



FIN05 TRADING IN PUBLIC PLACES - FEES AND CHARGES

Aim	This policy establishes the difference between 'Town Centre' and 'Rest of Shire' areas for the purposes of assessing Traders Permit applications. It also provides clarity and guidance on the preparation and assessment of stallholder/mobile and itinerant trader applications including commercial activities on Shire land. The Shire encourages applications that are creative and innovative that would support the attraction of the Shire as a vibrant location to live and visit.
Application	Elected Members and Employees
Statutory Environment	<i>Local Government Act 1995 Activities on Thoroughfares and Public Places and Trading Local Law</i>
Principles	Strategic Community Plan 2017 – 2027 (Desktop Review 2019) Goal 02 Economic Prosperity Objective 2 Enduring partnerships with industry and government
Approval Date	OMC 17 December 2019 (MINUTE: 722/2019)

Objectives

- To establish the difference between 'Town Centre' and 'Rest of Shire' areas for the purposes of assessing Traders Permits and to provide rationale for the difference between the two types of permits and the associated fees;
- To regulate the level and intensity of trader activity on road reserves and other public places to ensure that the primary purpose and use of these locations is retained and protected;
- To manage traders in a sustainable way that allows for the ongoing provision of good and services that promotes community vitality and satisfaction;
- To avoid the creation of adverse traffic, pedestrian and general public safety conditions;
- To ensure the operation of traders on Shire land or in public places is carried out in accordance with the Shire's Local Laws.

Definitions

For the purpose of this Policy, the following definitions shall apply:

Town Centre - means any land in Tom Price, Paraburdoo, Pannawonica and Onslow within the marked areas shown on the Trading Zones - Maps.

Rest of Shire means the whole of the Shire of Ashburton excluding the areas contained within the marked areas shown on the Trading Zones - Maps.



- Mobile** means working in one place for a short period of time and then moving on to operate in another place (for example: Fish Truck, Meat Truck etc.)
- Itinerant** means a person who travels along a road looking for customers and who sells, hires or provides a product or service, from a vehicle which is parked temporarily, to customers who stop the vendor or come to the vendor while the vehicle is so parked (for example: ice-cream truck)
- Stall** means working in one place for a short period of time usually from a fixed structure such as a tent or shade shelter (for example: clothing and trinkets sales).

The main difference between an “Itinerant Vendor” and a “Mobile Vendor” is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor is stopped by customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling fresh flowers or produce is a mobile vendor).

Fees and Charges

Applications made pursuant to the Shire of Ashburton Local Law Relating to Trading in Public Places are subject to an annual fee that is set in the Shire’s Fees and Charges Schedule.

Any application for any 12-month period entitles the licensee to trade anywhere within the district or such places as stated on the permit.

The rationale for providing two distinct permit classes is to provide a measure of natural justice to retail businesses that are established on permanent sites within the town centres of Tom Price, Paraburdoo, Pannawonica and Onslow and as such are subject to Shire rates. The higher fee associated with applications for permits to trade within the ‘Town Centre’ areas reflects the desire of the Council to provide a more ‘level playing field’ without stifling competition or the vibrancy of our towns.

Exemptions

The following exemptions apply:

A ‘produce stall’ within private property outside of town site boundaries;

- Selling of newspapers;
- Where a trader is part of an event, festival, carnival, market or the like (exemption will only apply where a trader has received written permission from the organiser of the event);
- Where the activity is a one-off occurrence such as an open day for a business/premises; and
- Community groups conducting car washes where they have the premises/land owner’s permission, the safety of persons involved has been adequately considered and planned for and traffic flow is not adversely affected.

Conditions



The following conditions will apply to all approvals for operating as a trader in a public place:

- The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted;
- Public liability insurance to a minimum of \$10 million or cover suitable to the risk presented is required where an activity occurs on Shire land;
- Camping within trader equipment is not permitted and is restricted by the Caravan Parks and Camping Grounds Act and Regulation;
- No trading is permitted within 100m of schools between the hours of 14.30 and 16.00 (except during school holidays);
- In relation to traffic management and safety, no trading will be permitted within 100m of an approved event;
- Traders are responsible for managing all waste generated as part of their trading activity;
- Any alfresco dining associated with trading activity is limited to a maximum of three (3) tables with four (4) chairs per table and cannot occur on designated footpaths or restrict pedestrians;
- Advertising cannot occur on designated footpaths or restrict pedestrians;
- For itinerant traders, moving to a new location once the majority of customer requests have been serviced.

Consent to use land

- Where the road is under the control of Main Roads WA, their written consent is preferred prior to processing the application;
- Where the land is not under the care, control or management of the Shire, the written consent of the Crown via the Department of Lands is preferred prior to processing the application;
- Where the land is privately owned, the written consent of the land owner is required prior to processing the application.

Trading location restrictions

The following limitations apply to the Town Centre Areas as defined in the Trading Zones- Maps:

Tom Price Town Centre

- Trading in the Tamarind Street car park is restricted to one light vehicle with a trailer;
- Heavy vehicles (anything larger than a light vehicle and trailer) are required to trade at Lot 978 Stadium Road, opposite Windawarri Lodge or a suitable alternative to the satisfaction of the Shire.

Onslow Town Centre

- All traders are to operate from Lot 937 Second Avenue (outside of Visitor Centre/Museum).

This does not apply to itinerant traders. Trading hours

- Trading may only take place between 05.00-22.00 hours.

Reference to related documents



- *Local Government Act 1995* and subsidiary legislation
- *Health Act 1911* and subsidiary legislation
- *Food Act 2008* and subsidiary legislation
- Shire of Ashburton's Activities on Thoroughfares and Public Places and Trading Local Law
- Trading in Public Places – Fees and Charges
- Shire of Ashburton Town Planning Scheme No. 7
- Environment Protection Act 1986 and subsidiary legislation
- National Competition Principles Agreement
- FIN05 Trading Zones – Maps (Available at: www.ashburton.wa.gov.au)