



Outdoor Dining (Parklet) Permit summary and Conditions

Permit summary

This permit approves installing and operating a parklet for outdoor dining in public space solely within the City of Melbourne.

As a permit holder, your key responsibilities are to:

- use only the approved furniture and infrastructure in the outdoor dining area
- operate within the hours of operation of the permit
- remove all temporary furniture and infrastructure outside of the hours of operation.

This summary is subject to any requirements or conditions set out during the application process and subject to the full conditions set out in this permit. We encourage you to take a few moments to read the **full conditions**, as these will impact the conduct of your activities and help you avoid a fine, delays or cancellation of the permit.

You can visit our website for more information on [outdoor dining permits](#)¹.

¹ melbourne.vic.gov.au/business/permits-and-approvals/hospitality-businesses/Pages/outdoor-cafe-dining-permits.aspx

Permit Conditions

In this permit:

*“we”, “us”, “our” and “Council” refers to Melbourne City Council,
“you” and “your” refers to the applicant/permit holder*

1. Compliance

- a. You are required to comply with:
 - i. the conditions of this permit
 - ii. the [Outdoor Café Guide](#)²
 - iii. the [Outdoor Dining Guidelines](#)³
 - iv. the [Furniture Reference Guide – Extended Outdoor Dining](#)⁴
 - v. the [Parklet Infrastructure Specification](#)⁵
 - vi. our [Activities Local Law 2019](#)⁶ and
 - vii. all other laws and Government orders.
- b. Any approved infrastructure, area, site plan, parklet design and clearances are set out in this permit.

2. Specific conditions

- a. Meal or food service (full or equivalent of what is being offered for indoor dining) must be available to all patrons in the outdoor dining area. The outdoor dining area is an “outdoor dining area” as defined in the Tobacco Act 1987. Smoking and vaping are not allowed in an outdoor dining area.
- b. You are responsible for [obtaining a liquor licence](#)⁷ if you intend to serve liquor in your outdoor dining area.
- c. All outdoor dining under this permit must be during the hours of operation stated herein.
- d. Approved menu boards must not measure more than 1 m wide x 1 m high.
- e. You must ensure that the area and immediate access ways are kept clean, presentable and free from rubbish and hazards.
- f. You must keep approved furniture safe, clean and in good condition.
- g. You are reasonably responsible for the good order, conduct and behaviour of patrons using the area.
- h. We may use our discretion to direct you to make immediate changes to the area if issues of safety are observed.
- i. You must pack up and remove all temporary furniture and infrastructure outside the hours of operation.
- j. We reserve the right to remove the parklet at any time, to allow for civil or utility works to be carried out as required.
- k. You must arrange for a road safety audit to be completed by a provider approved by us for the installation and layout of your parklet, as it appears in the endorsed plans. The completed road safety audit must be submitted to us before the parklet infrastructure is placed on the road. The permit is issued subject to an independent road safety audit completed once the parklet is installed, as it appears on the endorsed site plan and parklet design.
- l. You must not interfere with the flow of traffic or do anything to obstruct or narrow a trafficable lane on the road.
- m. You must not cause damage to the footpath, road, road infrastructure or road related infrastructure (as defined by the *Road Management Act 2004*) or any other property owned or managed by us during the installation, use, occupation or removal of the parklet infrastructure, and reinstate of the parklet to its original condition.
- n. If you don't use the parklet for any period of time, we may cancel the permit and you'll be required to remove the parklet and parklet infrastructure.
- o. You must reinstate the site of the parklet to its original condition when the parklet and parklet infrastructure is removed.

² melbourne.vic.gov.au/SiteCollectionDocuments/outdoor-cafe-guide.pdf

³ melbourne.vic.gov.au/business/permits-and-approvals/hospitality-businesses/pages/outdoor-cafe-dining-permits.aspx

⁴ melbourne.vic.gov.au/SiteCollectionDocuments/outdoor-dining-furniture-reference-guide.pdf

⁵ melbourne.vic.gov.au/SiteCollectionDocuments/outdoor-dining-parklet-specs.doc

⁶ melbourne.vic.gov.au/about-council/governance-transparency/acts-local-laws/pages/local-laws-2019.aspx

⁷ www.vcgfr.vic.gov.au

- p. You are responsible for the day to day management and maintenance of the parklet, parklet infrastructure and furniture in the parklet area at your cost.
- q. You are required to complete any maintenance to its reasonable satisfaction as directed by us.
- r. You must keep the parklet and parklet infrastructure clean, tidy and in good repair at all times.
- s. You are liable to pay us for all reasonable costs incurred if we remove and dispose of any parklet infrastructure, including any legal fees incurred in recovering these expenses.

3. Risk

- a. You occupy and use the area at your own risk.
- b. You indemnify and release Council from all liability arising from the use or occupation of the area or the conduct of your business by you or any of your agents, including:
 - i. any claim made by any person for injury, loss or damage arising in any manner
 - ii. any loss or damage to any property belonging to you or other persons located in the vicinity of the area caused by you or your agents
 - iii. any loss, damage, injury or illness sustained or incurred by you or your agents.

4. General conditions

- a. You must ensure activities are carried out safely and in compliance with our Activities Local Law 2019 and this permit.
- b. Where required by us, you must maintain a comprehensive [public liability insurance policy meeting our requirements](#)⁸ for the duration of this permit.
- c. This permit is not transferable. It must be held on site and be produced on request by an authorised officer of Council or member of Victoria Police. You must comply promptly with any notices and instructions.
- d. Any variation required to a permit must be submitted to and approved by us in writing prior to any change or variation of activity.
- e. This permit does not exempt you from compliance with our Local Laws.
- f. All activities under this permit must be undertaken during the hours stated herein, or in accordance with a relevant out of hours permit.
- g. You are responsible for ensuring all permit details are correct as no refunds will be considered after the date of permit issue.
- h. We reserve the right to amend, suspend or cancel this permit at any time.

5. Approved site plan (attached)

6. Approved parklet design (where attached)

7. Traffic approval memo (attached)

⁸ melbourne.vic.gov.au/about-council/governance-transparency/policies-protocols/Pages/public-liability-insurance.aspx