

SHIRE OF DENMARK

TOWN PLANNING SCHEME POLICY NO. 17.1

ALFRESCO DINING & TRADING IN PUBLIC PLACES

OBJECTIVES

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| <p>(1) <i>To enhance the functions, appearance and character of the Denmark Town Centre as a retail and tourist centre and encourage these services to be presented in a manner which will add colour, life, diversity and interest to the town centre.</i></p> <p>(2) <i>To allow for the operation of trading activities in public places in such a manner and location that they do not conflict with, or act prejudicially towards Denmark's retail and service base, or any other function of the town centre.</i></p> |
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In considering any application for approval for Alfresco Dining Areas or Street Displays Council will have regard to the criteria below before a decision is made.

POLICY CRITERIA:

1. Applications for Alfresco Dining Areas or Street Displays must be in writing and be accompanied by plans, drawn to scale, which clearly indicate the proposed location of tables, chairs and any other object(s) and shows their relationship to existing features such as the building, kerb line, street furniture, landscaping and adjoining buildings. Such application must specify proposed days and hours of trading in the public area.
2. All objects for dining and/or display placed within the footpath area must not obstruct pedestrian movement. A minimum clear footpath width of 2.0 metres shall be maintained in all cases and a greater width may be necessary in certain cases if Council so determines.
3. An applicant will be required to demonstrate to Council's satisfaction that the proposed dining area or display will be attractively integrated with, and enhance the character of the immediate locality and overall streetscape.
4. These dining and/or display activities shall not in the opinion of Council conflict with or inconvenience other businesses. Council in its consideration may consult with the owners/occupiers of other nearby premises.
5. This policy will also apply to applications to use areas in pedestrian arcades and other similar "public" places on private property.
6. Dining and/or displays will be approved only where they are directly associated with an adjacent business.
7. Activities that are not directly associated with an adjacent business may be considered in special circumstances but only where they meet a demand for goods and services that are not available already.
8. This policy does not apply to any form of sign as these are addressed by Council's Signs Local Laws.

9. All objects and furniture located as part of the dining and/or display area are to be readily removable however where it is demonstrated to Council there are positive benefits to the public, more permanent features may be permitted providing all costs associated with removal and restoration are borne by the applicant and Council is satisfied with the form, construction and appearance of those more permanent features.
10. Objects placed on the footpath within the road reserve must not obstruct sight lines for either vehicles or pedestrians, either at road junctions and crossovers to the satisfaction of the Manager, Engineering Services.
11. All dining and/or display objects must be located in such a way so as to not obstruct access from the footpath to kerbside parking bays. Ample allowance must be made for the doors of vehicles parked at the kerb to swing open. This is particularly important near disabled parking bays and access ramps to those disabled bays.
12. The applicant will be required to maintain appropriate comprehensive public liability insurance covering any activity, object or provision within a public place and indemnify Council against any claim.
13. The applicant will be responsible for attending the dining and/or display area and ensuring it is maintained in a good condition and clean and tidy state to Council's satisfaction.
14. If a dining area and/or display is not maintained in a good condition and clean and tidy state and/or the conditions of Council's approval are not adhered to, to Council's satisfaction, the approval will be withdrawn and all associated materials must be removed within 7 days.
15. The applicant shall be solely responsible for all and any associated costs with the removal, alteration, repair, reinstatement or reconstruction to Council's satisfaction of the street carriageway, footpath or any part thereof arising from the use of the approved area.
16. Council may recoup such costs at 15 above or any associated costs from the applicant in a Court of competent jurisdiction.
17. An annual fee will be applicable.

This TPS Policy No. 17.1 supersedes TPS Policy No. 17.

Adopted on 25th January, 1999 accordance with clause 8.2 of Town Planning Scheme No. 3