



**Moreland**  
City Council

# Outdoor dining on private land

## Exemptions from requiring a planning permit

Clause 52.18 of the Moreland Planning Scheme provides temporary exemptions for all existing food and drink premises, function centres and wineries to enable the expansion of outdoor dining.

### Exemptions for use

If you have an existing premises, you do not need a planning permit, or to amend your existing permit, for:

- Extending dining into any outdoor area on private land.
- Extending dining into a car park on your land.
- Extending your liquor licence (red line) area.

These exemptions apply until July 2022.

### Exemptions for buildings

There are exemptions for temporary or moveable buildings associated with outdoor dining, that are:

- Less than 3.6 metres in height.
- Removed prior to June 2021.

If the building is within 1 metre of adjacent residential land, the height may not exceed 1.8 metres.

If your land is in a Heritage Overlay, changes to any existing building would require a planning permit.

If your land is in a flooding overlay, you will need written consent from Melbourne Water.

If your land is covered by an Erosion Management Overlay, please contact Council's planning team.

### What is not covered?

- Increases in operating hours for food and drink (including liquor).
- Land in, or within 30 metres, of a residential zone must not be used for outdoor dining past 10pm (unless the permit already allows for this)
- New businesses.

### Obligations for business owners

Outdoor dining must not unreasonably affect the amenity of the neighbourhood, including through:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

Conditions of your existing planning permit relating to hours, patron numbers, music, noise mitigation measures and venue management must continue to be met.

The use or development of land must not impede access required by emergency services or for waste collection.

To view the clause in full, click here: [https://planning-schemes.api.delwp.vic.gov.au/schemes/vpps/52\\_18.pdf](https://planning-schemes.api.delwp.vic.gov.au/schemes/vpps/52_18.pdf)

For more information about whether you qualify for the exemptions please call 9240 1111

#### Moreland Language Link

廣東話 9280 1910  
Italiano 9280 1911  
Ελληνικά 9280 1912

عربي 9280 1913  
Türkçe 9280 1914  
Tiếng Việt 9280 1915

हिंदी 9280 1918  
普通话 9280 0750  
ਪੰਜਾਬੀ 9280 0751

All other languages  
9280 1919