

## 1.8 OUTDOOR DINING

Responsible Director: Peter Panagakos

### **RECOMMENDATION**

*That Council:*

1. *Notes that consultation has been conducted with traders and the broader community about enhanced outdoor dining options and that traders and the community are supportive of outdoor dining on roads by replacing parking spaces with infrastructure such as parklets.*
2. *Notes the strong desire to facilitate this type of trading as soon as possible given the approaching warmer months, and the ability to utilise the draft Policy for a limited period and seek feedback from traders before considering a final Policy.*
3. *Adopts the Parklets on Roads Policy in principle (Attachment One), for a maximum six month period and concurrently commences consultation with Traders on the Policy, seeking their feedback by or before 31 December 2022.*
4. *Directs officers to provide a report to Council no later than its February 2023 meeting reporting on any feedback received and officer's responses recommendations on how to proceed with a more permanent implementation of the policy inclusive of any revisions and updates considered necessary based on further officer assessment and any feedback received on the Policy.*

### **INTRODUCTION**

This report discusses the outcome of the consultation conducted with traders and the broader community about enhanced outdoor dining options. Traders and the community are both supportive of outdoor dining on roads by replacing parking spaces with infrastructure such as parklets. In response to the feedback it is proposed Council adopts in principle the *Parklets on Roads Policy* (Attachment One) for a maximum of 6 months. This will allow traders the opportunity to utilise parklets over the summer period and will also allow time for traders to be consulted on the policy more broadly, and any further revisions to be considered and incorporated into the policy based on officer's review and any feedback received from traders.

### **BACKGROUND**

At its meeting of 28 June 2022 Council noted the value in exploring options for additional outdoor dining areas, whether they be permanent, semi-permanent and/or seasonal. Furthermore, it was acknowledged that there had not been consultation with traders within Activity Centres to understand their views on any such initiative, including the loss of car spaces, nor had there been any opportunity for the community to share their views.

Council therefore resolved to undertake trader and broader consultation to understand their views on additional enhanced outdoor dining/trading opportunities to enable Council to consider whether it proceeds with developing a policy for additional enhanced outdoor dining/trading areas (where appropriate) including consideration of:

- Agreement or otherwise to the loss of carparking spaces
- How any additional enhanced outdoor dining/trading area could be provided.
- What other businesses other than hospitality businesses could utilise enhanced outdoor areas.
- The look and standard of what additional enhanced outdoor dining areas should deliver, should they be implemented, including, but not limited to, matters such as footpath expansion with realigned kerb and channels and the types of additional structures that could be considered to enhance our Activity Centres

### ***DISCUSSION***

In response to Council's resolution consultation plan was developed and implemented that included four main streams for assessing community and trader sentiment:

1. Telephone interview of 100 traders selected at random
2. Online submissions open for traders on the Shape Monash consultation platform
3. Telephone interview with 400 residents selected at random
4. Online submissions open for the public the Shape Monash consultation platform

The consultation was promoted:

- in the August Bulletin
- in e-bulletins
- on council's website
- in trader newsletters
- in writing to owners and occupiers of all properties within commercial zones

In addition to the 400 residents and 100 traders who participated in telephone survey, 395 residents and 12 traders participated in the online opt-in survey through Shape Monash from 18 July to 24 August 2022.

A report detailing the outcome of the consultation is attached to this report (Attachment Two).

**CONSULTATION****Summary****Telephone Survey – Community (N=400)**

- Fewer than half of Monash residents have used outdoor dining structures
- Supporting local business seen to be the most important factor in increasing amenity of the area
- Close to half of residents think all outdoor dining parklet permit options should be available
- Half of Monash residents support repurposing of parking spaces
- More than four in ten think surrounding businesses are likely to benefit from enhanced trading areas
- Support for replacing parking spaces with extended footpaths is outweighed by opposition
- Most residents think the cost of extending footpaths should be shared between traders and Council

**Opt-in Online Survey – Community (N=365)**

- Large majority of residents who participated in the online survey have used a road-based outdoor dining structure
- Activating and revitalising the area and supporting local business viewed as most important for increasing amenity
- Six in ten think Council should allow outdoor dining permits that are valid year-round
- Vast majority of residents who participated in the online survey support repurposing car parking spaces
- More than half think that other types of business will benefit from enhanced trading areas
- Three in four people who participated in the online survey support replacing parking spaces with extended footpaths
- Most think Council should bear at least some of the cost for extending footpaths

**Telephone Survey – Traders (N=100)**

- One in four businesses used an outdoor dining parklet in the past 2 years, more than half rate it as very successful
- Most businesses that did not use an outdoor dining parklet were located near a parklet, majority saw no impact
- Eight in ten traders believe supporting local business is 'very' important to increasing amenity of the area

- Close to four in ten traders think all outdoor dining parklet permit options should be available
- Almost half of traders think other businesses are likely to benefit from enhanced trading areas
- Bare majority of traders oppose replacing parking spaces with extended footpaths for trading activities
- Vast majority of traders think Council should bear all or some of the costs of extending footpaths

#### **Opt-in Online Survey – Traders (N=12)**

- Businesses that made use of an outdoor dining parklet rated them very successful
- Most traders located close to an outdoor dining parklet feel it was bad for business
- Supporting local businesses and good quality design the most important aspects in increasing amenity of the area
- Supporting local businesses and good quality design the most important aspects in increasing amenity of the area
- Year-round permits for outdoor dining parklet is the most preferred option
- Just over half of traders believe other types of businesses would likely benefit from enhanced trading areas
- Majority of traders who participated in the online survey support replacing parking spaces with extended footpaths
- Half who participated in the online survey think Council and traders should share costs of extending footpaths

#### **Utility of Parklets – Community Views**

Four in ten residents surveyed by telephone (41%) have used the temporary road-based outdoor dining structures or 'parklets' in Monash activity centres during the past two years. Among online survey respondents, a larger proportion (84%) report using these parklets.

- Monash residents consider 'supporting local businesses' most important in increasing the amenity of the area (88% 'very' or 'somewhat' important), followed by;
- 'meeting a minimum standard of good quality design' (79%), and 'increasing vegetation and greenery on the street' (76%), and
- among residents who participated in the online survey, contributing to 'activating and revitalising an area' is seen as the most important (84%) as well as 'supporting local businesses' (83%).

**Preferences for Operation– Community Views**

Virtually all residents think businesses should be allowed to apply for outdoor dining permits in activity centres. Just 2% do not think parklets should be permitted.

- A quarter (24%) think permits should only be allowed on a seasonal basis, while fewer think permits should be allowed year-round (12%) or on a short-term basis (8%).
- Close to half (47%) think businesses should be allowed to apply for any of these types of permits.
- Unlike residents surveyed by telephone, a majority (59%) of online survey respondents think outdoor dining permits should be valid year-round.
- Half of residents (50%) support repurposing car parking spaces to provide outdoor dining opportunities for hospitality businesses in appropriate areas of activity centres.
- Two in ten (19%) oppose the idea, and three in ten (31%) are neutral.

Support is markedly higher (85%) among residents who participated in the online survey.

- More than four in ten residents (43%) think surrounding businesses that are not in hospitality are likely to benefit from enhanced trading areas.
- Close to a third (29%) think these businesses are unlikely to benefit, and a further three in ten (29%) are not sure.
- Among those who participated in the online survey, a majority (55%) think these businesses are likely to benefit, and 19% think they are unlikely to benefit.

**Changes to Infrastructure – Community Views**

A minority of residents (30%) support permanently replacing parking spaces with extended footpaths for trading activities, as an alternative to more temporary road based parklets and a higher proportion (43%) oppose this idea.

Contrary to residents surveyed by telephone, three quarters (76%) of online survey respondents support replacing parking spaces with extended footpaths, and just 16% oppose the idea.

A majority of residents (62%) think the cost to extend footpaths should be shared between traders and Council.

- One in five (22%) think Council should bear all the cost, while 15% think the costs should fall on the traders who benefit.

- Online survey respondents are most likely to think the cost should be shared between traders and Council (46%), but a sizeable proportion (41%) think Council should bear all the cost.
- Residents who support replacing parking spaces with extended footpaths, are significantly more likely to consider the following aspects important in increasing the amenity of the local area.
  - o Supporting local businesses' (94% compared to 88% total).
  - o 'Providing opportunities for collaboration between businesses' (83% compared to 70% total).
  - o 'Contributing to activating and revitalising an area' (82% compared to 72% total, and 89% compared to 84% total among those who participated in the online survey).

### **Utility of Parklets – Trader Views**

One in four (26%) businesses surveyed by telephone have used a temporary outdoor dining parklet in a Monash activity centre.

Among these businesses, a majority (54%) rate it as 'very successful'. Among those who participated in the online survey, all who used a temporary outdoor dining parklet rate it as very successful.

- Most businesses (55%) that did not use a parklet were located near one.
- Among traders located near a parklet, less than a quarter (22%) found it "good for business" and a similar proportion (24%) found it "bad for business". However, a majority (54%) saw no difference.
- Among traders who participated in the online survey, three out of four found being located close to a parklet "bad for business".
- Traders consider 'supporting local businesses' most important in increasing the amenity of the local area (91% 'very' or 'somewhat' important), followed by
  - 'meeting a minimum standard of good quality design' (73%), and
  - 'providing opportunities for collaboration between businesses' (68%).
  - Similarly, traders who participated in the online survey rank supporting local business and good quality design as the most important aspects in increasing amenity.

### **Preferences for Operation – Trader Views**

Close to four in ten traders (38%) think all outdoor dining parklet permit options should be available and fewer than one in ten (6%) do not think parklets should be permitted.

Almost a quarter (23%) think permits should be valid year-round, and slightly fewer (21%) think permits should be allowed on a seasonal basis.

- Just 12% think permits should be allowed on a short-term temporary basis only.
- Among traders who participated in the online survey, year-round permits for outdoor dining parklet is the most preferred option.
- Just under half (46%) of traders think that local businesses (aside from those in hospitality) would be likely to benefit from enhanced trading areas, including repurposed parking spaces.
- Two in ten (22%) think these businesses are unlikely to benefit, and a further three in ten (32%) are not sure.
- Just over half of traders who participated in the online survey believe other types of businesses would likely benefit from enhanced trading areas.

### **Changes to Infrastructure – Trader Views**

More than a quarter of traders (27%) support the idea of replacing car parking spaces with extended footpaths for trading activities, as an alternative to more temporary road-based parklets. However, a majority (51%) of traders oppose the idea and 22% are neutral.

Unlike traders surveyed by telephone, most online survey respondents support replacing parking spaces with extended footpaths. Almost half of traders (46%) think Council should bear all the cost of extending footpaths. Slightly fewer (42%) think the costs should be shared between Council and the traders who benefit, while just 12% think it should fall solely on traders. Half of traders who participated in the online survey think these costs should be shared between that Council and the traders who benefit.

### **Options**

The consultation has provided valuable insight into how traders and the community feel about being able to access outdoor dining opportunities on roads. Having regard for this the following options are able to be considered.

Option one: Do nothing, acknowledging that outdoor dining on footpaths remains available to traders and noting that this has been generally successful in meeting the needs of traders and the community.

Option two: Adopt a position that provides for permits to be issued on a seasonal basis between 1 November and 30 April annually.

Option three: Adopt a position that provides for:

- Seasonal permits that may be granted for the 6 month period between 1 November and 30 April, and

- Long term permits that may be issued for a period of up to 12 months from the time of installation and the commencement of operation.

Officer's initial view is that option 3 likely provides the best outcome for traders having regard to the feedback from the consultation undertaken, understanding that there may be additional feedback received once consultation on the Policy is received and considered.

Traders and the community have recognised that businesses other than those that offer hospitality may benefit from being able to trade on roads, nonetheless, no such business types have been identified and it is recommended that such opportunities be limited to hospitality traders.

Furthermore, there were mixed responses from traders and the community about replacing parking spaces with extended footpaths and support for this was generally outweighed by opposition. In the absence of broad support for footpath extensions no recommendations are made in this regard.

### ***POLICY IMPLICATIONS***

A draft *Parklets on Roads Policy* has been prepared.

The consultation and the formulation of the policy was undertaken in a short timeframe as it was Council's desire to consider a policy, and should it be supported by Council, that trading be able to occur as soon as possible given the approaching warmer months. Accordingly, the report recommends that the policy be adopted in principle for a maximum of 6 months as this will afford traders the opportunity to utilise parklets over the summer period whilst also providing an opportunity to consult with traders on the policy.

Officers will then be in a position to further review and refine the policy inclusive of any feedback received from traders and make a recommendation to Council on a final Policy at the February 2023 Council meeting. This timeframe means that there is the opportunity for traders to continue trading beyond the initial 6 months recommended in this report as any decision of Council will occur before this timeframe has expired.

In its current form the draft policy compliments Council's Footpath Trading and Access policy and permits hospitality businesses to use (with approved consent) on-street car parking bay(s) directly outside of their business or a neighbouring business with permission. The policy objectives anticipate that outdoor dining on roads will:

- utilise self contained, purpose built, prefabricated parklets that can be easily moved in and out place, without the need for freestanding barriers, where any road safety requirements form part of and are integrated into the parklet

- see successful applicants hiring or buying parklet infrastructure and installing these at their cost
- be safe, attractive and sympathetic to surroundings
- be accessible by people of all abilities and ages
- support local business (both the Permit Holder and the area broadly)
- recognise the needs of Council services, emergency services, utilities and other essential works
- provide high quality design that positively contributes to the local character
- foster neighbourhood interaction
- help activate streets and the perception of safety
- test public appetite for permanent streetscape improvements.

The policy proposes a fee structure whereby there is no permit application, or fee to occupy a roadway (understanding the feedback received for some cost sharing) but a fee of \$418 per chair per annum (pro rata for lesser periods) applies. This fee is consistent with the fee applied for footpath trading where the number of chairs exceeds 10.

The policy provides for fees being adjusted annually through Councils budget process and the cost of any infrastructure installed (and removed) for outdoor dining will be at the expense of the applicant.

The policy also sets out guidelines and specifications to ensure that installations are both safe and of a much higher standard than most of those that had been in place on a temporary basis and have since been removed.

### ***SOCIAL IMPLICATIONS***

There are social implications in allowing outdoor dining on roads as there is a view that replacing some car spaces with dining infrastructure will help to activate areas and add to a sense of community. This was seen at the height of the pandemic when indoor dining was restricted, and dining installations created to a higher standard as required in the draft policy will compliment and add to the amenity of some areas.

Outdoor dining in these places may also attract families and people wishing to avoid crowded indoor environments and for some this may enhance their perception of connectedness with their community.

***HUMAN RIGHTS CONSIDERATIONS***

The proposed policy includes measures that support human rights especially those around equity and dignity with a particular focus on how outdoor dining installations must meet disability access requirements.

***GENDER EQUITY ASSESSMENT***

Because the draft policy is considered to have a direct and significant impact on the Monash community, a gender impact assessment has been undertaken as part of this work.

In doing so it was noted that more women than men opted to participate in the on-line survey.

60% women

32% men

8% prefer not to say/prefer to self-describe

Whilst there is plenty of research about how dining habits differ between genders there appears to be little known about how gender and other matters may impact decisions to dine indoors or outdoors.

Interestingly however a study in Ireland found that women are the dominant decision makers when selecting restaurants to dine.

It is generally accepted that perceptions of safety differ between women, men and non-binary people and this is relevant when considering outdoor dining. The increased activation of the streetscape through the use of parklets and outdoor dining, provided that attention is paid to design elements such as ensuring clear sight lines and casual surveillance, is likely to increase perceptions of safety.

It is likely that additional outdoor dining options will appeal to people for a broad range of reasons - this may include that some people prefer eating outdoors because it provides a greater sense of safety than dining indoors which might be overcrowded and have limitations around ingress and egress. In fact, studies have shown that during the pandemic people felt unsafe dining in crowded environments.

There are other needs that are relevant. It may be that parents and carers with children and prams prefer dining outdoors as might people experiencing mental illness or spectrum disorders.

It may also be that some people prefer the sense of ambience and connectedness with community as an important factor when deciding where to eat.

Acknowledging the lack of definitive research, the matters explored above have been considered when developing the policy objectives that state outdoor dining on roads will, amongst other things:

- be safe, attractive and sympathetic to surroundings
- be accessible by people of all abilities and ages

- provide high quality design that positively contributes to the local character
- foster neighbourhood interaction
- help activate streets and the perception of safety

### ***FINANCIAL IMPLICATIONS***

The recommendations made in this report can be delivered within current budget allocations.

### ***CONCLUSION***

Consultation has been conducted with traders and the broader community about enhanced outdoor dining options. Traders and the community are both supportive of outdoor dining on roads by replacing parking spaces with infrastructure such as parklets. A draft *Parklets on Roads Policy* has therefore been prepared for Council's consideration.

It is proposed that the policy be adopted in principle for a maximum 6 months as this will afford traders the opportunity to utilise parklets over the summer period whilst also providing an opportunity to consult with traders on the policy. Officers will then be in a position to further review and refine the policy inclusive of any feedback received from traders and make a recommendation to Council on a final Policy at the February 2023 Council meeting. This timeframe means that there is the opportunity for traders to continue trading beyond the initial 6 months recommended in this report as any decision of Council will occur before this timeframe has expired.