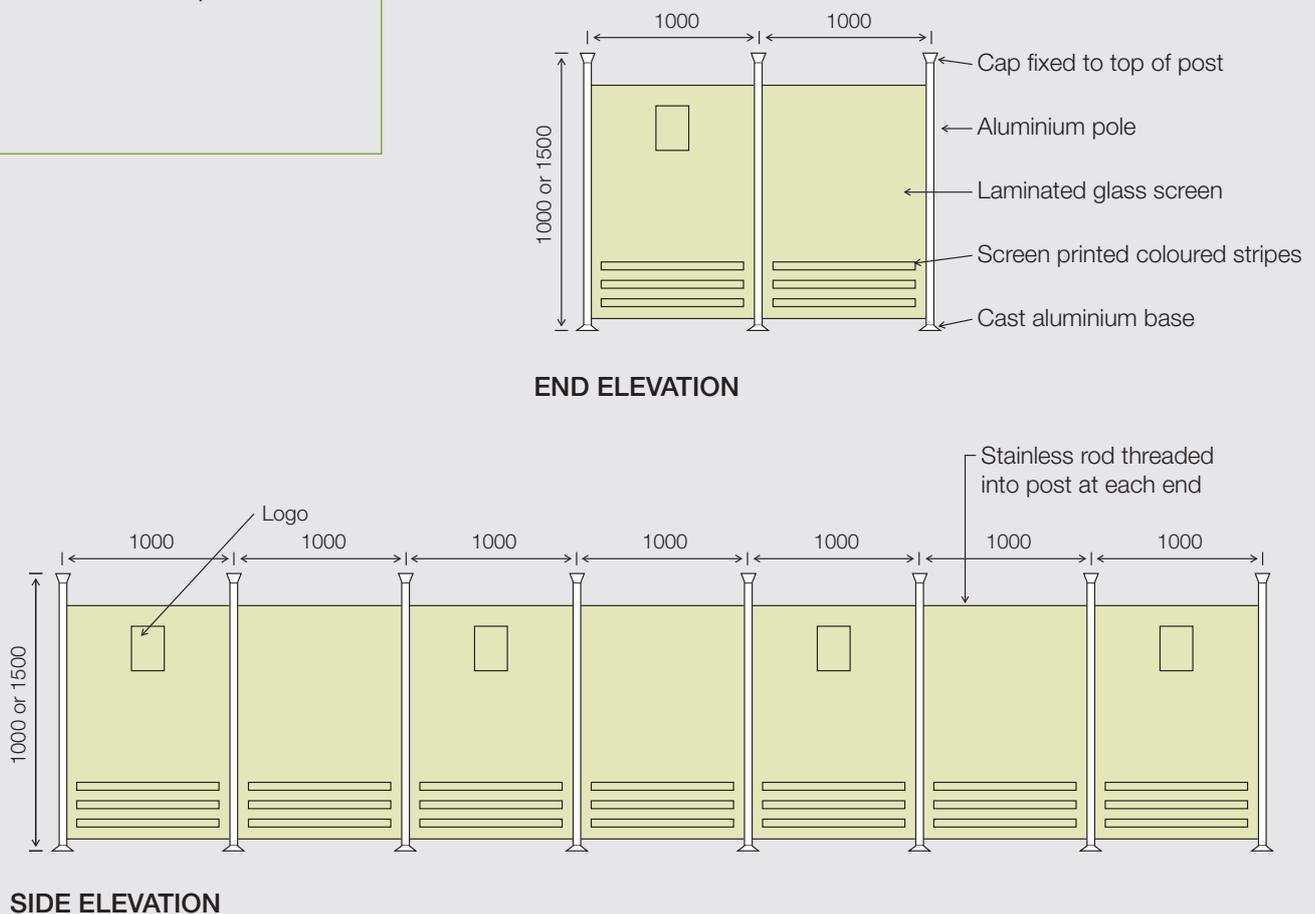
The City of Melbourne recommends the use of 1000–1500mm-high glass screens. In areas subject to heritage considerations, glass screens should not exceed 1200mm in height and will be assessed on a case-by-case basis.

The design and construction of glass screens should conform to the City of Melbourne's specifications. Refer to *Diagram 1. Glass screen specifications.*

## Design

- + Laminated glass must be used for glass screens with a minimum thickness of 10.38mm in accordance with standard safety requirements specified under building regulations.
- + Poles must be 48mm diameter extruded aluminium and finished in clear anodised aluminium.
- + Illumination contrast is permitted.
- + The base should be constructed of cast aluminium.
- + Poles that support glass screens must be fixed into the ground with galvanised sockets.
- + A gap of 100mm is required from the ground to the base of the glass panel.
- + No other structure (ie. plastic blinds, menu board, awnings) can be attached to the glass screens at any time.
- + Glass screens must be certified by a structural engineer particularly in relation to fixing and impact loads (comparable to AS 1170.1 balustrading).
- + Applications will be considered on a case-by-case basis.

**Diagram 1 – Glass screen specifications**



## Placement and storage

- + Glass screens are not permitted between the building line and the edge of the outdoor café. The side of the outdoor café facing the building should remain open.
- + Glass screens should be a minimum length of 4000mm.
- + Glass screen returns should not exceed 2000mm in width.
- + No gaps should exist between screens if less than 12m.
- + A 1500mm break must be provided in the centre of an outdoor café that has a total length of 12m or greater.
- + Where a new applicant wishes to install glass screens next to an existing outdoor café with glass screens, making a combined screen length of more than 12m, that applicant is required to reduce the length of the screens by 1500mm before the neighbouring boundary.
- + At no time can glass screens extend beyond the property boundary.
- + Glass screens must be semi-fixed to the pavement.
- + Glass screens are generally not required to be removed from the public place at the end of permit trading hours.

## + Additional approvals

An approval in principle (fixed furniture) letter must be obtained from the City of Melbourne prior to any construction of glass screens.

Consent under the *Road Management Act 2004* must be obtained prior to any construction or work commencing.

For more information contact the City of Melbourne on 9658 9658 or visit [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)



glass screen and planter box combination



glass screen



alternative fixed screens



illuminated glass screens



## Canvas screens

Canvas screens can assist in delineating an outdoor café and create a feeling of safety for patrons. To preserve the general appearance and openness of the streetscape, the maximum height for standard canvas screens is 900mm.

The City of Melbourne will consider the approval of canvas screens on a case-by-case basis. Applications will be assessed according to available space, streetscape, street activity and amenity, traffic conditions and requirements.

Where it is appropriate to use canvas screens, they must be removable and positioned parallel to the road. Where canvas screens are considered inappropriate, planter boxes may be considered at right angles to the kerb to define the extent of the outdoor café.

The design and construction of canvas screens should conform to the City of Melbourne's specifications. Refer to *Diagram 2. Canvas screen specifications.*

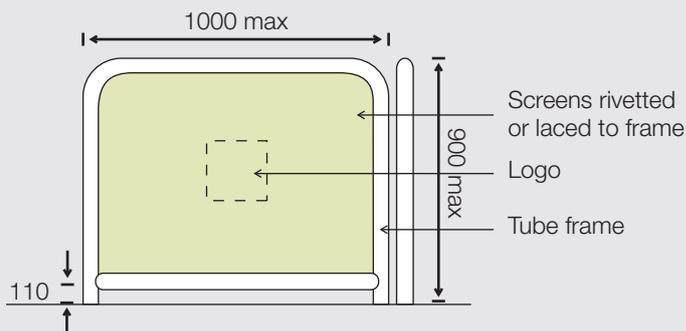
## Design

- + Canvas screens should be made of canvas material which can withstand sun and rain exposure over prolonged periods.
- + Canvas screens should be a single primary colour. Dark colours are recommended as lighter colours have a tendency to discolour and stain.
- + Canvas screens must have a light weight frame and be securely anchored with approved sandbags. The use of large sandbags, cement blocks and large containers is not permitted.
- + Canvas screen panels attached to the frame by rope through eyelets are not permitted.
- + Canvas screens with a height of more than 900mm are not permitted within an outdoor café.
- + Applications will be considered on a case-by-case basis.

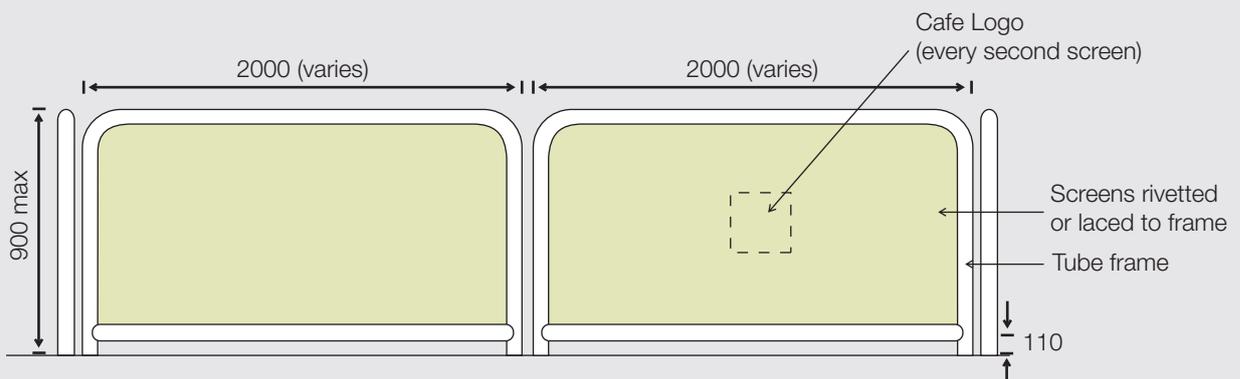
## Placement and storage

- + Canvas screens are not permitted between the building line and the edge of the outdoor café. The section of the outdoor café facing the building should remain open.
- + No gaps are to occur between screens.
- + The combined length of canvas screens should not exceed 12m in length.
- + If the outdoor café width permits, canvas screens may be positioned perpendicular to the road. The width of canvas screens may not extend more than 2000mm in length.
- + A 1500mm break must be provided in the centre of an outdoor café that has a total length of 12m or more.

Diagram 2 – Canvas screen specifications



END ELEVATION



SIDE ELEVATION

- + Where a new applicant wishes to install screens next to an existing outdoor café with screens, making a combined screen length of more than 12m, that applicant is required to reduce the length of the screens by 1500mm before the neighbouring boundary.
- + At no time can these screens extend beyond any neighbouring property without consent in writing from both the neighbouring owner and occupier.
- + Complete enclosure of the outdoor café area is not permitted. A maximum of three sides can only be enclosed.
- + Canvas screens are not permitted to be fixed to the pavement or any other structure.
- + Canvas screens must be removed from the outdoor café at the end of the permit trading hours and stored inside the café premises.

**Canvas screens are not permitted:**

- + In main Central City 30m-wide streets, such as Swanston Street and Bourke Street (Russell Street to Queen Street).

**Canvas café screens are only permitted:**

- + In Central City 30m-wide streets (other than the exceptions mentioned above).
- + In Central City 10m-wide streets.
- + Outside the Central City.



two-metre canvas screen



one-metre canvas screen



two-metre canvas screen



one-metre canvas screen

## Umbrellas

Umbrellas are appropriate for providing shade from the sun and shelter from wind and rain. They should be used only where existing shelter such as verandahs, canopies or trees are absent. Umbrellas may not be used where any partial awning or fixed veranda is attached to the building.

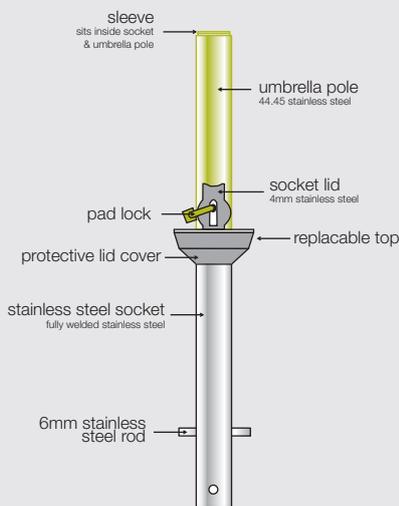
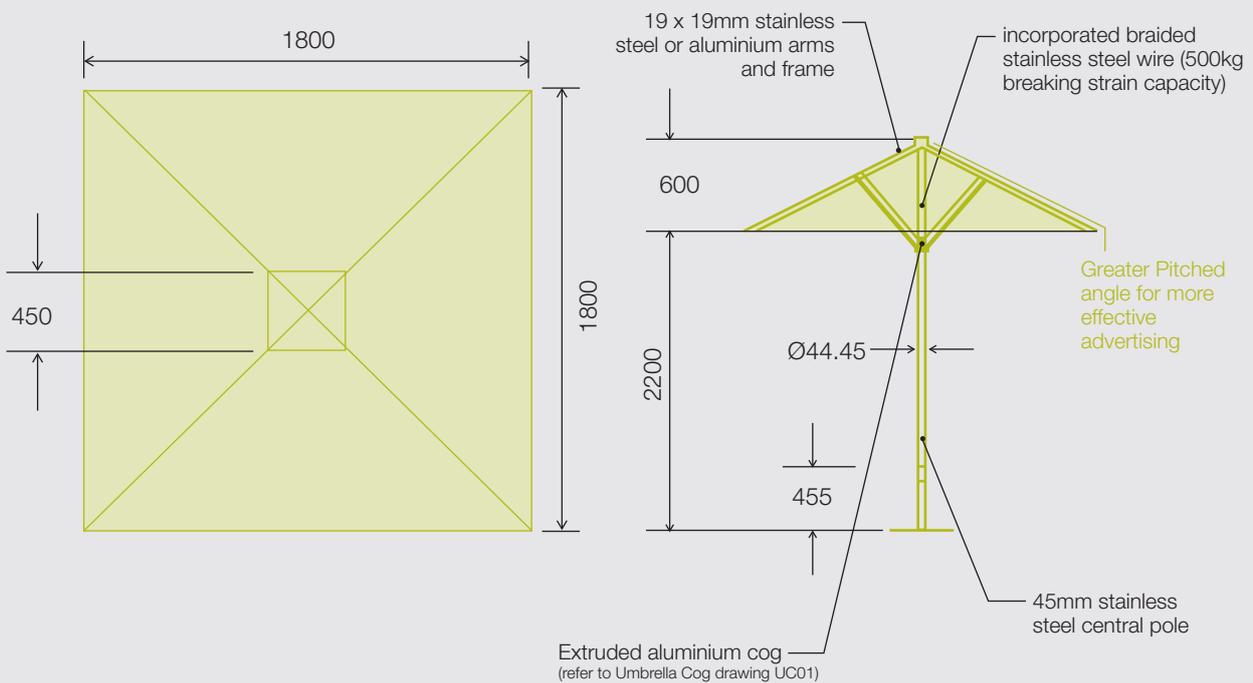
The use of umbrellas where a partial awning is present gives a cluttered appearance and detracts from the building façade and appearance of the street.

The design and construction of umbrellas and footings must conform to the City of Melbourne's specifications.

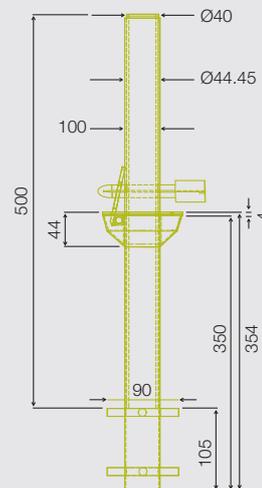
## Design

- + Footing sockets for umbrellas must be designed and constructed so as not to pose a hazard on the footpath after removal of the umbrella and without damaging the pavement surface.
- + All umbrellas must be semi-fixed in the footpath. The footing installation must be a socket and sleeve system. Refer to *Diagram 3. Umbrella and footing specifications*.
- + A Certificate of Compliance – Design Form 11 is required under the *Building Act 1993*.
- + Where there is an operational service pit in the designated outdoor café area restricting the use of semi-fixed umbrellas, non-fixed umbrellas may be sand bagged subject to approval by the City of Melbourne.
- + Application will be considered on a case-by-case basis.

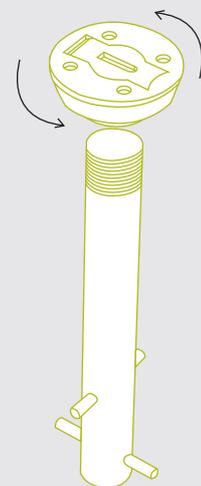
**Diagram 3 – Umbrella and footing specifications**



**FRONT VIEW**



**SIDE VIEW**



**TWIST TO DETACH**

## Placement and storage

- + Depending on the width of the footpath, umbrellas are required to have a minimum width of 1200mm.
- + The canopy edge of freestanding awnings and market umbrellas may extend a maximum of 300mm over the outdoor café boundary facing the shopfront and must be set back from the kerb as per circulation requirements.
- + Umbrellas must be properly secured in the pavement to prevent blowing over in strong winds.
- + Umbrellas should be set back from existing infrastructure such as street furniture, trees, canopies and verandahs.
- + Umbrellas must be removed from the public place at the end of the permit trading hours and stored inside the premises.
- + An umbrella's life span in the public place is three to five years and should be replaced after this time.

## Umbrellas to be used only:

- + In Central City 30m-wide streets where there are no built canopies or trees to provide adequate shelter.
- + In Central City 10m-wide streets and laneways where there are no canopies to provide adequate shelter. Use of umbrellas in these streets is subject to approval by the City of Melbourne.
- + Outside the Central City where the outdoor café width permits.

## Umbrellas are not permitted:

- + Throughout the municipality where building awnings exist at typical ground floor height (2800-3800mm high from the ground) and cover most of the footpath to 0-1000mm setback behind the kerbline.
- + To be lower than the minimum clearance height of 2200mm, measured from the lowest edge to the pavement.

café umbrella frame  
advertising approved



socket and sleeve



umbrella frame and  
base not approved



café umbrella frame  
advertising approved



## Advertising

The *Places for People* report (City of Melbourne and Gehl Architects, 2004) recommends reducing intrusive advertisements and ensuring commercial and shop signage is scaled to fit the streetscape and the pedestrian environment.

The City of Melbourne allows identification and promotional signs that add vitality and colour to business areas.

Although general specifications for advertising are outlined below, each application is assessed on a case-by-case basis to ensure a high standard of graphic design, complementary to the café and streetscape, is maintained.

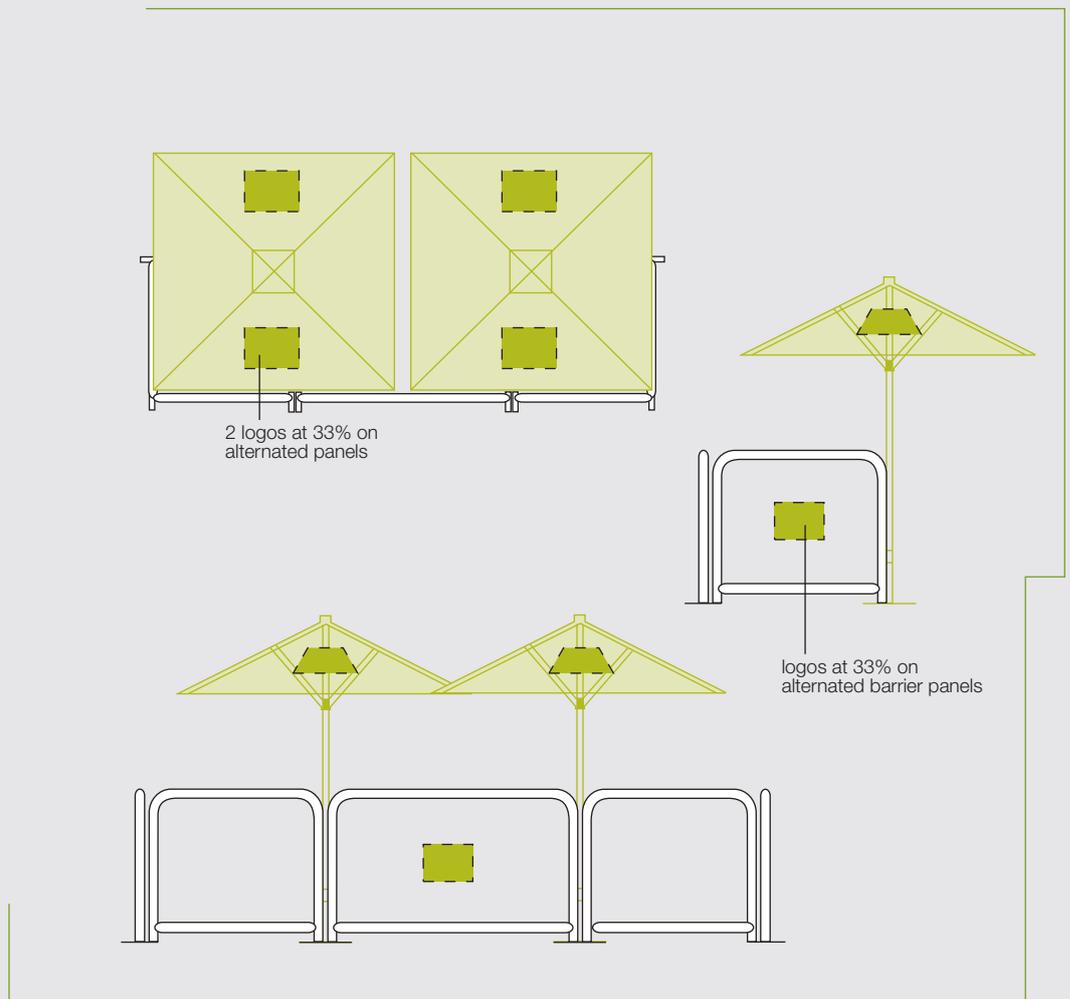
## Design

- + The name or logo of the café may be displayed on every alternate panel of café screens or umbrellas. The size of the name or logo should cover no more than 33 per cent of the surface area of the panel.
- + Commercial advertising such as product advertisements or sponsorship logos (eg. coffee company) is permitted on screens and umbrellas and may be displayed on alternate panels only.
- + Commercial logos should cover no more than 33 per cent of the surface area of the panels on screens or umbrellas.

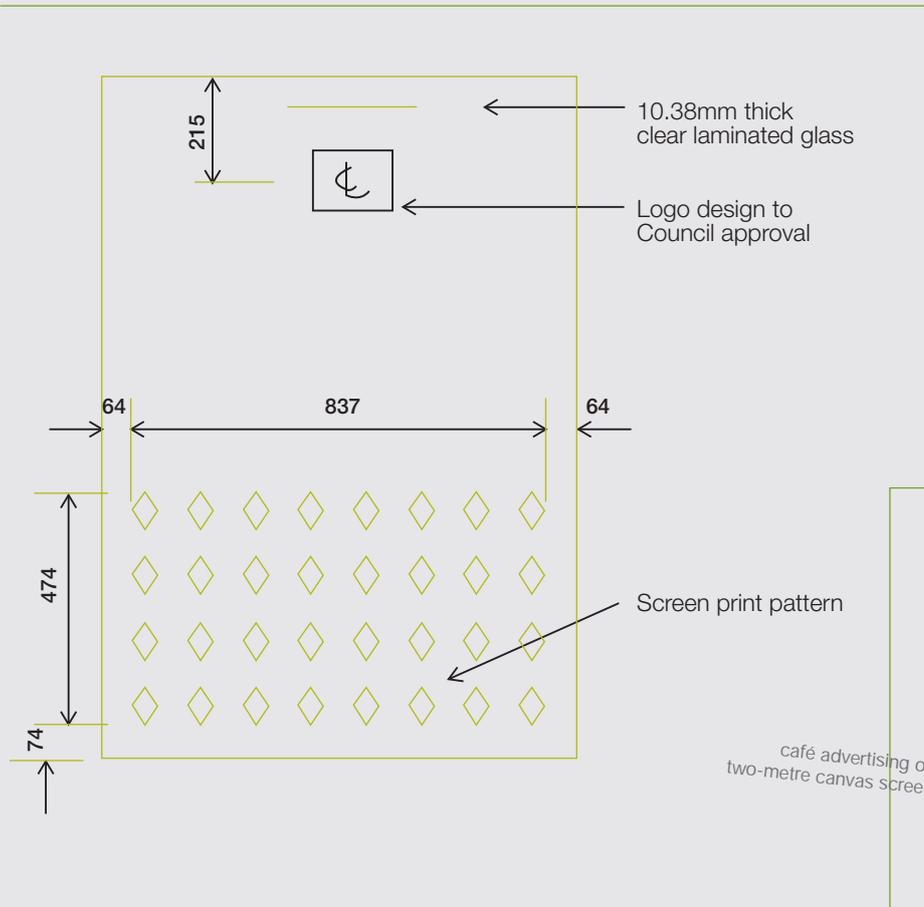
Exception: Where only two canvas screen panels are proposed, advertising is permitted on both panels for the purpose of maintaining balance.

- + A combination of café name or logo and commercial advertising is only permitted on glass screens.
- + The placement of logo/logos on glass screens must be within the top 215mm of alternate screens as shown in the diagram below.
- + A safety screen print pattern should be visible at a height of 0-700mm from the ground and on all panels, as shown in the diagram below.
- + Illumination contrast is recommended.
- + Advertising on outdoor café furniture should not be illuminated using neon lighting.
- + No café or commercial advertising is permitted on chairs or tables.
- + No private café advertising is permitted on any City of Melbourne street furniture and public infrastructure.
- + No liquor or tobacco advertising is permitted on any item within the outdoor café.
- + No advertising is permitted on planter boxes.
- + No form of advertising or display material, including Advertising Boards ('A' boards), is permitted in the outdoor café area.

### Umbrella with advertising diagram



Glass screen diagram with advertising graphics



## Blinds

Full-length plastic blinds, transparent or rolled down screens from umbrellas and awnings are not permitted in an outdoor café. Plastic blinds encourage privatisation of the public place by enclosing the outdoor space. Plastic blinds obstruct the view of the building façade and are not in line with urban design and heritage guidelines.

## Awnings

### Freestanding awnings should be used only

- + In Central City 30m-wide streets and where there are no building awnings or trees to provide adequate shelter.

### Freestanding awnings are not permitted

- + Throughout the municipality where building awnings exist at typical ground floor height (2800-3800mm from the ground) and cover most of the footpath 0-1000mm setback behind the kerb.

### Fixed building awnings

Fixed building awnings should only be mounted on existing buildings that do not already have canopies at typical ground floor height (2800-3800mm from the ground). They should not extend beyond the reach of existing neighbouring building canopies or those less than 1000mm from the kerb. Heritage considerations may limit a fixed building awning approval.

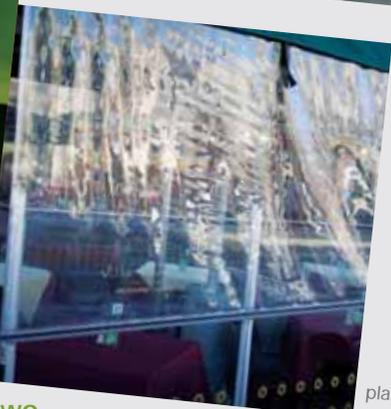
A planning permit approval is required. For more information contact the City of Melbourne on 9658 9658 or visit [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)



fixed building awning approved



freestanding awning approved



plastic blinds not permitted

## Menu and menu boards

### Menu boards

Menu boards are not allowed to be displayed outside the permitted outdoor café. This includes hanging boards or attaching menus from canvas screens or glass screens.

A menu board may be placed within the outdoor café in place of a table and chair.

The design and appearance of a menu board must be approved before use by the City of Melbourne.

### Menus

Menus should be handed to customers after they have been seated or secured to tables to prevent them blowing away.

## Electricity and lighting

The City of Melbourne's *Public Lighting Action Plan 2005-2010* addresses the quality, consistency and efficiency of night lighting in streets and other public places. The strategy provides direction for public and private external lighting throughout the City of Melbourne and is divided into four key themes:

- + designing the luminous city;
- + safety and amenity;
- + attracting the evening crowd; and
- + designing a sustainable city.

The City of Melbourne provides sufficient street lighting across the municipality to ensure safety and security for the public. Therefore the installation of electrical lighting is not required within outdoor cafés.

### Design

Additional lighting and illumination within or surrounding an outside café will only be considered in special circumstances.

If an outdoor café is deemed suitable for electrical lighting, the following criteria must be met:

- + the existing power supply is to be checked to ensure it has sufficient capacity;
- + the electrical installation is to be undertaken by a qualified electrician and a certificate of electrical safety is to be provided;
- + lighting must be metered; and
- + lighting installation must be approved by Citipower.

## Gas heaters

Gas heaters are popular for heating outdoor cafés in the public place. Permit holders should consider limiting the use of gas heaters due to the amount of energy wasted by attempting to heat uninsulated open areas. Outdoor gas heaters contribute to greenhouse gas emissions. Permit holders can assist the City of Melbourne to achieve its target of zero net emissions by 2020 by minimising the use of gas heaters in open places. Outdoor cafés should primarily be used in fine weather conditions. Some gas heaters are more suitable than others. Outdoor gas heaters are at high risk of causing fire and explosion if not properly managed and maintained.

The City of Melbourne adheres to Gas Standards (gas fittings and consumer gas installations) Regulations 1999, Australian Standards and Codes of Practice, and supports the policies of Energy Safe Victoria and the Melbourne Fire Brigade (MFB) in relation to safety of heaters.

'Take on the Critics' campaign is an LP Gas Safety initiative developed by Energy Safe Victoria, MFB and the Country Fire Authority. It is also endorsed by Worksafe and Restaurant and Catering Victoria specifically for the hospitality industry to highlight the importance of proper storage and use of LP gas.

A 'Take on the Critics' brochure can be obtained from the City of Melbourne or Energy Safe Victoria. For more information contact 1800 069 588 or visit [www.ogs.vic.gov.au](http://www.ogs.vic.gov.au)

### Guidelines

- + **Training of nominated staff** in the safe use of gas heaters is the responsibility of the permit holder. Nominated staff members should be responsible for the safe use of gas heaters, storage and handling of full and empty containers that are not in use.
- + **The maintenance and replacement** of portable gas heaters is very important. Each heater should be checked by a licensed gasfitter at least every 12 months or sooner if required. Most manufacturers only offer a maximum of three months' warranty on their commercial products. Damaged or faulty heaters should not be used.
- + **An approved Australian Gas Association (AGA) number or SAI Global approval** must be provided to the City of Melbourne for all gas heaters. All heating devices should be used in accordance with manufacturer instructions, particularly in relation to required clearances from other combustible objects. Where manufacturer specifications do not exist, advice from the relevant authority should be obtained.
- + **Gas heaters must be installed** according to specifications outlined by the manufacturer. Gas heaters should be in accordance with AS 4565-2001 (AG405) radiant Gas Heaters and AS 5601/AG 601-2000 Gas Installations. Any gas heater fixed to an awning or building must be installed by a registered plumber. A planning permit is required prior to any works taking place. For more information contact the City of Melbourne on 9658 9658 or visit [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)
- + **Gas heaters must be self contained, stable and free standing.** They must conform to the appropriate industry standard and occupational health and safety requirements. All gas heaters must have a registered Australian Gas Association Number (AGA No.) or SAI Global approval.
- + **Storage of gas cylinders.** LP gas cylinders MUST be stored in an external and secure location, such as a gated enclosure, and not in the public place to prevent tampering. LP gas cylinders are NOT permitted to be stored inside café premises.
- + **The quantity of portable gas heaters.** Portable gas heaters must be placed within the outdoor café as per circulation requirements set by Australian Standards. Accordingly the City of Melbourne will grant approval based on the number of gas heaters in accordance with the total designated outdoor café area.
- + **Positioning of portable gas heaters.** The use of gas heaters will only be permitted in a well-ventilated outdoor café. Heaters are commonly positioned directly under umbrellas and awnings. Manufacturers' recommended clearances from combustibles must be observed.
- + **Limit outdoor gas heater use.** Gas heaters should only be switched on at a patron's request. Permit holders should be aware of the excessive use of heaters within the outdoor café and instruct staff to monitor the usage of heaters within the area. Leaving gas heaters on whilst the outdoor café is not being patronised contributes to the waste of energy and greenhouse gas emissions.



## Plants and planter boxes

Appropriate planter boxes can enhance the existing landscape features on public and private land and contribute to the city's amenity. Maintaining and enhancing the leafy environment of the city through design and effective plant choice ensures outdoor cafés make a positive contribution to the city environment. Planter boxes will be considered on a case by case basis and in accordance with the following principles:

### Design

- + Planter boxes may be used in conjunction with café screens.
- + Plant species should be chosen for their drought tolerance, hardiness, slow growing and ease of containment in shallow planter boxes.
- + For planter boxes to be sustainable within the public place, the City of Melbourne requires a plant maintenance and replacement program to be implemented by the permit holder.
- + Plants are required to be pruned, watered, fertilised, and receive enough sunlight to ensure they remain in a good healthy condition, as well as look neat and tidy all year round.
- + Any individual planter box should not exceed a total length of 1800mm and the total height, including plants, should not be more than 1200mm in height above the footpath.
- + Planter boxes may be constructed from metal or timber and must be mobile i.e. fitted with lockable castors or be semi-fixed to the ground via a socket and sleeve system.
- + Semi-fixed planter boxes must be a minimum height of 100mm from the ground for cleaning purposes.

### Placement and storage

- + Where canvas screens are deemed inappropriate, planter boxes may be used at right angles to the kerb to define the outdoor café.
- + Planter boxes must be removed from the public place when the café closes each evening unless designed as permanent structures in the public place.

**Table 7. Recommended plant species**

Botanical Name	Common Names	Comments
<b>Shrubs</b>		
<i>Acacia cognata</i>	Limelight	Full sun or partial shade
<i>Buxus</i> species	Box	Full sun or partial shade
<i>Correa</i> 'Mannii'	Mann's correa	Full sun or partial shade
<i>Daphne odora</i>	Winter daphne	Partially shaded; fragrant flowers winter to spring
<i>Grevillea</i> species (choose non-prickly)	Grevillea	Full sun or partial shade
<b>Hebe species</b>		
	Hebe	Full sun or partial shade
<i>Juniperus</i> species	Juniper	Full sun or partial shade
<i>Ligustrum</i> species	Privet	Full sun or partial shade
<i>Nandina domestica</i>	Sacred bamboo	Full sun or partial shade
<i>Westringia fruticosa</i>	Coast rosemary	Full sun
<b>Strappy plants</b>		
<i>Carex</i> species	Sedge	Full sun
<i>Dianella</i> species	Flax lily	Full sun or partial shade
<i>Festuca glauca</i>	Blue fescue	Full sun
<i>Lomandra</i> species	Mat rush	Full sun or partial shade
<i>Pennisetum</i> species	Fountaingrass	Full sun or partial shade
<i>Phormium</i> species	Flax	Full sun or partial shade
<i>Poa</i> species	Tussock grass	Full sun
<b>Herbs</b>		
<i>Rosmarinus officinalis</i>	Blue rosemary	Full sun; can be used in cooking
<b>Groundcovers and cascading plants</b>		
<i>Cotoneaster dammeri</i>	Creeping cotoneaster	Full sun or partial shade
<i>Juniperus</i> species	Juniper	Full sun or partial shade
<i>Thymus</i> species	Thyme	Full sun or partial shade
<b>Other</b>		
	Succulents (i.e. non-prickly)	Full sun or partial shade

## Plant species

There are several guiding principles when selecting plant species for planter boxes for an outdoor café. These include:

- + **Evergreen:** to ensure a full vegetative evergreen cover display in plant species within the public place.
- + **Dense cover:** providing dense cover that is not dominated by stems or light foliage to ensure a full vegetative cover/display all year round.
- + **Slow growing:** plants that are slow growing or do not need regular pruning minimise the need for maintenance.
- + **Drought tolerant and hardy:** drought tolerant and hardy plant species reduce maintenance.
- + **Messy flowers or fruit:** plant species that drop their flowers or fruit should be avoided to minimise maintenance.
- + **Not prickly:** plant species with prickles such as needles or thorns should be avoided as they can cause injury or discomfort to people who brush against them.
- + **No toxic leaves, flowers or fruit:** plant species that are toxic may cause health hazards to patrons and pedestrians.
- + **Low pollen:** flowers and leaves with low allergy levels can help the comfort of patrons.
- + **Not domestic in style:** plant species should not be domestic in scale or style such as ornamental flowers (e.g. roses).

Refer to *Table 7. Recommended plant species*.

## Replacement program

The permit holder is required to arrange a replacement program for their plants. This consists of regular replacement of plants such as once every three months to ensure the planter box display is kept in its optimum condition. For a list of recommended suppliers contact the City of Melbourne on 9658 9658.

The City of Melbourne reserves the right to order the removal of planter boxes that are not properly maintained.

Artificial flowers or foliage may be considered on a case by case basis.

## Plant maintenance program

The permit holder is responsible for maintaining a healthy planter box. Given the level of responsibility, a plant maintenance and replacement program is required to be implemented by the permit holder, and a copy forwarded to the City of Melbourne. The plant maintenance program should include:

- + **Watering:** regular watering of plants – the use self-watering pots is highly recommended.
- + **Fertilising:** regular fertilisation of plants.
- + **Pruning:** regular pruning of overhanging and untidy plants.
- + **Rotation of plants:** rotation and replacement of plants will ensure a healthy plant is always on display, and allows the regeneration of any plant recovering from vandalism or neglect.
- + **Removable planter pots:** plants placed in planter boxes should be in separate, removable pots.
- + **Removal of litter and cigarette butts:** removal of litter and cigarette butts from planter boxes prevents litter accumulating and prolongs the life of the plant.

timber panelled planter box



aluminium planter box with castors



planter box with bench seat



# Operation and management

## 48 Roles and responsibilities

- 48 Compliance with laws
- 49 Principles
- 50 Environmental sustainability
- 50 *Environment Local Law 1999*
- 50 Waste management
- 52 Maintaining safe places and streets
- 52 Street cleaning, waste and litter collection
- 52 City safety and amenity
- 53 Consumption of liquor
- 53 Table service
- 53 Smoking in outdoor cafés
- 54 Outdoor Café Permit application in a residential area
- 56 Hours of operation
- 56 Public risk
- 56 Cleaning, repair and maintenance
- 57 Change of ownership
- 57 Restoration of the public place
- 58 Permit holder responsibilities

# three





out  
door

confé

table

## Roles and responsibilities

There are a range of responsibilities for the establishment and management of outdoor cafés. Some of these are the responsibility of the City of Melbourne, some are the responsibility of the permit holder, and others are considered a partnership between the City of Melbourne and permit holders. Refer to *Table 8. Roles and responsibilities*.

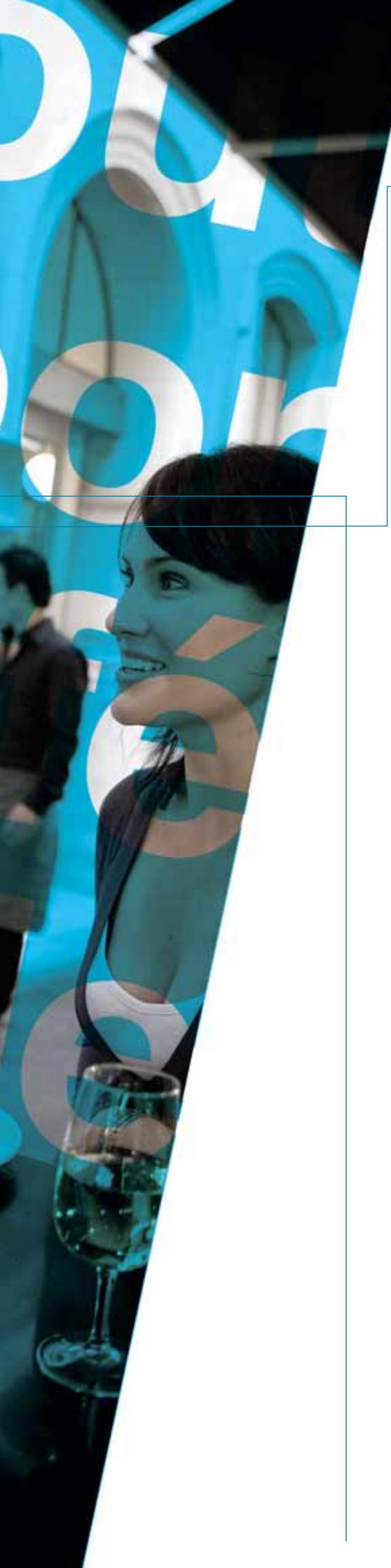
**Table 8. Roles and responsibilities**

Responsibility	Role
Management of the street environment and the public place	City of Melbourne
Operation and management of outdoor café areas	Permit holders
Ongoing education and compliance with the Outdoor Café Guide (the guide)	Partnership between the City of Melbourne and permit holders.

### Compliance with laws

The permit holder is responsible for complying with this guide and all laws including Local Laws and all other legal requirements relevant to the operation of an outdoor café, and to ensure employees and agents also comply.





## Principles

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 practise responsible serving of alcohol. Selection of an appropriate site for the business, appropriate operating hours and regular staff monitoring of the outdoor café will minimise unnecessary noise and nuisance.

### Maintaining social amenity in a residential area

Traditional residential neighbourhoods are especially sensitive to commercial activity, particularly when this activity is in the public place. The social sustainability of these areas is dependent on the compatibility of an outdoor café with the residential and community access and use of the area. The design and operation of an outdoor café in a residential area is subject to detailed assessment against a set of additional criteria. Refer to *Residential areas impact assessment* on page 55.

### Positive contributions to environmental sustainability

Through its policies and strategies, the City of Melbourne aims to make Melbourne a more sustainable city. This will partly be achieved through more efficient use of resources including energy and materials.

Outdoor cafés can play a positive role in reducing their impact on the environment. Key areas for consideration are:

- + use of outdoor heaters;
- + waste management; and
- + use of disposable packaging in the public place.

The management of outdoor cafés is central to the city's environmental and social sustainability directives.

The need for guidelines to reduce environmental impact through noise reduction, and conservation of energy and resources, has been identified by the community as an important initiative.

### Safe and clean outdoor cafés and public places

The City of Melbourne attracts thousands of workers and visitors every day, which means its public places and streets must be clean and safe. Outdoor cafés contribute to public safety by maintaining clear lines of sight through the public place and streets, which increases opportunities for casual surveillance and provides a sense of activity and safety. Constant monitoring by staff also ensures outdoor cafés are not used for anti-social or unsafe activities.

Areas within and around outdoor cafés should also minimise the potential for personal injury. Appropriate selection of furniture and fittings, as well as regular maintenance of items is important. Permit holders are responsible for maintaining the safety and cleanliness of outdoor cafés. They are also responsible for ensuring rubbish is not windblown into neighbouring areas. Regular cleaning of the outdoor café by staff ensures rubbish does not accumulate.

### Minimise unnecessary noise and nuisance

The City of Melbourne is home to a large residential population and businesses that are sensitive to noise and nuisance. It is essential that outdoor cafés do not unnecessarily or unreasonably compromise other activities, particularly residential activities.

Victorian Government legislation prohibits smoking in all indoor venues. For this reason, it is likely more people will use outdoor cafés for smoking.

## Environmental sustainability

The guide supports the City of Melbourne's strategies to reduce waste generated by outdoor cafés. It encourages owners and operators to minimise noise, dispose of waste and minimise the potential for waste and litter in the area. All these steps make a positive contribution to environmental sustainability.

A special focus for this guide is to introduce strategies covering:

- + waste management;
- + plant and planter box management; and
- + portable outdoor and fixed gas heater management.

### *Environment Local Law 1999*

The City of Melbourne's *Environment Local Law 1999* sets out standards in environment management for business. The law is applicable to all business owners and occupiers within the City of Melbourne.

The recent introduction of legislation banning smoking from all enclosed premises has seen an increase in the amount of cigarette butt litter accumulating around outdoor cafés, which in turn is often blown into the streets, down stormwater drains and into waterways.

The *Environment Local Law 1999* requires all waste, including tobacco waste and cigarette butt litter, to be stored in an appropriate container and for proprietors to accept responsibility for the cleanliness of the area immediately in front of their premises.

The City of Melbourne's *Waste Management Strategy 2005* outlines a number of objectives for environmental sustainability in city businesses. In relation to waste the strategy seeks to:

- + minimise the amount of waste sent to landfill;
- + make recycling viable and attractive for all business;
- + encourage growth in eco-efficient products and services; and
- + reduce littering and dumping of rubbish.

## Waste management

The following requirements apply to all outdoor cafés:

- + the permit holder and staff must keep the outdoor café clean, and ensure litter is removed promptly from in and around the outdoor café and disposed of properly;
- + permit holders must maintain a high standard of presentation of furniture and fittings. Screens and planters must be clean, in good order and well presented. This includes removal of pigeon faeces from screens, umbrellas, tables and chairs within the outdoor café area.
- + permit holders must maintain the cleanliness of the public place throughout the trading period by removing all food, paper, cigarette butt waste and tree debris such as leaves and pollen;
- + all staff must be adequately briefed about separation of waste, managing their containers and service cycles properly, and eliminating litter and waste spillage onto the street;
- + store waste material, including cigarette butts, in approved receptacles and containers;
- + all ashtrays used in outdoor cafés must be portable and windproof;
- + the use of fixed butt bins attached to the building line are discouraged when used in conjunction with an outdoor café;
- + outdoor café litter or waste must not be swept into stormwater drains—litter must be swept, collected and disposed of in approved receptacles; and
- + the use of crockery and glassware is strongly encouraged in outdoor cafés.



## Environmental checklist

The *Environment Local Law 1999* sets out standards in environment management for businesses. A checklist can be provided and covers the following key areas:

- + storage of bins and other containers;
- + waste and recycling;
- + limiting negative impact of café operations;
- + managing discharge to stormwater drains;
- + managing air quality; and
- + managing noise.

A copy of the full checklist is available from the City of Melbourne. For more information contact the City of Melbourne on 9658 9658 or visit [www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)

## Rubbish and recycling bins

Rateable properties are entitled to one rubbish and one recycling bin. Both bins are collected weekly. The table below indicates available bin sizes.

Rubbish bin	Recycling bin
80-litre;	80-litre;
120-litre; or	120-litre; or
240-litre (subject to an annual fee)	240-litre



## Assistance for Permit holders

The City of Melbourne will provide the following assistance:

- + list of suppliers;
- + copy of Environment Local Laws checklist;
- + copy of a Waste Wise Guide which summarises the waste and recycling services available to rateable properties;
- + copy of Butt Free Business flyer; and
- + free educational seminars on the roles and responsibilities of permit holders.

## Organic composting

Organic composting is an environmentally friendly solution to food waste. Instead of disposing of fruit and vegetable scraps or leftover bread rolls in a rubbish bin, cafés should recycle into organic compost.

For a list of recommended suppliers contact the City of Melbourne on 9658 9658.

## Cigarette butt management

Smoking is prohibited in all 'enclosed' premises in Victoria under the *Tobacco Act 1987*. For this reason, it is likely more people will use outdoor cafés for smoking. Already legislation banning smoking from indoor premises has led to an increase in the amount of cigarette butt litter around outdoor cafés, which in turn is carried into stormwater drains and waterways.

The permit holder must ensure the outdoor café and surrounds are in a clean and hygienic state at all times, including collecting and removing cigarette butt waste. All ashtrays used in outdoor cafés must be windproof.

## Crockery and glassware

To minimise waste in the City of Melbourne, crockery and glassware should be provided when serving food and drink in outdoor cafés. Plastic containers, paper and polystyrene cups create additional litter and contribute to greenhouse emissions.

In addition, the use of crockery and glassware ensures outdoor cafés are regularly serviced by staff and indicates quality to customers.



## Maintaining safe places and streets

It is the responsibility of the City of Melbourne and other relevant authorities, to manage the street environment and the public place.

The street environment is a public resource for city users. Outdoor cafés are just one of many uses of the public place, subject to approval and ongoing compliance with relevant guidelines and Local Laws.

## Street cleaning, waste and litter collection

The City of Melbourne is committed to making sure the entire municipality looks its best at all times.

Waste and recycling services generally operate in the Central City from 6am through to midday, and a little later in designated noise curfew locations. Street cleaning services commence generally from midnight to about 7am each day in the Central City. Street cleaning continues throughout the day according to activity area priorities and involves mainly mechanical sweepers and cleaning by hand.

## City safety and amenity

Melbourne is recognised as one of the safest cities in the world. City safety is a high priority for the City of Melbourne. Key safety priorities include:

- + safe, clean and welcoming environment; and
- + safe behaviour, social support and community cohesion.

The City of Melbourne encourages passive surveillance of streets and other public places. Outdoor cafés assist in achieving this process and aid in perceived and real safety for visitors, workers and residents.

It is essential that public places and streets are presented in a clean and safe manner. Outdoor cafés contribute to public safety by maintaining clear lines of sight through public places and streets, and provide a sense of activity and safety. Constant monitoring by staff also ensures outdoor cafés are not used for anti-social activities or compromise public safety.

The permit holder should ensure staff are well trained in management and layout of the outdoor café to meet patron and pedestrian access and safety needs.

An over-crowded outdoor café can contribute to injury. Therefore permit holders must consider injury prevention in the public place by maintaining clearances and circulation in the outdoor café. This includes shared use of the footpath for pedestrians passing by, passengers alighting from vehicles and cyclists.

For more information refer to 'Permit Holder Responsibilities' on page 58.

## Building owner notification

The applicant must notify and consult with the building owner before submitting an application for a permit to the City of Melbourne. This allows the building owner to consider the implications of additional operating costs associated with longer trading hours.



three



## Consumption of liquor

A permit issued by the City of Melbourne only authorises the consumption of food within the outdoor café, not liquor.

To supply and consume liquor in an outdoor café, the applicant must seek a liquor licence from the Director of Liquor Licensing Victoria.

The permit holder is required to:

- + obtain a permit, pursuant to the provisions of the *Activities Local Law 1999*, from the City of Melbourne; and
- + obtain a licence, in writing, from the Director of Liquor Licensing, pursuant to the provisions of the *Liquor Control Reform Act 1998*, authorising the sale and consumption of liquor in areas other than the licensed premises such as an outdoor café outside the licensed premises.

This means proprietors can only serve liquor in an outdoor café if they have a permit from the City of Melbourne and a 9 (1) (b) approval from Liquor Licensing Victoria.

Please note: the granting of a permit from the City of Melbourne will not remove the right of the City to lodge an objection to such liquor applications, pursuant to section 40 of the *Liquor Control Reform Act 1998*.

The City of Melbourne reserves the right to object to any liquor application if it considers the proposal would be detrimental to the amenity and safety of the area.

For more information about liquor licensing matters contact:

**Consumer Affairs Victoria**  
Director of Liquor Licensing  
Level 18, 121 Exhibition Street, Melbourne  
Phone: 1300 650 367

## Table service

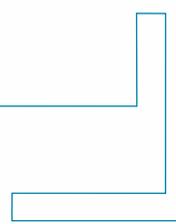
Table service within an outdoor café provides an inviting, attractive and safe environment for patrons.

In all outdoor cafés, patrons must be seated at all times. Waiter service is encouraged in outdoor cafés. A minimum requirement of table service must include the clearing of crockery, cleaning tables and proper rubbish disposal.

## Smoking in outdoor cafés

Smoking is prohibited in all 'enclosed' premises in Victoria under the *Tobacco Act 1987*.

Under this legislation, the definition of 'enclosed' has been amended to provide clarity and acknowledge the wide diversity of venues. Enclosed means an area, room or premises that is substantially enclosed by a roof and four walls regardless of whether the roof or walls, or any part of them, are permanent or temporary, open or closed. Given this, smoking is generally permitted in outdoor cafés.



## Outdoor Café Permit application in a residential area

Residential areas are particularly sensitive to the location and operation of commercial businesses, including outdoor cafés.

Applications for outdoor cafés in residential areas will be assessed against rigorous criteria to ensure appropriate decisions are made with regard to character of the area, trading hours, noise levels, safety and amenity of the immediate area. In addition, the activities, interests and concerns of local users will be considered prior a permit being granted. The City of Melbourne will also consider potential benefits and impacts of any proposed outdoor café on the basis of safety and amenity of the residential area. The decision whether to grant a permit will be made by a panel of senior City of Melbourne officers and a member of the Victoria Police.

If the proposed outdoor café is located in a residential area the applicant will be required to submit additional information by way of a Residential Areas Supporting Information Form to the City of Melbourne. The preliminary information is to demonstrate that the proposal will not impact unnecessarily on residential amenity, and will protect the existing character, safety and amenity of residential areas. This additional information should be prepared during the application process.

The Residential Areas Impact Assessment is considered separate to a planning permit and may only be granted where the appropriate planning permit (if applicable) is held.



# three

## Residential areas impact assessment

The following criteria must be met by the applicant in their proposal before any residential consultation is undertaken by the City of Melbourne. Refer to *Residential Area Impact Assessment and Supporting Information Form*.

### 1 Character of the area

Consideration should be given to the visual impact of the proposal on the traditional use of open space, existing heritage elements and other key features of the local environment.

### 2 Operation of the site

The applicant must demonstrate how the proposal will address a local demand and result in a net benefit to local residents and the community.

The applicant must consider the impact of the proposal on the cleanliness of the area including general rubbish, specialised wastes, bottles and other recyclable storage and removal arrangements such as hours of pick up.

Arrangements for deliveries to and from the outdoor café, including the times this will occur, must be provided by the applicant.

The introduction of an outdoor café in a primarily residential area can influence proposed hours of operation. The applicant must consider excessive noise and nuisance created by early morning and evening trade. This includes noise from deliveries and the impact caused to existing traffic conditions.

Details must be provided of any air, noise emissions and vibration from the premises generated by the café to comply with the *Activities Local Law 1999* (11.6, prohibition against causing excessive noise).

### 3 Suitability of outdoor café

Any benefits the outdoor café may bring to the residential area should be outlined, and the applicant should specify whether the proposal is for a temporary activity, such as in conjunction with a festival or event.

### 4 Safety

Appropriate safety measures for energy sources and connections should be considered by the applicant.

The outdoor café structure must consider any potential encroachments into the public place.

Residential safety and property security issues that might affect the application must be considered by the applicant as well as any traffic issues that might make the site unsafe.

### 5 Toilet and sanitary conveniences

The introduction of an outdoor café may increase the overall number of patrons. It may be necessary to upgrade the existing toilet and sanitary conveniences.

### 6 Residential consultation

Once the City of Melbourne has received a detailed proposal addressing the issues outlined, a full assessment of the proposal, a site inspection and consultation with the applicant will be undertaken by the City of Melbourne. Once the above guidelines are met, the City of Melbourne will consult with potentially affected stakeholders in the area.

### 7 Notice of proposed outdoor café application

The applicant for an outdoor café in a residential area will be required to advertise the application by display of a notice on the premises.

The City of Melbourne will notify the local precinct resident group.

The City of Melbourne will undertake a letter drop to neighbouring residents. Residents within the immediate block of the proposed outdoor café must be notified.

The City of Melbourne will decide on any further appropriate advertising. The minimum period for advertising will be 14 days.

### 8 Resident notification

Residents, business owners and occupiers surrounding the proposed outdoor café will receive a written notice of intention for an outdoor café with an accompanying site plan and proposed hours of operation. This provides an opportunity for residents and business owners to provide comment.

Residents, business owners and occupiers are encouraged to view and discuss the application with the City of Melbourne and provide a written submission outlining their support or objection to the application.

Once all submissions have been received, the City of Melbourne will review the submissions, schedule a Residential Panel Hearing and notify the applicant, residents, and business owners and occupiers of the hearing date.

### 9 Panel hearing and decision

Decisions about whether to grant a permit will be made by a panel appointed by the City of Melbourne, after full consideration of written submissions and relevant information presented at the hearing regarding the impact of the application on safety, access and amenity. The panel will make a determination and formally notify all parties concerned of the decision.



## Hours of operation

Outdoor cafés are generally permitted to trade between the hours of 7am and 11pm Monday to Sunday.

If an applicant is seeking to trade beyond these hours, the application will be assessed on a case-by-case basis to ensure that there is minimal detriment to the amenity of the surrounding area.

In most exceptional cases 1am will be considered the maximum time that an outdoor café is permitted to trade.

Outdoor cafés trading in close proximity to residents, both within and outside the Central City, will have their proposed hours of trade carefully considered against the safety and amenity of the area and subject to Residential Areas Impact Assessment.

If an applicant chooses to apply to the Director of Liquor Licensing Victoria for a liquor licence to serve alcohol in the outdoor café, the trading hours of the outdoor café will be translated onto the liquor licence.

## Public risk

The permit holder is required to maintain a valid public liability insurance policy noting specifically the interest of the City of Melbourne as an insured party. The policy must insure for the amount of at least 10 million dollars (\$10,000,000) 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 City of Melbourne may from time to time request a Certificate of Currency from the permit holder.

To meet City of Melbourne requirements the policy must:

1. Be a minimum amount of \$10,000,000 in respect to any single occurrence.
2. Note the interest of the City of Melbourne on the policy.
3. State the period covered by the insurance policy (ie. commencement and expiration date). The insurance policy must be renewed upon expiry.
4. Be issued by an insurer approved by the Australian Prudential Regulation Authority (APRA).
5. Be an approved form such as a Certificate of Currency for the policy.
6. Indemnify and release the City of Melbourne against all liability arising from the use or occupation of the outdoor café or the conduct of the permit holder's business by the holder or any of permit holder's agents including:
  - + any claim made by any person for injury, loss or damage arising in any matter;
  - + any loss or damage to any property belonging to the permit holder or other person located in the vicinity of the outdoor café caused by the permit holder or the permit holder's agent; and
  - + any loss, damage, injury or illness sustained or incurred by the permit holder or any of the permit holder's agents.

## Sample of certificate of currency letter

### SAMPLE ONLY

#### CERTIFICATE OF CURRENCY

DETAILS OF INSURANCE BROKERS	Contact name/s Address/ Phone numbers etc
NAME OF INSURED/S	Business location
DETAILS OF CLASS OF INSURANCE	Public Liability Insurance. Covering all sums that the insureds are legally liable to pay in connection with their business or from products manufactured.
DETAILS OF INSURANCE UNDERWRITER	Contact name/s Address/Phone number etc
PERIOD OF INSURANCE	Date/s
POLICY NUMBER	000000000
DATE PREMIUM PAID	Date/s
INTERESTED PARTIES	The interest of the City of Melbourne has been noted onto this policy.
DETAILS OF POLICY EXCLUSIONS	
DETAILS OF POLICY DEDUCTIBLE/S	
DETAILS OF SPECIAL CONDITIONS	
DETAILS DISCLOSED TO UNDERWRITER IN RELATION TO THE INTEREST OF THE CITY OF MELBOURNE	Indemnity and cross liability clauses.
CLAIMS PROCEDURES	Contact name/s, Claim form/s

## Cleaning, repair and maintenance

All furniture in an outdoor café must be maintained, physically sound and aesthetically acceptable at all times to the satisfaction of the City of Melbourne.

Permit holders must ensure all items of furniture, screens and planters are clean, in good order and well presented. Refer to *Table 9. Repair and maintenance of furniture timeline requirements*.



## Change of ownership

The permit issued by the City of Melbourne is separate from the ownership of a business conducted on the private property and has no legal attachment to the sale or transfer of ownership of a business.

The permit will not automatically be transferred to the new owner, as conditions change over time.

To ensure an outdoor café can continue to operate, the new proprietor must submit an amended application form noting the change of ownership. The City of Melbourne may offer a new permit under the same terms and conditions as the previous permit. An application fee of \$50 applies to this process.

A permit fee will not be recharged to a new proprietor and the amended permit will be issued with the new proprietor's details for the remaining permit period.

It is the responsibility of the existing proprietor to include the balance of the remaining permit fee in the sale of the business.

## Restoration of the public place

When outdoor café infrastructure is left behind in the public place after a café closes down, it can cause serious safety issues for pedestrians and exposure to public liability.

The following points are key responsibilities for permit holders for restoring the public place after the cancellation of a permit.

- + It is the responsibility of the permit holder to remove all the outdoor café furniture, including semi-fixed and non-fixed items from the public place and reinstate the footpath to its original condition.
- + Reinstatement of public place includes the removal of sockets and fittings such as glass screens, and replacement of the entire bluestone pavers so there is no visible trace of the fixture.
- + The permit holder is required to carry out the works within 14 days of cancellation of the permit and cover all replacement costs.
- + The City of Melbourne is responsible for approving the quality of the work completed and ensuring the pavement is restored to a satisfactory condition.
- + If the permit holder fails to remove the furniture and fittings from the public place and reinstate the footpath to its original condition within the specified period, the furniture will be removed by the City of Melbourne and works carried out to reinstate the footpath at the permit holder's expense.
- + No payment or compensation will be given to the Permit holder by the City of Melbourne for removal and disposal of outdoor café furniture.

## Cost for reinstatement of the public place

The cost of restoring the footpath to its original condition will depend on the size of the outdoor café and the number of fixed furniture sockets.

These include sockets in the paving where glass screens, furniture and/or umbrellas were installed, electrical wiring, conduits and switchboards. Removal of these items from footpaths may require replacement of significant areas of bluestone paving.

Indicative costs for restoration of the public place are:

- + remove socket  
– \$100 / socket
- + asphalt footpath reinstatement  
< 5m<sup>2</sup> – \$100 / m<sup>2</sup>
- + reinstate bluestone pavement  
< 5m<sup>2</sup> – \$400 / m<sup>2</sup>

The average outdoor café with glass screens may have about 10 sockets. As such, the cost to remove the sockets and reinstate bluestone paving would be approximately \$5,000.

**Table 9. Repair and maintenance of furniture timeline requirements**

Item & Issue	Action & Timeline
Glass screen broken	Make safe immediately - repair within 48 hours
Glass screen Missing	Repair within seven days
Graffiti on glass screen	Clean within 24 hours
Graffiti on canvas screen	Remove and clean or replace within seven days
Components of screens missing or broken	Replace within seven days
Canvas screens torn	Remove and repair within seven days
Furniture in disrepair or broken	Remove or make safe immediately - replace within 14 days
Furniture does not meet the Guide	Replace with City of Melbourne approved furniture within 14 days
Screens and awnings in unclean condition	Clean within 24 hours
Planter boxes damaged	Remove and replace within seven days
Plants wilted or missing	Remove and replace within seven days
Advertising logos do not meet the Guide	Remove within 24 hours
Umbrellas damaged or canvas torn	Make safe immediately - remove and replace within 24 hours

## Permit holder responsibilities

A key feature of Melbourne is its outdoor cafés which provide a range of dining experiences and environments for people to enjoy.

This section outlines permit holder responsibilities for the operation and management of outdoor cafés.

Operation of outdoor cafés is the responsibility of the permit holder. To ensure outdoor cafés are enjoyable for everyone, permit holders have a number of responsibilities. Refer to *Permit holder responsibilities checklist*.

### Permit holder responsibilities checklist

#### Ask yourself these questions

Do I have a valid outdoor café permit?	+
Do I provide the minimum clearances and access for all city users?	+
Do I create and manage an inviting and attractive outdoor café?	+
Do I observe patrons and manage patron behaviour?	+
Do I minimise potential for waste and litter in the area?	+
Do I minimise unnecessary noise and nuisance?	+

## 1 Valid Outdoor Café Permit

- + Operate in accordance with the specific and general conditions of the permit and the requirements contained in the guide.
- + Changes and alterations to existing permit conditions require approval from the City of Melbourne. The permit holder is required to submit an amended application form proposing any changes or alterations to an existing permit.
- + When granting of permit a site plan is provided to the permit holder by the City of Melbourne, which clearly identifies the maximum number of tables and chairs to be used, required clearances and other design requirements. The permit and site plan must be kept on the premises to ensure all staff are aware and adequately briefed about the layout and positioning of the outdoor café.

## 2 Maintain access for all users

- + Maintain access for all patrons in and around the outdoor café at all times with particular attention to the needs of people with disabilities.
- + Ensure the outdoor café is kept clear and is accessible to street cleaning contractors.
- + Ensure the correct number of tables and chairs are used in the outdoor café (as specified on the permit).
- + Set up and dismantle furniture within the trading hours specified in the permit.
- + Allow 24-hour access for essential service maintenance. This includes parking meters, fire hydrants, fire equipment stores, communication switchboards, boosters, communication poles and underground services.
- + Allow access for footpath and road maintenance works. The permit holder will be notified by the contractor to arrange a suitable time for works to be carried out. In some cases the outdoor café will be unable to operate and the permit holder will be requested to remove all furniture.
- + In some areas of the City of Melbourne, delineation markers will be installed in the footpath to assist permit holders to identify their outdoor café. The permit holder must ensure all outdoor café furniture is kept within these markers to assist the circulation, safety and comfort of pedestrians and other users of the public place.

### 3 Create an attractive and inviting environment

- + Provide safe and aesthetically pleasing furniture and fittings that meets Australian Standards and suitability of the urban character of the area.
- + Manage the position of the furniture in the outdoor café and ensure furniture is returned to its original position when moved by patrons.
- + Repair or replace any damaged furniture and fittings. Refer to *Table 9. Repair and maintenance of furniture timeline requirements* on page 57.
- + Clean all furniture, fixtures and fittings associated with the outdoor café and maintain a high standard of presentation.

### 4 Safe and sustainable social contribution

- + Monitor the outdoor café.
- + Observe patrons at all times and respond to behaviour that may interfere with the use, enjoyment or personal comfort of others in the outdoor café or neighbouring public place.
- + Manage the outdoor café in a professional manner by ensuring adequate staff numbers, supervision and training so that patron and pedestrian access and safety needs are met.
- + An over-crowded outdoor café can contribute to injury. Therefore permit holders must consider injury prevention in the public place by maintaining the appropriate number of tables and chairs, correct clearances and circulation requirements in the outdoor café. This allows for shared use of the footpath and provides access from roads for pedestrians, cyclists, and motorists.
- + Permit holders can contribute to community safety and crime prevention by working with local authorities to prevent petty crime and promote initiatives such as Operation Dine Smart.
- + Ensure responsible serving of alcohol by staff. A meal must be served in conjunction with the serving of alcohol in an outdoor café. Liquor must be served responsibly on licensed premises and in strict compliance with Responsible Serving of Alcohol (RSA) regulations.

### 5 Minimise waste and litter

- + Ensure the outdoor café and surrounding area are kept free from rubbish and tobacco waste and that waste is placed in proper receptacles and disposed of appropriately.
- + Supply adequate cigarette butt and waste capture devices to prevent litter blowing from the outdoor café to public areas, gutters and stormwater inlets. (ie. use windproof ashtrays on outdoor café tables).
- + Clean the designated outdoor café immediately following the dismantling and removal of café furniture which may include de-littering any planter boxes.

### 6 Minimise noise and nuisance

- + Observe all Local Law provisions.
- + Do not offer to sell goods, solicit, try to attract trade or business, tout or spruik in the public place in front of an outdoor café. Touting and spruiking is prohibited under the *Activities Local Law 1999*.
- + Take all necessary steps to ensure that no noise or other disturbance emanates from the outdoor café causing detriment to the amenity of others.
- + No outdoor speakers, sound amplification equipment or jukeboxes, relay or other audio equipment can be installed or used in association with the outdoor café.
- + No live entertainment is permitted within the outdoor café or elsewhere on the footpath without written permission from the City of Melbourne.

### 7 Additional responsibilities

**Occupy** Occupy and use the outdoor café at the permit holder's own risk.

**Allow** Allow City of Melbourne officers access to the outdoor café at all times without notice.

**Comply** Comply with all reasonable requests or directions given by a City of Melbourne officer.



## Education and compliance

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# four





edu

## Education and compliance

One of the keys to an effective system of outdoor café management is a high level of understanding, satisfaction and compliance with the requirements of the *Outdoor Café Guide* (the guide).

Access in the public place is paramount in operating and managing an outdoor café successfully. The permit holder must ensure clearance to the pedestrian walkway, kerb, essential services and neighbouring properties is maintained at all times. It is the responsibility of the permit holder to train staff in the layout and clearance of an outdoor café.

Education and training helps foster and build partnerships between the City of Melbourne and permit holders by working together in providing a safe and liveable city.



four



## Principle

### Partnership between permit holder and the City of Melbourne

New initiatives in the areas of education, training and compliance are necessary to improve outdoor café management and protect the public place.

A formal educational seminar for new permit holders would ensure proprietors were aware of their responsibilities.

Compliance is an underlying principle of the guide. A renewed emphasis on ongoing compliance is essential to ensure greater public satisfaction with outdoor café management.



## Education and training

The City of Melbourne aims to educate permit holders about their responsibilities by providing advice and training on the operation and management of an outdoor café within the public place. This will also raise awareness of the permit holder's environmental and public safety obligations.

The permit holder in turn has a responsibility to train staff in the effective management and operation of an outdoor café. Training and education is important to ensure access, safety, amenity and appearance is sustained for all users of the public place.

The permit holder is responsible for providing a high standard of public amenity. The collection and disposal of waste and litter in the outdoor café is the responsibility of the permit holder.

Responsible management and surveillance of the outdoor café is also the duty of the permit holder to ensure the safety of patrons and pedestrians.

With each permit application, the City of Melbourne will provide a training and education program including:

- + a copy of the guide;
- + face to face discussions with the permit holder regarding the approved layout and positioning of tables and chairs within the outdoor café;
- + a monthly education session for permit holders and their staff on the responsibilities of operating and managing an outdoor café;
- + an information kit;
- + assistance with plant species selection; and
- + a list of relevant suppliers.



The following steps must be completed by the applicant before the City of Melbourne can issue a permit:

1. Attend, with their staff, a one-off education session provided by the City of Melbourne's street trading officers on the responsibilities of operating and managing an outdoor café.
2. Adhere to permit holder's responsibility checklist.
3. Adhere to the *Environmental Local Law 1999*.
4. Submit a Residential Area Impact Assessment if the application is located in a residential area.



## Compliance

The City of Melbourne has a responsibility to monitor activities in the public place, including the operation of outdoor cafés, to ensure permit conditions, requirements and design guidelines are consistently maintained.

Where it is evident this is not the case, the City of Melbourne undertakes an educational approach by initiating discussions with permit holders to explain the reasons behind permit specifications. This method of open communication seeks to resolve issues as quickly and amicably as possible.

Following a complaint or a report of a breach of permit conditions pursuant to the *Activities Local Law 1999* or any requirements pursuant to the guide, a City of Melbourne representative will visit the premises and seek rectification if a breach is identified. Action is initiated according to the impact the breach is having on the safety, access and amenity of the area.

Failing this, the following compliance protocol will apply:

### Breach of permit conditions

Any breach of permit conditions will be dealt with in accordance with the enforcement provisions of the *Activities Local Law 1999*.

1. Education and verbal warning issued – details documented on file.
2. Notice to Comply issued.
3. Infringement Notice served if offender has failed to act after Notice to Comply (up to \$1,000 on-the-spot fine for failing to comply with a Notice to Comply).
4. Permit will be suspended or cancelled.
5. Any further offence will be dealt with by the immediate issuing of an Infringement Notice or by the suspension/cancellation of the permit.
6. Seizure of all street furniture.
7. Institute legal proceedings.

### Cancellation or suspension of a permit

If a permit holder fails to comply with three (3) written notices from the City of Melbourne relating to breaches of the guide or conditions of the permit, the City of Melbourne may at its discretion cancel or suspend the permit, or decide not to re-issue a new permit (upon expiry) for a period of at least 12 months or greater.

The City of Melbourne may also suspend the permit by giving at least thirty (30) days written notice to the permit holder if the City of Melbourne or any other external bodies require the site for events, festivals, or for any other purpose.

The permit holder will be given at least fourteen (14) days written notice of any footpath maintenance works undertaken by the City of Melbourne.

A period of 14 days notice will be given to traders in these circumstances. Where the City of Melbourne suspends, relocates, amends, and/or cancels the permit, neither the permit holder or any other person shall be entitled to any payments, compensation or damages of any kind from the City of Melbourne.

## Operating an outdoor café with an expired permit

Operating an outdoor café with an expired permit will be dealt with in accordance with the enforcement provisions of the *Activities Local Law 1999*.

1. Education and verbal warning issued.  
An application form will be issued to the permit holder and details documented on file.
2. Notice to Comply issued.
3. Infringement Notice served if offender has failed to act after Notice to Comply (up to \$1,000 on-the-spot fine for failing to comply with a Notice to Comply).
4. Seizure of all street furniture.
5. Institute legal proceedings.

## Operating an outdoor café without a permit

Operating an outdoor café without a permit will be dealt with in accordance with the enforcement provisions of the *Activities Local Law 1999*.

1. Education and verbal warning issued.  
An application form will be issued to the registered permit holder and details will be documented on file. All street furniture must be removed until a permit is issued.
2. Notice to Comply issued. All street furniture must be removed until a permit is issued.
3. Infringement Notice served if offender has failed to act after Notice to Comply (up to \$1,000 on-the-spot fine for failing to comply with a Notice to Comply).
4. Seizure of all street furniture.
5. Institute legal proceedings.

## Cancellation of a permit by permit holder

The permit holder may request the cancellation of a permit at any time. Thirty (30) days notice of intention to cancel must be provided in writing to City of Melbourne. No refund of permit fees paid in advance will be made.

## Restitution of the public place

Following the cancellation of a permit, all fixed and non-fixed furniture must be removed from the public place. The restitution of the public place is the responsibility of the permit holder and the pavement must be returned to its original condition at the cost of the permit holder. The City of Melbourne is responsible for approving the quality of work completed.

All furniture and fittings must be removed from the outdoor café area from the date the permit is cancelled. If furniture is not removed and the public place is not reinstated to its original condition within a specified period, works will be carried out at the permit holder's expense.

## Noise management

Street trading adds vibrancy and colour to the city. However, if sound or loud music from these activities is not appropriately managed, it can cause a nuisance to traders, businesses and pedestrians.

The *Activities Local Law 1999* was developed to ensure the appropriate use of public places and control activities in or around them. The *Activities Local Law 1999* (11.6 Prohibition against causing excessive noise) restricts excessive noise in a public place by prohibiting noise that impinges on the 'reasonable comfort' of others, or noises which exceed a designated sound level when measured on sound pressure level measuring equipment.

No loudspeaker, amplifier or other audio equipment may be used so as to direct sound into the public domain or outdoor areas without the prior consent of the responsible authority.

Loudspeakers directing sound to the outdoor café must not be used between the hours of 11pm and 9am and must be limited to background levels at all times. Noise from audio equipment used in association with an outdoor café must not cause detriment to the amenity of the neighbourhood.

The City of Melbourne reserves the right to vary times that loudspeakers direct sound to outdoor café areas.

The City of Melbourne and the Environment Protection Authority has developed designated sound levels managing amenity impacts. Refer to *Table 10. Designated sound levels for music from shops*.

The City of Melbourne also has guidelines for restricting excessive low frequency (bass) levels and distortion as these may cause increased disturbance to others. Permit holders need to be aware of these impacts and operate accordingly.



**Table 10. Designated sound levels for music from shops**

Source	Music from shops
3m sound level	70dBA L10, 1 min
6m sound level	64dBA L10, 1 min

# Application information

## 68 Application information

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# five





out

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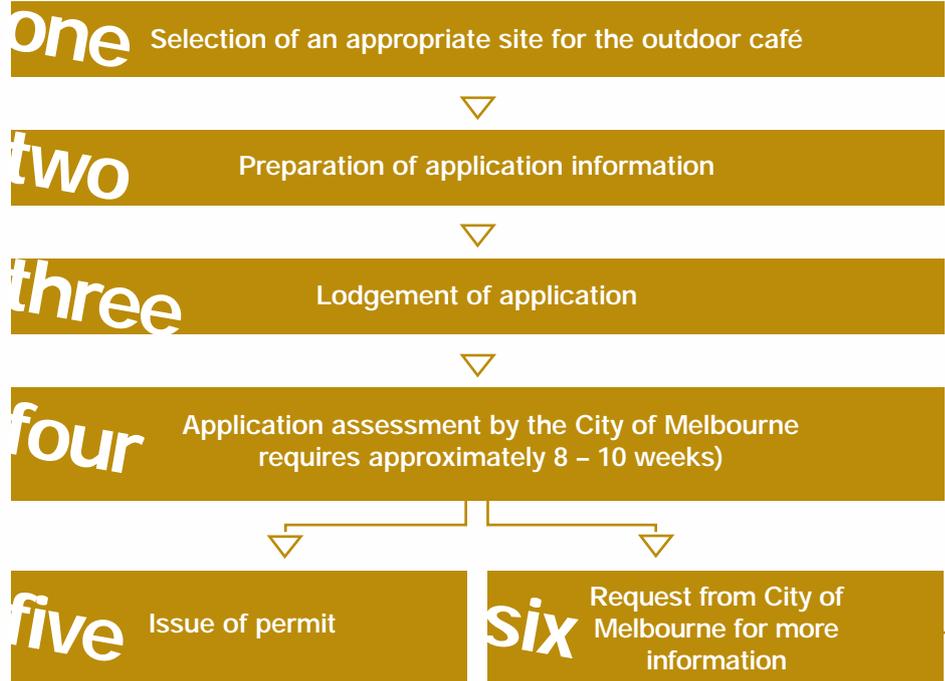
g u i d e

## Application information

The City of Melbourne manages all aspects of the Outdoor Café Permit (permit) application process, from providing information about requirements, receiving and assessing applications, to issuing permits. Consideration and approval of a new permit application takes approximately eight to 10 weeks, or longer if the application is incomplete and further information is required. Permits are issued for a two-year period and must be re-applied for by the permit holder on a biennial basis.

A typical application for the establishment of a permit involves a six-step process (see page 69).





**Summary of outdoor café eligibility criteria:**

- + must be an extension of 'indoor' seating;
- + must be a lawfully existing food premises (café or restaurant);
- + must have a 'working kitchen' or food preparation area;
- + must provide 'table service' or provision for cleaning, and servicing; and
- + should serve food and drinks in non-disposable crockery and glassware.

## Selecting an appropriate site

An appropriate site for a new outdoor café should meet the objectives below.

- + Allow for pedestrian access through all public streets and laneways and between neighbouring properties.
- + Allow for access to existing street infrastructure and kerb clearances at all times.
- + Allow for regular servicing and maintenance access and operation.
- + Allow for the existing operation and loading activities of neighbouring properties.
- + Facilitate a clear 'line of sight' around corners (applies to intersections).
- + Contribute to 'net community benefit' and the street environment.
- + Allow for monitoring of noise, amenity and safety.
- + Minimise potential litter and cleanliness impacts on the area.
- + Provide ease of access for people of all abilities.

## Preparing the application

The City of Melbourne requires the applicant to follow a four-step process when submitting an application for permit. The applicant must provide supporting information along with the Outdoor Café Application Form (form) and application fee. These four steps are:

### 1 Lodge application form and fee

Complete and submit the form including contact details and signatures. A processing fee of \$50 (non-refundable) is required, cash or cheque made payable to the City of Melbourne. Refer to the *Application Process* on page 69.

### 2 Location and layout of proposed outdoor café

Provide an accurately drawn site plan and photographs of the existing site relative to the building and proposed layout of outdoor café including the maximum number of tables and chairs to be accommodated. Refer to *Access and the Public Place* on page 12.

### 3 Furniture design and advertising

Provide colour photographs and/or detailed graphic design drawings of the proposed style of café furniture and advertising. Refer to *Design and Heritage* on page 26.

### 4 Operation and management

Provide details of a permit holder's responsibility plan including waste management plan and cleaning program. Refer to *Operation of Management* on page 46.

## Lodge outdoor café application form and fee

The form must be completed by the applicant, and should include contact details, property details and signature(s) of proprietor(s). The form should also indicate furniture requirements, existing infrastructure, other City of Melbourne departmental approvals, public liability insurance and where requested a letter of consent from neighbouring property owner/s occupier/s. For a copy of the form contact the City of Melbourne on 9658 9658.

A processing fee of \$50 (non-refundable) is required payable by cash or cheque. Cheques are to be made payable to City of Melbourne and attached to the form. Cash can only be accepted at the Melbourne Town Hall, 90-130 Swanston Street Melbourne. If paying the application fee by cash, a copy of the form must accompany payment for receipting purposes.

The application may be handed to:  
Street Trading Unit,  
Level 4, 200 Little Collins Street,  
Melbourne Victoria 3000  
or mailed to:  
GPO Box 1603,  
Melbourne Victoria 3000

## Location and layout of proposed outdoor café

A drawn site plan and photographs of the existing area relative to the building, footpath and a proposed layout of the outdoor café should be provided. Refer to *Access and the Public Place* on page 12.

- + **Site plan of existing conditions:** a plan to scale 1:100 accurately showing the width of the building frontage and the footpath from outside edge of kerb to building frontage, location of building boundaries, neighbouring properties, existing trees, light poles, signs, existing street furniture, service pits, fire hydrants, car parking, parking meters and other features. All dimensions associated with the outdoor café should be shown.
- + **Site plan of proposed outdoor café layout:** a plan at scale 1:100 accurately showing the area of the proposed outdoor café and layout of all proposed screens, number of tables, chairs, umbrellas, etc.
- + **Photographs of the site:** clearly showing the proposed outdoor café relative to buildings and existing features in the footpath.

## Furniture design and advertising

When selecting appropriate furniture and fittings for an outdoor café applicants should refer to the following objectives.

All furniture and fittings should:

- + be hardy, durable, sturdy and of windproof design yet portable;
- + be of a quality design in any appropriate style;
- + conform to advertising requirements and restrictions; and
- + be able to be moved or retracted from the outdoor café area on a daily basis.

The applicant must provide:

- + **Details of furniture:** colour photographs, brochures and/or detailed architectural drawings indicating specifications of chairs, tables, glass screens, canvas screens, umbrellas, awnings, planter boxes and gas heaters proposed for the outdoor café. These specifications should include length, height and width. Refer to *Examples of furniture design* on page 30.
- + **Details of advertising for canvas screens, glass screens and/or umbrellas:** colour photographs and/or detailed graphic design drawing of the proposed café logo, with clear indication of its size and location on screens and/or umbrellas. Refer to *Advertising requirements* on page 40.

## Operation and management

The following information must be submitted with the permit application:

- + **Operation hours:** proposed operating hours of the outdoor café.
- + **Layout of outdoor café:** proposed scale of outdoor café, including numbers of staff, seats, tables and patrons.
- + **Furniture storage:** details of the capacity of storage inside to accommodate movable furniture.
- + **Residential areas impact assessment.** Refer to *Residential Areas Impact Assessment* on page 55 and *Supporting Information Form*.
- + **Management:** details of staff numbers for managing the day-to-day operations of the outdoor café.
- + **Cleaning program:** details of a cleaning program for the outdoor café area. The program should include clearing and cleaning of tables quickly after patrons have departed, cleaning up of any litter, putting chairs back in place and preparing to welcome the next patron.
- + **Waste management program:** this includes provision of windproof ashtrays and sweeping up and disposing of cigarette butts, litter and debris from the outdoor café area.
- + **Gas heater storage:** details of portable gas heater storage. Gas heaters are not to be stored inside the building or in the public place. Gas heaters must be stored in lockable steel cages in private space outside the building.

## Additional information

- + **Public liability:** Proof of a Certificate of Currency (Public Liability Insurance) for a minimum of 10 million dollars (\$10,000,000), specifically covering the area occupied by the outdoor café, indemnifying the City of Melbourne against all claims is required. This is to be renewed on an annual basis. Refer to *Public Risk* on page 56.
- + **Letter of consent:** where an applicant seeks to occupy the public place immediately neighbouring the café premises, a letter from the owner or Body Corporate and occupier of the neighbouring building is required. In the case of a company or Body Corporate, the letter of consent should be provided on official letterhead. Refer to *Access and the Public Place and example of letter of consent* on page 25.
- + **Building owner notification:** where an applicant seeks to occupy the space immediately in front of their café premises, consultation with the building owner or managing agent is suggested.
- + **Intention to apply for liquor licence:** where an applicant intends to apply for a liquor licence from the Director of Liquor Licensing Victoria, the City of Melbourne must be notified. Refer to *Consumption of Liquor* on page 53.



## Assessing the application

After receiving an application, the City of Melbourne will:

- + Check all relevant information has been received. If incomplete, the applicant will be contacted to discuss and clarify any outstanding requirements and make arrangements for the information to be provided within a specified period.
- + Check the application to ensure it meets the guide. If the requirements are inadequate, the applicant will be contacted to discuss amendments. The applicant is required to arrange any amendments and these are to be re-submitted before approval is given.
- + Inspect the site and check accuracy of submitted plans. If plans are inaccurate or inadequate, the applicant will be contacted and requested to submit revised plans. Any application for the removal of street infrastructure will also be considered at this stage.
- + Meet with applicant. A meeting will be arranged by the City of Melbourne to discuss the application with the applicant. This will occur either by phone, on site or at the City of Melbourne's offices.
- + Assess other outstanding City of Melbourne matters. Clarification will be sought from other City of Melbourne departments to ensure there are no outstanding health or building orders or notices on the property. The permit will only be issued when all relevant permits and approvals have been issued, and all outstanding matters have been satisfactorily resolved. It is the responsibility of the applicant to obtain all relevant permits.
- + Consultation with other City of Melbourne branches such as Parks and Urban Design, Engineering Services and Building and Planning will take place to seek expert advice.
- + Permit decision. A notice of decision will be sent to the applicant. Successful applicants are then required to obtain appropriate insurance and maintain valid public liability coverage (see page 56) and pay the required permit fee before a permit is issued.
- + Residential consultation assessment. The City of Melbourne will assess whether the application requires a residential consultation. In the event that a residential consultation is needed, the City of Melbourne will notify the applicant and proceed with the consultation process identified in the Residential Areas Impact Assessment on page 55.

## Outdoor café permit application in a residential area

An application for an outdoor café in a residential area requires specific assessment to ensure minimal impact on the amenity of nearby residents.

Before applying for a permit, the applicant must consider the character of the area, operation of the site, safety and suitability of the area for an outdoor café. After receiving a detailed proposal addressing the issues above, the City of Melbourne undertakes a full assessment of the proposal, a site inspection, and consultation with the applicant. If the application is deemed suitable to proceed, the City of Melbourne consults with potentially affected stakeholders. The formal steps of this process include:

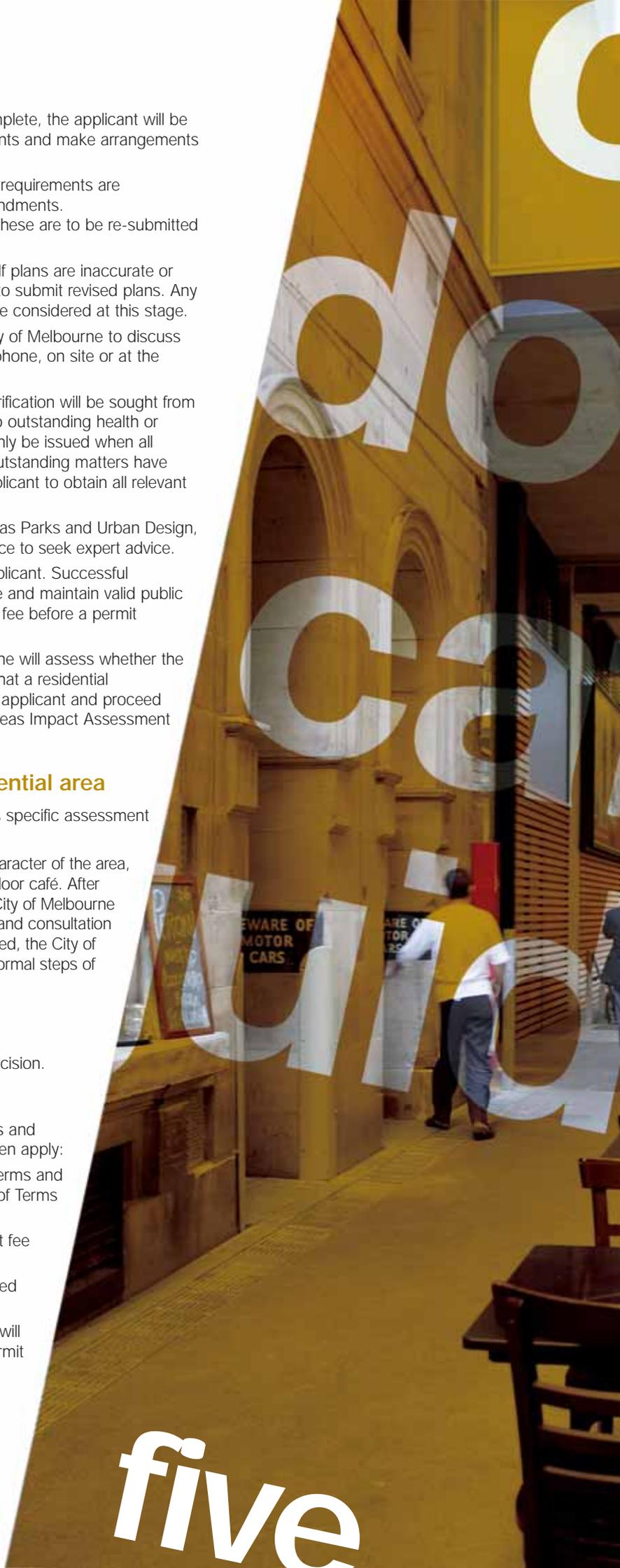
- + notice of proposed permit application; and
- + panel hearing and decision.

The applicant and residents are then formally notified of the decision.

### Issue of a permit

Once a permit is approved, a letter enclosing an Offer of Terms and Conditions is sent to the applicant. The following processes then apply:

- + the applicant is required to read and agree to the Offer of Terms and Conditions of the permit by signing and returning the Offer of Terms and Conditions to the City of Melbourne;
- + the applicant will be issued a separate invoice for the permit fee from the City of Melbourne;
- + payment of the permit fee to the City of Melbourne is required before a permit is issued; and
- + after the applicant receives a permit, the City of Melbourne will inspect the outdoor café to ensure the conditions of the permit are being met.



## Other processes

### Applying for an amendment to an existing permit

Permit holders must submit an application form to the City of Melbourne for any amendment to their existing permit. The applicant should tick the appropriate box on the form indicating which type of amendment is required. Amendments may include any of the following:

- + change of owner/proprietor;
- + changes to furniture style or design;
- + addition of/changes to gas heaters;
- + addition of/changes to umbrellas;
- + addition of/changes to canvas screens;
- + addition of/changes to graphics or advertising;
- + installation of glass screens;
- + changes to trading hours; or
- + other variations.

A processing fee of \$50 (non-refundable) is required, payable by cash or cheque to the City of Melbourne.

The amendment application will be assessed as per the guide. The process may take eight to 10 weeks for a decision by the City of Melbourne.

### Re-application for a permit

Permits for outdoor cafés in the public place cannot be 'renewed'. Existing traders must re-apply for a permit once their existing permit is due to expire. However, this process is much simpler than applying for a new permit.

The permit holder will be required to complete and return the re-application form along with the re-application fee of \$50 (non-refundable).

The re-application period provides the permit holder an opportunity to inform the City of Melbourne of any changes of ownership or any amendments made to the outdoor café of which the City has not been previously notified. A decision regarding any proposed changes and alterations to the existing permit will take approximately eight to 10 weeks, or longer if the application is incomplete.

All current permit holders are invited to re-apply for a permit on a biennial basis in accordance with the following process:

- + at least 60 days prior to the expiry of the current permit, the permit holder will receive a Letter of Offer to reapply and an invoice for the new permit fee;
- + all applications will undergo an assessment process to ensure the outdoor café layout meets the requirements for access, public safety, amenity, sustainability, heritage and design;
- + other matters including outstanding fees and breaches of permit conditions must be fully rectified before a re-application can be considered;
- + the permit holder must return the signed declaration to the City of Melbourne and make payment of the permit fee;
- + the permit will only be valid upon receipt of the permit fee and signed declaration;
- + the permit must be kept on the premises; and
- + the permit holder is responsible for complying with the specified and general terms and conditions of the permit.

# Addendum

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# Six





# out door café

## Glossary

### A

#### AGA No

Number allocated by Australian Gas Association to approved heating devices.

#### Application fee

Non-refundable amount of money charged for all applications, re-applications and amendments to outdoor café permits.

#### Applicant

Proprietor and/or owner of a café, not an agent or solicitor acting on behalf of the owner.

### C

#### Café

Premises used to prepare and sell food and drink, for consumption on the premises.

#### Central City

An area that includes the Central Business District, Southbank and the Market precinct.

#### City of Melbourne

Precinct governed by the Melbourne City Council (also the corporate name of the municipality).

#### Culturally significant

A term used to define buildings, whole or part, gardens, places, artefacts that have aesthetic, historical, scientific, social or spiritual value for past, present or future generations.

### D

#### Development

The term 'development' in the context of a heritage overlay includes any construction or alteration to the exterior of a building; any demolition of a building; any construction works; the subdivision of land; the relocation of a building or works; or the construction of signs and hoardings.

### F

#### Fixed

Refers to any item locked down or bolted into the ground such as glass screens, umbrellas or awnings. It does not include canvas screens, chairs, tables, gas heaters and planter boxes that can be shifted or removed.

### H

#### Heritage overlay

Heritage places of significance to a locality can be protected by a heritage overlay. Heritage overlays are contained within the Melbourne Planning Scheme and assist in protecting the heritage of a municipality.

#### Heritage place(s)

A heritage place could include a site, area, building, group of buildings, structure, archaeological site, tree, garden, geological formation, fossil site, or other place of natural or cultural significance and its associated land.

### L

#### Land

Includes buildings and other structures permanently fixed to land.

### N

#### Non-fixed

Refers to anything that can be shifted or removed such as chairs, tables, planter boxes, gas heaters, umbrellas and canvas screens.

#### Neighbouring

Premises located on either side of the proposed outdoor café.

### O

#### Outdoor Café Permit application

An application for an Outdoor Café Permit where a current outdoor café does not exist.

#### Outdoor Café Permit re-application

An application to request the issue of an Outdoor Café Permit where a current outdoor café already exists.

## P

### Permit fee

Fee charged to the permit holder on an annual basis for the use of the public place for an outdoor café.

### Permit holder

Person to whom the permit is granted and who therefore is responsible for the outdoor café.

### Platform tram stops

Newly designed tram stops installed at major access points within the City of Melbourne, usually monitored by authorised transport officers and provide additional services. eg. ticket vending machines.

### Proprietor

The owner, occupier, lessee, licensee, manager or any other person in control or charge of any place or premises.

### Public place

An area that may be accessed by the public.

## R

### Reinstatement

To restore or return to original form or condition.

### Restaurant

Premises used to prepare and sell food and drink, for consumption on the premises.

### Roof

A roof will include any structure or device whether fixed or movable that prevents or significantly impedes upward airflow, including a ceiling.

## S

### SAI Global

Information service company that helps businesses manage risk, and achieve compliance by providing standards, compliance and business improvement solutions.

### Semi-fixed

Refers to anything that is temporarily fixed to the ground using a socket and sleeve system such as umbrellas and is removed from the public place at the close of business.

### Streetscapes

A measure of the way in which a proposed development responds to the existing architectural character of the area, as viewed from the street.

## T

### Touting

The offer to sell goods or solicit or try to attract trade or business in a public place.

## W

### Wall

Any structure or device whether fixed or movable that prevents or significantly impedes lateral airflow, including a window or door.

### Windproof ashtrays

Newly designed ashtrays that prevent cigarette butts from being windblown and littering surrounding areas.

### Works

Any maintenance or construction works in the public place.

