

1.5 ENHANCED OUTDOOR DINING ON ROADS

Responsible Acting Director: Natasha Swan

RECOMMENDATION

That Council:

1. *Notes that enhanced outdoor dining opportunities on footpaths and roads were temporary measures funded by the State Government to be implemented over the 2020/21 summer period.*
2. *Notes that State Government funding for enhanced outdoor dining must be expended by 30 June 2021 and that no further funding arrangements have been announced.*
3. *Notes that enhanced outdoor dining opportunities have proved successful but that in some instances traders have elected to have trading areas on roads decommissioned and have reverted to indoor dining and/or footpath trading.*
4. *Notes that whilst roadside dining has been popular with patrons and successful for hospitality traders, these arrangements were never envisaged to be long term. They were a temporary measure to assist the re-opening of hospitality businesses following periods of closure as reopening was subject to restrictions that significantly reduced the number of patrons that could be catered for indoors.*
5. *Notes that the pandemic restrictions that currently affect hospitality traders have seen trading numbers returning close to pre restriction patron numbers.*
6. *Notes that the 24 outdoor dining areas on roadsides that are in existence across the Municipality, are not utilised for the majority of time but are most popular on Thursday, Friday and Saturday nights. For this limited period of use, they occupy valuable parking spaces and given their temporary and ad hoc installation are having a detrimental impact on the amenity of the centres they are located in.*
7. *Notes that the permits issued by Council for temporary enhanced dining are due to expire on 30 June 2021.*
8. *Notes that officers continue to receive complaints from non-hospitality traders who express concern about the loss of parking opportunities for customers.*
9. *Directs officers to commence the processes required to decommission outdoor dining areas that are on Council land other than footpaths by 31 August 2021. For the avoidance of doubt this means roads, carparks and reserves that are on Council land.*

10. *Directs officers to commence the processes required to see marquees are removed from Council land including footpaths by 31 August 2021.*
11. *Directs officers to write to all traders who will be impacted by the actions referred to in points 9 & 10 above to advise them of the processes that will see these areas decommissioned and marquees removed by 31 August 2021.*

INTRODUCTION

Enhanced outdoor dining has been successfully implemented in the terms intended by the State Government, and to the direct benefit of many hospitality traders. Funding for the project is finite and must be expended by 30 June 2021. Understanding this, Council in its communications and the permits that were issued were clear that these arrangements were in place for the period that the State Government funding was available, and permits to occupy were issued as a temporary permit with an expiry date of 30 June 2021.

This report recommends that these areas be decommissioned and returned to their normal state by 31 August 2021.

BACKGROUND

On 14 September 2020 the Premier announced the *Outdoor Eating and Entertainment Package* that provided grants to Local Governments and businesses to “make widespread outdoor dining safe, practical and a reality” over the summer period.

There was a sense of urgency and expectation with the Premier saying:

"We don't want bureaucratic delays. We don't want arguments and debates. We want as many people seated in as quick a time as possible, utilising public space that has never been on offer previously because that is unprecedented because this challenge is absolutely unprecedented"

At the time hospitality trades had been significantly impacted by restrictions and were limited to take-away service. When hospitality did recommence in 29 October 2021 patron numbers were heavily restricted being capped at 40 patrons outdoors and 10 patrons per indoor space (max two spaces).

DISCUSSION

With the onset of the Covid19 pandemic, hospitality businesses were hit hard with restrictions that at times meant some businesses were unable to operate or at the very least, trade was limited to those who could provide takeaway service.

As restrictions eased, the State Government actively encouraged Councils to make footpaths, roadways and other areas available to hospitality business who would be allowed to resume trade but with limitations on the number of patrons that could be accommodated both indoors and outdoors.

For Monash this mainly resulted in traders being able to extend service on footpaths next to adjacent businesses. For some others, parts of the road usually set aside for car parking were re-purposed to accommodate outdoor dining. Other areas include car parks and a reserve. It is safe to say that when looking across the Municipality, the minority of food based traders are still using these enhanced trading areas.

Whilst these trading areas have been embraced by some traders and patrons it is noted that 10 of the 34 roadside dining installations have been removed at the request of traders. In these cases, the installations were removed for a range of reasons including restrictions being eased to the point where indoor trading was once again viable and for other reasons such as a view that car parking availability was more beneficial to their business.

It is noted that many roadside dining installations are occupied by marquees and, with the colder weather, these are almost always enclosed by no less than three sides and are effectively being utilised as indoor dining areas. This was never intended as instead the intention was to provide outdoor dining opportunities at a time when patron numbers allowed indoors were significantly limited.

Although dining in these spaces continue to be popular, it is noted they are unoccupied for most of the time with utilisation seeming to peak on Thursday, Friday and Saturday nights. Some non-hospitality traders continue to express concern that the ongoing occupation of these spaces is detrimental to their businesses given the loss or much valued parking opportunities. Some traders have also raised concerns that streetscapes are compromised by the presence of marquees and that their business are obscured from view.

Similarly, officers have received complaints from residents about the impact of the loss of parking opportunities and that the extensive use of marquees and their appearance is detrimental to the amenity of the area.

Occupation of these areas has been allowed under a permit issued under the provisions of Local Law No.3 – Community Amenity. The permits expire on 30 June 2021 which coincides with the date by which State government grant funding must be expended.

It was always intended that outdoor dining on roads and other areas was a temporary measure it is necessary to commence the process of decommissioning these sites and reinstate the areas to their normal use.

In the absence of any other funding or direction from the State, and as patron numbers within premises continue to increase to close to pre Covid restriction numbers, it is important to consider the future of these areas that were made available on a temporary and finite basis. Given the current situation and having regard to the limited utilisation of these enhanced areas balanced against the reduction in car parking numbers and the ongoing visual impact that they are having on our Activity Centre streetscapes it is now time to consider the processes required to decommission trading areas that occupy roads, reserves and car parks.

It is recommended that the process to decommission these areas, including the removal of marquees is commenced. This would involve writing to and visiting each affected with the areas returning to normal by 31 August 2021.

CONSULTATION

Enhanced outdoor dining was an extraordinary measure introduced without community consultation to deliver a state-wide effort designed to support the reopening of hospitality businesses over the summer period.

Given the program was the subject of grant funding to support temporary measures it is not necessary to consult on bringing it to close. Nevertheless officers will work closely with affected traders to ensure that the removal of sites is coordinated with them.

FINANCIAL IMPLICATIONS

Sufficient funding has been retained from the State Government grant to facilitate the decommissioning of these areas, which is essentially the removal and return of all the hired barriers.

CONCLUSION

Enhanced outdoor dining on roadsides and other areas was introduced to support the reopening of hospitality businesses over the summer period.

Funding for the program ceases on 30 June 2021 and this coincides with the expiry date of the permits for this purpose.

It is recommended that officers commence the processes required to decommission outdoor dining areas that are on Council land other than footpaths by 31 August 2021. For the avoidance of doubt this means roads, carparks and reserves that are on Council land.

Furthermore, it is also recommended that officers commence the process required to see marquees removed from footpaths.