



Department of Transport

# On-road dining approvals as we progress into a COVID normal

Version 1.0, October 2020

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# 1 INTRODUCTION

The Department of Transport (DoT) understands the need to support the Victorian economy as we follow the roadmap for reopening and into a COVID normal.

One initiative for DoT is assisting councils as they work with hospitality venues wishing to expand their dining areas outdoors, operating within the health restrictions advised by the Victorian Government. This may include extending trading onto footpaths, laneways, carparks, on-street car parking spaces and roads. This will create more space for customers to dine or await the purchase of consumable goods safely and in line with required physical distancing.

**DoT's assistance comes in the form of prioritising applications for on-road dining that require DoT approval.**

This document provides detail regarding DoT on-road dining approvals as Victoria follows the roadmap for reopening and into a COVID Normal.

## 2 DoT APPROVAL

DoT is responsible for the co-ordination and operation of the declared (arterial) road network and must give approval for temporary outdoor dining to occur on these roads. DoT also has some responsibilities to issue authorisations to council in regard to local roads. These responsibilities are prescribed in the Road Management Act 2004, the Road Safety Act 1986 and the Regulations made under these Acts.

Local councils will need to make an application to DoT if a temporary outdoor dining proposal includes any of the following:

- Use of part of a declared road normally used for car parking or traffic lanes including changes such as temporary speed reductions;
- Traffic control devices to be placed on a declared road to facilitate local road or off-road temporary outdoor dining;
- Major traffic control devices that require DoT approval for use on local roads;
- A temporary reduction of speed limits to below 40km/h on local roads;
- The use of a declared road or a local road with a clearway;
- Any potential impact to public transport (causes may include road closures, detours, service cancellations, stop relocation or closure, delays due to closed lanes or lowered speed limits); and
- Any impact on the function of traffic signals (causes may include road closures, closed turn lanes, signal changes for detour routes).

To approve temporary outdoor dining on declared roads, DoT will consider these to be “non-road activities” and will issue permits to local councils as per section 99B of the Road Safety Act. As per section 99A of the Road Safety Act, local councils in conducting these “non-road activities” will be required to:

- Have in operation traffic management plans;
- Provide appropriate warnings to road users;
- Engage appropriately trained and qualified persons to carry out works, manage non-road activities, or direct traffic; and
- Give appropriate directions to persons engaged to carry out the works or non-road activities.

Where DoT chooses to approve the use of major traffic control devices for use on local roads, including any temporary reduction of speed limits to below 40km/h on local roads, authorisation for these will be provided as per the powers in the Road Safety (Traffic Management) Regulations 2019.

All such approvals will be issued via a single permit issued under Section 99B of the Road Safety Act with any required minor and/or major traffic control device authorisations also included as part of this permit.

# 3 CRITERIA

## 3.1 Guiding Principles

The principles outlined below are used to underpin the guidance in this document. The guidance will cover many situations, but it is recognised that there will be proposals for on-road dining that fall outside of the guidance. In these circumstances the following principles will be used to guide decisions.

### **Principle 1: Balancing Movement and Place Functions**

**Roads and streets need to have an appropriate balance between the movement of people and goods, and activities that support the use of the place.**

To support cafe and restaurant businesses, consideration will be given to temporarily allocate on-road space for the purpose of dining while indoor dining restrictions are in place.

### **Principle 2: Managing Network Efficiency**

**The efficiency of the transport network should be maintained to support Victoria's economic recovery.**

The impacts from outdoor dining on the efficiency of the transport network, particularly for freight and public transport are to be minimised to allow those businesses that rely on transport to operate efficiently.

Outdoor dining proposals must consider and where possible mitigate the impacts on road users beyond a reduction in car parking spaces.

### **Principle 3: Managing Road Safety**

**Victoria is committed to creating a safe transport system – this means safe roads and roadsides, safe speeds, safe vehicles and safe road use by all people using the road.**

Outdoor dining proposals must be designed and managed so that diners are not exposed to elevated risks from approaching/passing vehicles.

Road users must not be exposed to increased risks from the design or operation of outdoor dining establishments.

### **Principle 4: Certainty in Uncertain Times**

**The coronavirus (COVID-19) pandemic has required flexible and adaptive approaches whilst trying to be certain where ever possible.**

Outdoor dining using on-road space is a temporary arrangement while indoor dining restrictions are in place.

The on-road transport system must be responsive to increasing demand as the restrictions are eased.

Approvals for outdoor dining that use on-road space will be for a fixed period of time and will be reviewed with outcomes communicated prior to the end of this time.

## 3.2 Summary of Criteria

This section provides an overview of DoT's criteria for various scenarios requiring DoT approval. Due to the typically higher speeds and/or higher road user volumes on DoT managed roads, these criteria may differ from requirements for council managed local roads.

### Scenario

Parklet proposals on DoT managed roads

Lane closures or road closure proposals of DoT managed roads

Proposals including temporary speed reductions of DoT managed roads

#### Principle 1: Balancing Movement and Place Functions

- Proposal needs to be clearly for on-road dining purposes

#### Principle 2: Managing Network Efficiency

- Proposals beyond those occupying full time car park spaces have considered and outline mitigated impacts to other road users.

#### Principle 3: Managing Road Safety

- Parklet proposals are designed in accordance with requirements outlined in this document
- Proposals involving lane closures or road closures of DoT managed roads should be consulted with Victoria Police.
- Traffic Management Plan (TMP) is developed as per the requirements of Section 99A of the Road Safety Act and shows all traffic control devices to be erected, displayed, placed, removed or altered.
- TMP is independently reviewed by a DoT prequalified Road Safety Auditor with any audit findings responded to and signed off.

#### Principle 4: Certainty in Uncertain Times

- Permit application form submitted and includes the above requirements.

### Scenario

Temporary speed reductions on local roads requiring DoT authorisation

#### Principle 1: Balancing Movement and Place Functions

- Proposal needs to be clearly for on-road dining purposes

#### Principle 3: Managing Road Safety

- Speed limit reduction is consistent with the requirements of the Speed Zoning Guidelines.
- Traffic Management Plan (TMP) is developed as per the requirements of Section 99A of the Road Safety Act and shows all traffic control devices to be erected, displayed, placed, removed, or altered.

#### Principle 4: Certainty in Uncertain Times

- Permit application form submitted and includes the above requirements.

Further guidance in the relation to the above is contained in the remainder of the document.

## 3.3 Further Guidance

### 3.3.1 Balancing Movement and Place Functions

To support hospitality businesses, consideration will be given to temporarily allocate on-road space for the purpose of dining while indoor dining restrictions are in place.

DoT will prioritise applications for on-road dining that require DoT approval, therefore it is important that all proposals submitted under this process are clearly for on-road dining purposes associated with coronavirus (COVID-19) restrictions.

Proposals including elements such as permanent changes to road environments or any proposal or part of a proposal that is not essential to on-road dining outlined in this document are not to be submitted under this process.

Changes such as permanent changes to a road are to be submitted as per existing processes.

All proposals are to clearly identify where on-road dining is proposed.

### 3.3.2 Managing Network Efficiency

The transport network will play an important role in supporting Victoria's economic recovery. A wide range of businesses will be relying on transport to operate efficiently.

The impacts from outdoor dining on the efficiency of the transport network, particularly for freight and public transport are to be minimised to allow those businesses that rely on transport to operate efficiently.

Outdoor dining proposals must consider and where possible mitigate the impacts on road users beyond a reduction in car parking spaces.

All proposals with impacts beyond a reduction in car parking spaces are to clearly outline the considerations given and how impacts to road users will be mitigated. Such impacts may include changes to clearways, lane closures, road closures or changes to tram or bus stops. DoT's consideration of network efficiency will primarily focus on the impacts to public transport and freight.

Further guidance is included below and in the Managing Road Safety section.

#### 3.3.2.1 Public Transport

Any impacts on the provision of tram and bus services should be identified and managed. Considerations should be given to maintaining space for commuter access and queuing as well as public transport service impacts such as delays. If disruptions cannot be avoided, a transport plan should be prepared and submitted. Consultation with public transport operators may be required.

Any queries related to public transport impacts are to be directed to: [event.notification@ptv.vic.gov.au](mailto:event.notification@ptv.vic.gov.au)

### 3.3.3 Managing Road Safety

Outdoor dining proposals must be designed and managed so that diners are not exposed to elevated risks from approaching/passing vehicles.

Road users must not be exposed to increased risks from the design or operation of outdoor dining establishments.

It is important to take into account safety and operational considerations when developing on-road dining proposals. The following guidance should be considered where applicable.

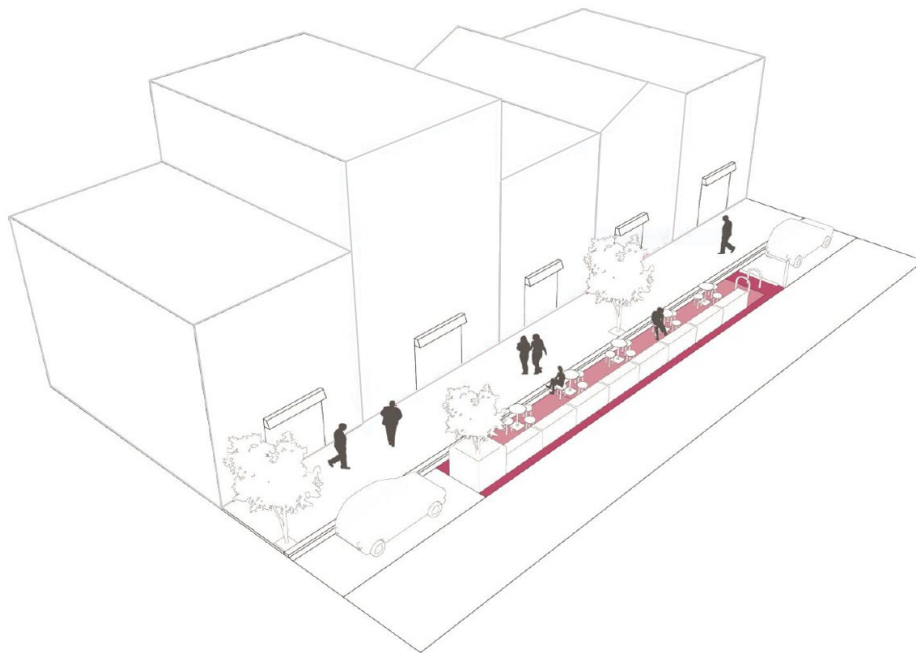
#### 3.3.3.1 Parklets

Parklets are spaces created by repurposing on-street car parking bays. Parklets can range from raised platforms placed in a parking bay to simple fixed planter barriers along a car parking space.

The use of parklets adjacent to traffic must be implemented in a manner to ensure the safety of all road users. Parklets will be considered on a case by case basis for implementation on roads with relatively straight geometry in parallel, angled or 90-degree parking zones.

Criteria for the implementation of parklets:

- Located in speed zones no greater than 40 km/h;
- Parklets shall be located at least 10 m from an unsignalised intersection and 20 m from a signalised intersection;
- Access for essential and/or emergency vehicles to abutting land, driveways and other access points along the road shall be maintained;
- Parklets should be visible during both day and night conditions;
- Parklets shall be temporary in nature, and removable at short notice for works and maintenance.
- Parklet infrastructure shall not be fixed to the roadway;
- All elements of the parklets shall be stable with consideration to high winds, nuisance knocks etc;
- Have a kerb outstand, parking space/s or appropriate barrier on the approach side to a parklet or group of parklets; and
- Drainage of the area shall not be adversely impacted.



**Figure 1: Example of a parklet (associated traffic management not shown)**  
(source: City of Melbourne, City Design Studio)

### 3.3.3.2 Advance Warning

Advance warning is required to advise motorists approaching on-road dining areas of changed traffic conditions ahead or of the risk of potential hazards

By providing appropriate advance warning to approaching road users the reasons for complying and being ready to react to potential hazards is understood.

Advance warning can take the form of traffic delineation devices and static or electronic signs on the approach to the on-road dining area. Advance warning treatments should be clearly set out in the applicant's Traffic Management Plan to be submitted as part of the application for on-road dining.

Advance warning arrangements should comply with the following standards and guidelines:

- *Code of Practice for Worksite Safety – Traffic Management*
- *Austrroads Guide to Temporary Traffic Management may also be a useful guide to develop safe traffic management arrangements*
- *Australian Standards AS 1742.3 Traffic Control for Works on Roads*
- *VicRoads / DoT supplementary guidance to these documents (where applicable).*



### 3.3.3.3 Temporary Speed Reductions

Appropriate speed zones create a safer environment for all road users by reducing the risk of crashes occurring and the severity of crashes, should they occur. It is essential that the decisions made on speed zoning not just focus on isolated sections of the road but are made in the context of the adjoining road network

Principles from *VicRoads / DoT Speed Zoning Guidelines* and guidance in the *Code of Practice for Worksite Safety – Traffic Management* will be drawn upon to assist with assessments of on-road dining related speed zone reduction proposals.

The following speed zone reductions will require DoT approval:

- Temporary speed zone reductions on arterial roads.
- Temporary speed zone reductions below 40 km/h on local roads.

#### Temporary speed zone reductions on arterial roads

Temporary speed zone reductions on arterial roads will be considered for the purpose of supporting on-road dining proposals in accordance with the *VicRoads / DoT Speed Zoning Guidelines* and *Code of Practice for Worksite Safety – Traffic Management*

#### Temporary speed zone reductions below 40 km/h on local roads

Temporary speed zone reductions below 40 km/h (i.e. 10 km/h or 20 km/h shared zones) on local roads will be considered where the road environment is consistent with what would be prescribed in the *VicRoads / DoT Speed Zoning Guidelines* for that speed zone.

Where the existing road environment does not encourage vehicles to travel at low speeds, speed management treatments (local area traffic management (LATM) treatments) should be used to support the lower speed limit. Temporary road geometry and infrastructure treatments should be used to influence the drivers' expectation of the appropriate driver behaviour and speeds.

Further guidance to councils on LATM treatments is available:

- *Austrroads Guide to Traffic Management Part 8: Local Street Management (2020)*
- *Australian Standards AS 1742.13: Local Area Traffic Management (2009)*
- *VicRoads / DoT supplementary guidance to these documents*

### 3.3.3.4 Barriers

On-road dining areas (excluding on-road dining areas on closed roads) will be utilising road space which is normally allocated to motorists. Barrier treatments must therefore be implemented to provide a physical separation between diners and traffic or vehicles entering/exiting adjacent parking.

The use of barriers for on-road dining will be assessed against the following three functions and a combination of devices should be considered to achieve safety:

- Delineation – reduces the likelihood of an errant vehicle;
- Physical impediment – reduces the consequence of an errant vehicle; and
- Physical obstruction – mitigates the risk of an errant vehicle.

The classification of a barrier treatment as a physical impediment or physical obstruction would be dependent on the speed limit of adjacent traffic and the barrier's ability to protect on-road diners from an accidental errant vehicle. Please refer to the Public Safety section for further guidance regarding potential deliberate acts.

#### Delineation

Delineation devices will not provide physical protection to diners from impacts of an errant vehicle, and therefore must not be used in isolation around on-road dining areas. Delineation provides protection by increasing visibility of on-road dining set-ups and increase motorist awareness to proceed in a safe manner. Delineation may be incorporated with devices acting as a physical impediment or physical obstruction. All delineation devices shall meet the requirements of the relevant Australian Standard.

Typical delineation devices include: flexible bollards; plastic channelizing devices; lane separators; temporary kerbing and temporary fencing to manage pedestrians.

### **Physical impediment**

Barriers acting as physical impediments against errant vehicles should be able to sustain relatively low speed impacts and remain in place away from diners while helping slow vehicles. This form of barrier should be provided at the minimum if physical obstruction around the entire boundary of on-road dining is not practical.

Whilst these treatments may provide some level of protection, they are not considered an 'Accepted Road Safety Barrier Product' and are only deemed acceptable based on the site-specific conditions, including adjacent speeds. These devices must not snap or break away during impact and project into nearby pedestrians or vehicles. Where the device must be anchored/attached to the existing road pavement, necessary repairs must be undertaken after disassembly.

It is important to note that the classification of a barrier treatment as a physical impediment or physical obstruction would be dependent upon the speed limit of adjacent traffic and the installation conditions.

Examples of physical impediments include: isolated planter boxes of sufficient weight; short connected lengths of plastic water-filled barrier and a 500mm tall structurally supported wall.

### **Physical obstruction**

Barriers acting as physical obstructions will mitigate the risk of patrons on the other side of the barrier being hit by errant vehicles as they are designed to stop or redirect vehicles.

Physical obstruction devices may include: crash tested bollards; crash tested safety barriers with relevant anchorage and impact engineered planter boxes.

The most vulnerable location of on-road dining set-ups is the approach side, with increased vulnerability where there is no kerb extension to provide protection. Physical obstructions must be installed at these locations, at the minimum, to prevent and stop a motorist whose attention is drawn elsewhere and unaware of travelling too close on the approach. Selection of the treatment needs careful consideration so the material will not snap or break away with impact and project into nearby pedestrians or vehicles.

Criteria for the implementation of barriers:

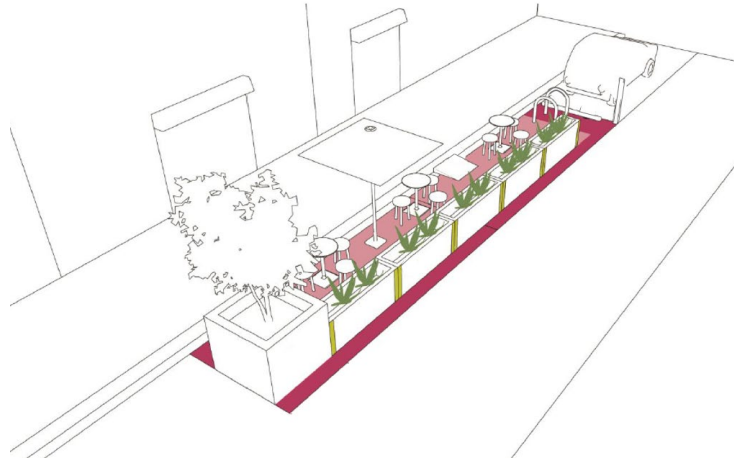
- Barriers should be visible during both day and night conditions;
- Barriers should be continuous (i.e. no gaps);
- Barriers should not have any unsecured objects attached to or placed on or adjacent to them;
- Heights of non-transparent barriers should allow all road users to be able to sight each other whilst using the road; and
- Temporary wheel stops should be installed within adjacent parking bays.

As per Section 99A of the Road Safety Act it is required that applicants:

- Have in operation traffic management plans;
- Provide appropriate warnings to road users;
- Engage appropriately trained and qualified persons to carry out works, manage non-road activities, or direct traffic; and
- Give appropriate directions to persons engaged to carry out the works or non-road activities.

Applicants shall be aware of the performance and any risks associated with barriers that they select for use as part of an on-road dining traffic management plan. The use of non-crash tested safety barriers requires an appropriately trained and qualified person to exercise professional judgement and knowledge in selecting such products for use.





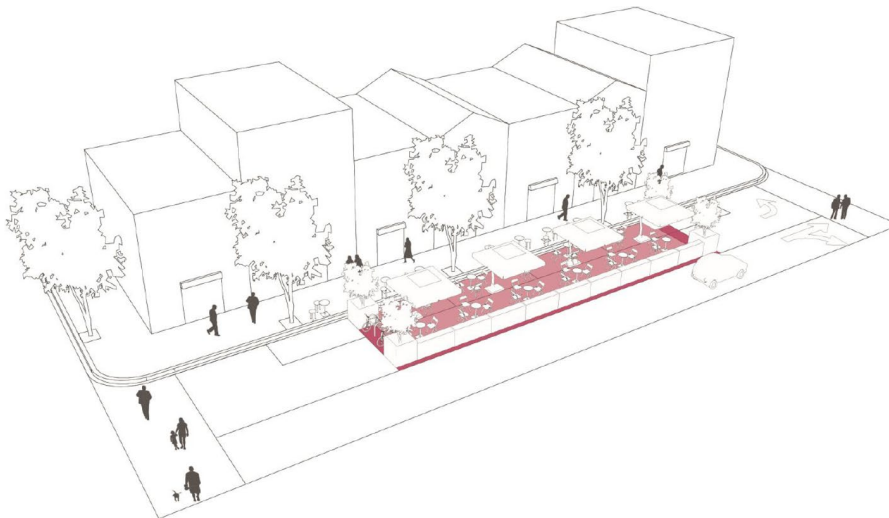
**Figure 2: Example of barriers used for a parklet (associated traffic management not shown)**  
 (source: City of Melbourne, City Design Studio)

### 3.3.3.5 Lane Closures

Lane closures may be considered where it can be safely implemented with risks to patrons and road users being mitigated through speed zoning changes, barrier treatments and other safety measures. Lane closures will be assessed on a case-by-case basis.

Alternative routes for passing through traffic shall also be considered in the event of a lane closure to help reduce the amount of traffic passing the on-road dining area.

It should be noted that lane closures may be more difficult on multi-lane arterial roads where traffic volumes are high and/or measures to reduce the risk to patrons cannot be achieved.



**Figure 3: Example of a lane closure (associated traffic management not shown)**  
 (source: City of Melbourne, City Design Studio)

### 3.3.3.6 Road Closures

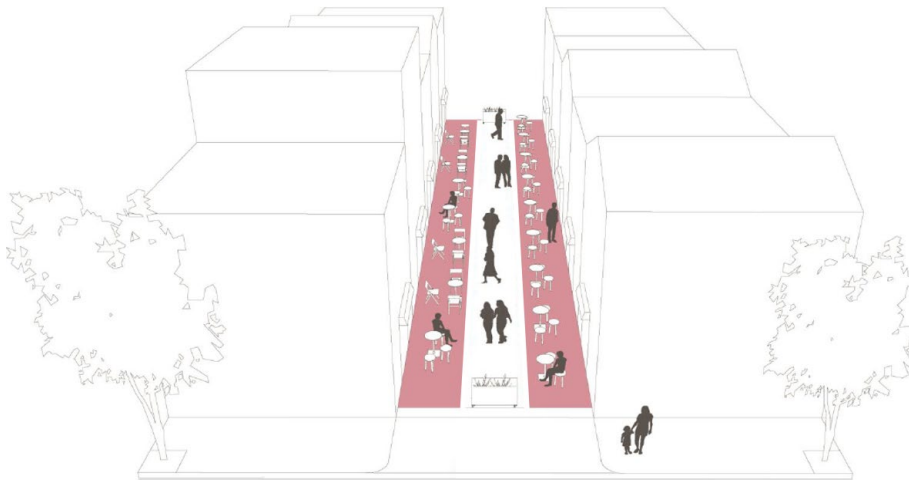
Full or partial road closures may be appropriate where footpath activity is high, and the closure will not adversely impact road network efficiency.

Road closures will be considered on a case-by-case basis where the implementation of on-road dining would create high levels of risks unacceptable to road users and patrons that speed zoning and barrier treatments cannot satisfactorily manage.

Alternative routes in the event of a road closure must be provided. Any impacts to public transport services must be addressed in coordination with public transport operators.

It should be noted that road closures are generally inappropriate for the following types of roads:

- Major arterial roads with a significant volume of through traffic;
- Major public transport corridors where alternative routes cannot be provided; and
- Roads near major service or community facilities (e.g. near a hospital, fire station etc).



**Figure 4: Example of a road closure (associated traffic management not shown)**  
(source: City of Melbourne, City Design Studio)

### 3.3.3.7 Public Safety

Proposals involving lane closures or road closures of DoT managed roads should be consulted with Victoria Police.

Unfortunately, the risks from vehicles are not just from accidental collisions and consideration may need to be given to risks associated with deliberate acts. The requirement for proposals involving lane closures or road closures to have been reviewed in consultation with Victoria Police is to ensure appropriate consideration of protecting 'Crowded Places' is given.

The need to consult Victoria Police increases based on the likelihood of a proposal attracting large crowds of people.

### 3.3.3.8 Traffic Management Plan (TMP)

As per Section 99A of the Road Safety Act, councils must:

- Have in operation traffic management plans;
- Provide appropriate warnings to road users;
- Engage appropriately trained and qualified persons to carry out works, manage non-road activities, or direct traffic; and
- Give appropriate directions to persons engaged to carry out the works or non-road activities.

All TMP's are to be prepared by appropriately trained and qualified persons.

A TMP is to include the following site-specific details:

- Clear identification of where on-road dining is proposed; and
- Clear identification of all traffic control devices to be erected, displayed, placed, removed or altered such as barriers, temporary speed reductions, and advance warning devices.

### 3.3.3.9 Road Safety Audits

The TMP is to be independently reviewed by a DoT prequalified Road Safety Auditor with any audit findings responded to and signed off.

Road safety risks associated with on-road dining on DoT managed roads are considered to be complex due to the typically higher speeds and/or higher road user volumes on DoT managed roads. The requirement for road safety audits has been included to ensure road safety risks have been adequately considered for the specific site and mitigated where possible.

DoT prequalified Road Safety Auditors can be found via the following:  
<http://www.vrsa.com.au/Auditors/List.aspx>

### **3.3.3.10 Ongoing Maintenance**

Once on-road dining has been established, it is important to ensure that the on-road dining space remains safe for all road users.

Throughout the duration of the arrangement, appropriate audit / surveillance activities should be conducted on a regular basis (both during and outside of business operating hours).

This includes:

- Ensuring temporary infrastructure remains in place;
- Ensuring all associated traffic management arrangements remain in place;
- Ensuring furniture and equipment in the on-road dining area does not become a hazard to road users or block essential and/or emergency vehicles;
- Ensuring litter isn't blocking drainage infrastructure; and
- Ensuring the site is free of debris which could impact passing road or footpath users.

Where any issues are encountered, they must be rectified promptly to ensure the safety of road users.



## 4 APPLICATIONS

### 4.1 What should be included

For arterial roads, the Department of Transport will issue a Section 99B Permit through the provisions of the Road Safety Act 1986, allowing for the conduct of a non-road activity on a highway (road or road related area).

This permit will include authorisation as per the Road Safety (Traffic Management) Regulations 2019 for major and minor traffic control devices on arterial roads and certain major traffic control devices on local roads (MOA).

Councils do have the authority to place certain major and all minor traffic control devices on local roads.

- DoT will require a single application from council and issue a permit for a specified period. The permit will be extended periodically, pending internal review of transport needs as Victoria transitions back to normal traffic volumes and public transport patronage.
  - Council will not need to reapply periodically, DoT will automatically extend the permit or alternatively will evaluate any locations experiencing notable delays and provide council with sufficient notice requesting the removal of infrastructure from impacted roads.
  - DoT will consider extended approvals for low impact applications such as local road speed reductions, parklets not impacting through traffic or weekend only dining.
- Council can continue to apply for the use of additional roads/road space. If acceptable, DoT will reissue the same permit with associated new / modified traffic management plans.
- The initial submission should include the:
  - Application form (application to conduct a non-road activity on a highway);
  - Public liability insurance (listing as an interested party “Head, Transport for Victoria”); and
  - A traffic management plan and risk assessment for each location. As per Section 99A of the Road Safety Act 1986, the traffic management plan should be designed and implemented by appropriately trained and qualified persons and is to be independently reviewed by a DoT prequalified Road Safety Auditor with any audit findings responded to and signed off (for DoT managed roads).
- When identifying locations for outdoor dining, council should consider the primary purpose of the road in respect to the Movement and Place Framework and ensure detours are available and the surrounding network can cater for redistributed traffic volumes.
- Where available, councils should consider the use of footpaths, parks, carparks, laneways, or indented parking before developing on-road treatments.
- The Department of Transport expects traffic management plans to be in line with the Road Management Act 2004, Code of Practice Worksite Safety – Traffic Management. Consideration should be given to the implementation of safe speeds and appropriate clearance between patrons and moving traffic.
- If outdoor dining will impact Public Transport, council should submit an event notification via the Special Events Management System to assess the likely impact to public transport prior to the submission of an application:

<https://ptv.resolvecloudbase.com.au/Ecx.Web/login/main2.html?type=register>

### 4.2 How to Submit

Council applicants should direct all applications and correspondence to DoT’s Special Events Team via email: [vicroadsmetroevents@roads.vic.gov.au](mailto:vicroadsmetroevents@roads.vic.gov.au) (email applies to both rural and metro submissions).

Please ensure that the subject heading follows the following format so that the application is prioritised accordingly:

“DoT On-Road Dining Approval Request – [Name and Address], [Municipality]”  
*e.g. DoT On-Road Dining Approval – Joe’s Café, 60 Smith St Kew, Boroondara*



When submitting an application, please provide all the necessary information for DoT to assess what permissions need to be issued to ensure your activity is conducted in a safe and lawful way.



Businesses interested in exploring temporary on-road dining should contact the relevant local council to progress.

## 5 CONTACT FOR FURTHER INFORMATION

For more information regarding DoT approvals for on-road dining as we progress into a COVID normal, please contact DoT Special Events on [vicroadsmetroevents@roads.vic.gov.au](mailto:vicroadsmetroevents@roads.vic.gov.au).



## 6 DOCUMENT INFORMATION

Title:	Department of Transport On-road dining approvals as we progress into a COVID normal
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Approved by:	 Nicki Kyriakou Director Road and Traffic Engineering   David Barton Chief Engineer – Roads

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Department of Transport 2020

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