

This Local Street Guide provides unique considerations specific to Lismore City Council to reflect the operation of outdoor dining. Before making an application, businesses should read the [Outdoor Dining Policy 2019](#) and the [Outdoor Dining User Guide 2019](#).

1. LOCATION AND DESIGN

This section details matters to be considered and addressed when preparing an outdoor dining application:

- The outdoor dining area must be located directly adjacent to the ground floor of the principal restaurant or café, which must have development approval and be registered with Lismore City Council as a food premise.
- Council shall retain discretion on a case-by-case basis as to whether or not any proposed site is appropriate.
- Not all footpaths are suitable for use as outdoor dining areas, or may not have sufficient width to meet pedestrian access/vehicle access, sightlines, etc. Where a suitable pedestrian access corridor is unable to be provided, outdoor dining will not be permitted.

1.1 Lismore City Council's CBD Style Guide

A CBD Style Guide will shortly be available for viewing on Council's website. The Style Guide provides for consistent use of products, materials, textures, plantings, and themes (including items such as seating, bins, bollards, and floor surfaces).

If your outdoor dining area is located within Lismore CBD it is essential that you check you are fulfilling the requirements of the CBD Style Guide and ensure your outdoor dining area makes a positive contribution to the amenity of the surrounding area and streetscape.

1.2 Clearance distances

- An outdoor dining area must not compromise pedestrian and vehicle flow; convenience and safety of patrons and the public; existing streetscape elements and amenity.
- Each outdoor dining area will be subject to unique local conditions and setback requirements. Refer to the table on page 6 of the [Outdoor Dining User Guide 2019](#) that outlines minimum clearances.
- Where sight distances for vehicle traffic and pedestrians are favourable, minor modifications of the nominated clearances may be approved.

1.3 Accessibility

Access and usability for all people must be considered when determining whether a site and layout is suitable for outdoor dining. This includes a continuous, accessible path of travel to or within the area to provide access to all services and facilities. There must not be any hazard or impediment which prevents safe negotiation by any person.

Any item located within the outdoor dining area must:

- not obstruct nor protrude into the accessible path of travel;
- not be placed along the shop front (this includes chairs and A-Frame signs);
- be of a colour that provides a contrast with their background; and
- be designed so that it is accessible by all.

Other requirements:

- materials used for floor areas shall be slip resistant;
- pathways within outdoor dining areas shall have clear sightlines;
- the area be well lit and colour contrasted where appropriate to assist people with vision impairment; and
- outdoor dining areas shall be clearly defined and be separated by barriers which can be safely negotiated by person with vision impairment.

It is the responsibility of the licensee to comply with the requirements of the *Disability Discrimination Act 1992* and to investigate their own responsibilities under the Act.

1.4 Furniture, shade umbrellas and other items

This section provides guidance on the design requirements for both portable and fixed furniture associated with outdoor dining. Furniture includes tables, chairs, umbrellas and shade structures, pots and pot plants, troughs, barricades, heaters, cooling devices, advertising items and any other portable element in the outdoor dining area.

- Outdoor furniture is to add to the amenity of the streetscape. Furniture style must be practical, robust and meet Australian Standards.
- All furniture must be located within the licensed area and must not at any time extend beyond the boundaries. No item is to be placed against any shopfront.
- All furniture must be secured appropriately and safely and not pose an obstacle for pedestrians or traffic.
- Shade umbrellas shall be an appropriate style, height and design to ensure public safety (no sharp edges or points). They must be secure during trading hours and shall not be utilised during extreme windy weather. Umbrellas are

not to protrude past the licence area (i.e. not overhang the footpath and/or car parking space area).

- Water features are not permitted.
- All portable furniture is to be removed in extreme windy conditions.

1.5 Removal of trees and public infrastructure

No tree is to be removed from the streetscape to establish or increase an outdoor dining area. Council-owned infrastructure, such as litter bins or seating, may be relocated with Council's written agreement. The cost of such relocation is at the applicant's cost. Any relocation of public seating is to be made as close as possible to the original location, with shaded areas being the preferred location. No reduction of public seating is to occur.

1.6 Toilet facilities

Toilet facilities are to be made available to patrons in accordance with the requirements of the Building Code of Australia. Toilet facilities are required to be available in the building occupied by the principal restaurant premises where alcohol is served or if the total seating provided (indoors and outdoors) exceeds 19 seats.

1.7 Business Identification Signage

One (1) portable A frame business identification sign is permitted within the designated outdoor dining area only and is not permitted on public land outside the designated licensed area.

1.8 Delineation of Boundaries

Walls, safety bollards, suitable barriers or planter boxes are required to separate an outdoor dining area from the kerb to prevent pedestrians from entering and exiting the outdoor dining area directly to the carriageway. Installation of such items is at the applicant's cost and must be described in the Outdoor Dining Application for approval.

All boundaries of the licensed area must be defined by either walls, fixed bollards, barriers, markers, planter boxes or other landscaping where appropriate. The establishment of such items, as well as fasteners into the pavement surface is also subject to written approval from Council's Urban Roads Engineer. Barriers must be maintained at all times to clearly delineate the licensed area. Such barriers, other than on the kerb side, may be framed canvas or fabric free-standing barriers temporarily secured or affixed to the pavement.

Metallic discs (engraved “Outdoor Dining”) shall be inserted into the pavement by Council to delineate the outdoor dining area where no other permanent element of separation exists.

1.9 Entertainment

Quiet entertainment may be permitted within the licensed area for the enjoyment of patrons. Such entertainment shall not interfere with amenity or cause any disturbance or annoyance to adjoining retailers, pedestrians or neighbours. There is to be no amplified music in the licensed area, unless approved in writing by Council. Buskers performing in the licensed area must have a permit to busk.

1.10 Heating and cooling devices

Any heating or cooling devices must be contained wholly within the outdoor dining area and be secured (to ensure stability that it cannot be knocked over). All heating devices shall possess automatic turn off devices in the event of overturning. Free-standing gas heaters must comply with the relevant standard and legislation and be certified by a qualified person. When not in use, heating and cooling devices are to be removed from the outdoor dining area.

1.11 Prohibited items

Unless approved otherwise in writing by Council, the following items are prohibited in an outdoor dining area:

- smorgasbord or self-service facilities;
- unsecured and unprotected heating or cooling devices;
- water features;
- vending and amusement machines;
- deep fryer, BBQ or any other cooking appliance; and
- bains-marie, pie warmer or any other temperature holding device.

Food and drink must not be prepared in the licensed area.

1.12 Provision of utilities

Provision of utilities to an outdoor dining area is the responsibility of the licensee. No extension cords or electricity connections are permitted to the outdoor dining area without the written approval of Council. All such connections must be completed and certified by a qualified electrician.

1.13 Smoke free area

Everyone who visits Lismore has the right to a clean and healthy environment. To preserve this right for the community, “No smoking” signs with the

international symbol are required to be provided by the licensee and at all times displayed during operation of the outdoor dining area.

1.14 Permanent Structures

Permanent structures are **not** covered in the [Outdoor Dining Policy 2019](#).

Use of permanent structures as part of an outdoor dining operation will incur fees as outlined in Councils adopted Fees and Charges

The Policy defines Permanent structures as:

Any outdoor structure not intended to be moved around frequently and that would be difficult to move without mechanical or other assistance within a 24-hour period.

Use of permanent structures (including but not limited to barriers, planter boxes, shade structures or an anchoring system) requires separate Council consent. The flow chart annexed as Appendix A provides guidance on Council consent process for permanent structures as outdoor dining operation.

APPENDIX A: APPROVAL OF PERMANENT STRUCTURE FLOWCHART

Applicant notifies Council's Built Environment Section on (02) 6625 0500 that it would like to construct a permanent structure for outdoor dining operation

Council determines whether the permanent structure is acceptable and will not create a public risk

If the permanent structure is deemed unacceptable or creates a public risk, the request is refused

If the permanent structure is deemed acceptable and does not create a public risk, the Applicant will firstly need to obtain landowner's consent from Council's Asset Section on (02) 6625 0500 before lodging a Section 138 Application for the structure

A Development Application is required for a permanent structure which encroaches out to a blister and/or car parking space (for example a permanent awning)

DEVELOPMENT APPLICATION LODGED

The permanent structure is assessed against the Lismore Local Environmental Plan

If the permanent structure does not comply with the provisions of the LEP, then the Development Application is refused

If the permanent structure complies, Development Consent is granted including a condition requiring the preparation and execution of a Licence Agreement and lodgement of a Structure Engineers Certificate certifying the works

Licence Agreement prepared and lodged by applicant with Council for execution and approval including the provisions of a Structural Engineers Certificate certifying the building works.

Licence issued for the permanent structure over Council's Land

Construction Certificate Issued