

# STALLHOLDER & STREET TRADING

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## 1. Purpose

The purpose of this policy is to outline a standard, transparent, and equitable approach towards fixed business and mobile traders operating within the City.

## 2. Application

This policy has been developed to provide clarity and guidance on the assessment and approvals of mobile trading applications. The Policy must take into account the provisions of the City of Karratha Activities in Thoroughfares and Trading in Public Places Local Law and the National Competition Principles Agreement.

This Policy will apply to all mobile traders. Where there is discrepancy between this Policy and the Local Law, the Local Law will take precedence. This does not include trading of pre-ordered goods and services.

## 3. Objectives

- To sustain and grow local businesses in a way that benefits the local community.
- To provide safe temporary trading environments for the community and maintain amenity;
- To provide guidance and direction on the location and management of mobile traders in the district; and
- To support traders that enhance and complement existing businesses whilst managing the competing needs and interests of all stakeholders involved.

## 4. Definitions

<b>The Act</b>	means the <i>Local Government Act 1995</i> .
<b>A Local Law</b>	is a statutory instrument made by local governments to regulate a broad range of issues within their communities.
<b>Mobile Traders</b>	means the sale of items directly from a vehicle, without a fixed or ongoing location/premises.
<b>Permit</b>	means a permit issued under the Local Law.
<b>Fundraising</b>	means an organised activity designed to gather financial contributions or support for a specific cause, project, organisation, or individual.
<b>Promotional activities</b>	mean activities that aim to reach and engage a target audience, conveying key messages and encouraging specific actions such as purchasing, attending, or donating.
<b>CBD</b>	means Central Business District, referring to the main business and commercial zones of each town.
<b>Fixed Business</b>	means a business that is in a traditional fixed structure such as a shop in a commercial building.
<b>Stallholders</b>	means person owning or running a stall.

<b>City</b>	refers to the City of Karratha.
<b>Itinerant Vendor</b>	means a vendor who travels from one place to another to sell goods e.g. ice cream truck.
<b>Fees and Charges</b>	refers to the annual fees and charges adopted by Council annually
<b>Public Event</b>	means an event which is open to and may be attended by the general public, including but not limited to, such events as concerts, fairs, markets, festivals, sport gatherings regardless of any fee or age requirement.
<b>Public Place</b>	<i>includes any thoroughfare or place, which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—</i>  <i>(a) premises on private property from which trading is lawfully conducted under a written law; and</i>  <i>(b) local government property;</i>

## 5. Policy Statement

### 5.1 Approved Mobile Trading Areas

Stallholders and Mobile Traders are permitted to only trade from the following Approved Mobile Trading areas. To promote an equitable approach between fixed and mobile businesses across the City's towns, certain towns may have conditions applicable on trading. Appendix 1 of this Policy provides full details of the applicable conditions for the Designated Trading Sites.

#### **Karratha**

1. Dreamers Hill
2. Karratha Tourism and Visitors Centre
3. Baynton West Park
4. Cattrall Park
5. Nickol West Park Carpark
6. Karratha CBD

#### **Roebourne**

7. Roebourne Community Centre Carpark
8. Roebourne Information Bay
9. Roebourne Basketball Courts Carpark

#### **Point Samson**

10. Point Samson Community Hall Carpark
11. Miller Close Carpark

#### **Wickham**

12. Wickham Recreation Precinct Overflow Carpark

13. Wickham CBD

#### **Dampier**

14. Lions Park, Dampier

15. Church Road Pullover Carpark

16. Dampier CBD

17. Hearson's Cove

This provision does not apply to Itinerant Vendors which are not fixed, who travel along the road looking for customers, and who sells food from their vehicle parked temporarily on the road to customers who stop the operator or come to them while parked.

### **5.2 Conditions of operation**

5.2.1 A mobile trader must obtain a permit to trade in a public place. Permit fees will be charged as per Council's annual Scheduled Fees and Charges.

5.2.2 The City may decide to close Approved Mobile Trading Locations to all activities, including trading at any time, based in reasonable grounds which must be communicated to ensure fairness and transparency for all stakeholders.

5.2.3 The maximum number of mobile traders for each Approved Mobile Trading Area shall be as specified in Appendix 1.

5.2.4 Trading shall only occur within the Approved Trading Areas and Designated Trading Sites as detailed in Appendix 1.

5.2.5 Where a Designated Trading Site is occupied by a non-trader, a mobile trader may park in an alternative Site subject to traffic flow being maintained and the maximum number of mobile traders is not exceeded.

5.2.6 Day time trading shall only occur between the hours of 5am – 5pm. Night-time trading shall only occur between the hours of 5pm – 10pm.

5.2.7 The Designated Trading Site must be vacated when trading is not being conducted and at the end of an approved day time or night-time trading period.

5.2.8 The City will be responsible for allocating day time or night-time trading for each of the Approved Mobile Trading Areas based on a rostering system coordinated by the City with monthly applications made by a specified date.

5.2.9 The City will arbitrate any disputes and may cancel trading permits if traders do not adhere to conditions.

5.2.10 The City will not be responsible for the conditions of Approved Mobile Trading Areas such as surfacing of the ground, lighting availability or public toilets.

### 5.3 Approval Requirements

5.3.1 Unless formal approval has been granted by the City to utilise an Approved Mobile Trading Area as listed in this policy, conducting a stall or trading in a public place is not permitted.

5.3.2 Trading will not be approved in high traffic areas where temporary trading may create both traffic and pedestrian safety issues or when trading will negatively impact on the availability of car parking in the area.

5.3.3 An application shall be made to the City's Planning Services team for the storage of a mobile trading vehicle or any equipment in a residential location.

5.3.4 The following circumstances will not require a trading permit from the City:

- Existing legal business placing stalls on public land adjacent to their premises provided that adequate access is afforded to pedestrians and public safety is maintained to the satisfaction of the City.
- Community groups conducting car washes where they have the premises owner permission, and the safety of persons involved in the stall and traffic flow is not jeopardised.
- Community groups operating a Market Day or Swap Meet will be exempt provided that they have the landowner's permission and the operation of the Market Day or Swap Meet is seen as a benefit to the community.

### 5.4 Special Events Trading

#### 5.4.1 Public Events

- Trading at a public event will only be approved where the applicant has received written permission from the event organiser.
- For larger community events the event organiser may apply for a permit on behalf of all the stalls that are at the event.

#### 5.4.2 Fundraising and Promotional Events

- Businesses in the **CBD** zones within the City of Karratha may host a product/business promotion or fundraiser for a recognised organisation once per quarter. This allows each business to host such events up to four times a year.
- Mobile Traders may attend up to one of these events per quarter within the CBD zones and must not exceed a maximum of four hours per event. Each Mobile Trader may attend up to four of these events per year.

### 5.5 Grounds on which an application may be refused

An application submitted to the City may be refused where one or more of the following applies:

5.5.1 The applicant is not deemed a fit and proper person to hold a trading permit. An applicant will be deemed not a fit and proper person where they have committed a breach of the Council's Local Laws, or any other legislation pertinent to the conduct of their business.

5.5.2 The applicant intends to trade in an area where conducting a stall or trading is not permitted.

5.5.3 The conduct of a stall or trading may potentially result in traffic and pedestrian safety being compromised.

5.5.4 Selling of products out of a car boot, or other method which does not present a professional image.

5.5.5 The conduct of a stall does not conform to the proper and orderly planning of the area.

5.5.6 Any other ground that the Council of the City of Karratha deems relevant to the application.

## 5.6 Application to conduct a stall or trade in a public place

Application to conduct a stall or trade in a public place shall be in the form prescribed by the Council's Environmental Health Service and will include all details requested within the said form including:

5.6.1 Be accompanied by a copy of the public and product liability insurance to the minimum value of \$10,000,000. This insurance must be obtained before formal approval will be granted, and where the insurance period lapses during the proposed license period, any approval be conditional on such insurance cover being maintained.

5.6.2 Where the applicant intends to employ assistants, a current copy of the business Workers Compensation Insurance.

5.6.3 Where the stall is a vehicle, trailer or similar apparatus, a current copy of the Third Party Motor Vehicle Insurance.

## Related Documents

Legislation & Local Laws	<i>Local Government Act 1995</i> <i>Local Government Act 1995</i> <i>Food Act 2008</i> <i>Food Regulations 2009</i> <i>Activities in Thoroughfares and Public Places and Trading Local Law 2017</i>
Relevant Delegations	<i>2.1 Local Laws – Authorised Persons &amp; Services of Infringements</i> <i>13.1 Food Act 2008 – Authorised Officers</i>
Strategies & Plans	<u>Strategic Community Plan 2020-2030</u>
Related Council Policies	<a href="#"><u>CS-24 Community Engagement Policy</u></a>
Procedures, Documents & Forms	<a href="#"><u>Mobile trading   City of Karratha</u></a> <a href="#"><u>Search for Trader, Nintex Process Manager (promapp.com)</u></a>
Policy URL	<a href="#"><u>DR-05 Stallholder &amp; Street Trading</u></a>

## Policy Owner

Directorate	<i>Development Services</i>
Department	<i>Regulatory Services</i>

## Review Management



Next review due:	<i>TBC – will be based on council adopting the final policy</i>
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## Version Management

Version	Date	Council Resolution Number	Description
1.0	May 2010	15125	Original Policy Adopted
2.0	May 2013	152495	Include sites owned or managed by the Shire
3.0	June 2014	152877	Adopt amended policy- levelling competition with existing retail premises
4.0	March 2017	153747	Adopt revised policy – removing Karratha Visitor centre as approved trading location and allowing weekend trading at Dreamers Hill
5.0	June 2020	154614	Advertise to seek public comments on draft Stallholder and Street Trading Policy
6.0	August 2020	154653	Review Stallholder and Street Trading Policy
7.0	July 2021	154842	Current Policy
8.0	October 2024	OCM241028-12	Draft Amended Stallholder and Street Trading Policy

**BAYNTON WEST PARK**



Conditions	
Max number of traders	2
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Current approved trading bay	
Trading on Monday only (due to mowing)	
Other	Bump in / out: 1 hour (30 minutes on either side)



## NICKOL WEST CARPARK







Conditions	
Max number of traders	1
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Other	Bump in / out: 1 hour (30 minutes on either side)



## DREAMERS HILL



Conditions	
Max number of traders	4
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Other Information	Shared zone with Vehicles for Sale Bump in / out: 1 hour (30 minutes on either side)
	Mobile Trading Area Only (No customer Parking)
	Customer Parking
	Display for Vehicles for Sale
	Solar Light

## CATTRALL PARK



Conditions	
Max number of traders	2
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Current approved trading bay	
Other	Bump in / out: 1 hour (30 minutes on either side) Vehicle size limit – restricted to 8m



## KARRATHA TOURISM CENTRE



Conditions	
Max number of traders	1
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Other	Bump in / out: 1 hour (30 minutes on either side) Vehicle size limit – restricted to 8m



### **LIONS PARK (Conditions apply)**




Conditions	
Max number of traders	1
Permitted Days	All days
Permitted trading hours	11am-5pm, 5pm-10pm
Conditions	<ol style="list-style-type: none"><li>1. No early morning (5am-11am) trading permitted from Lions Park</li><li>2. Only one booking per week allowed for any trader in Lions Park</li><li>3. Trading slots may be combined team</li></ol>
Other	Bump in / out: 1 hour (30 minutes on either side)



## **CHURCH PULLOVER CARPARK (Conditions apply)**



Conditions	
Max number of traders	1
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Current approved trading bay	
Conditions	<ol style="list-style-type: none"> <li>1. Only three bookings per week allowed per trader</li> <li>2. Trading slots may be combined, if available, for breakfast and lunch (5am-4pm) or lunch and dinner (10am-10pm)</li> </ol>
Other	Bump in / out: 1 hour (30 minutes on either side)



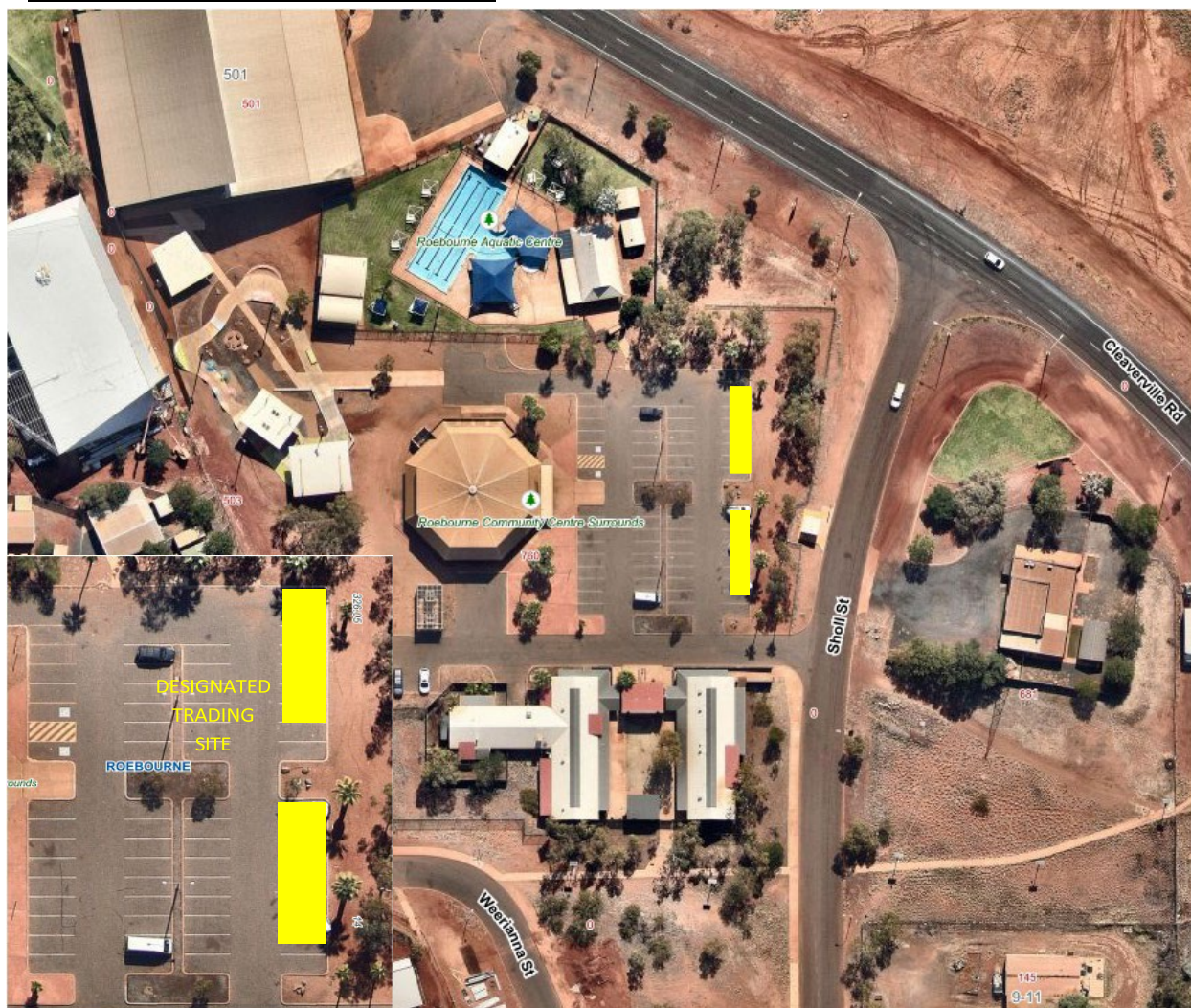
## HEARSON'S COVE



Conditions	
Max number of traders	2
Permitted Days	Saturdays, Sundays, and designated *Staircase to the Moon days
Permitted trading hours	5am-10am, 4pm-10pm
Originally proposed trading bays	
Other	Bump in / out: 1 hour (30 minutes on either side)
<b><i>*On designated Staircase to the Moon dates that fall on a week day, the morning trade slot 5am-10am is not permitted.</i></b>	



## ROEBOURNE COMMUNITY CENTRE



Conditions	
Max number of traders	3
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Other	Bump in / out: 1 hour (30 minutes on either side)

## ROEBOURNE BASKETBALL CARPARK



Conditions	
Max number of traders	3
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Other	Bump in / out: 1 hour (30 minutes on either side)



## WICKHAM RECREATION CENTRE CARPARK



Conditions	
Max number of traders	4
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Other	Bump in / out: 1 hour (30 minutes either side)



## **POINT SAMSON COMMUNITY CARPARK**



Conditions	
Max number of traders	2
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Other	Bump in / out: 1 hour (30 minutes on either side)



**POINT SAMSON MILLER CLOSE**



Conditions	
Max number of traders	1
Permitted Days	All days
Permitted trading hours	5am-9am, 10am-4pm, 5pm-10pm
Other	Bump in / out: 1 hour (30 minutes on either side)

## **CBD Controls for Karratha, Dampier and Wickham**

### **Conditions – subject to Clause 5.4.1 and 5.4.2**

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**KARRATHA CBD (Conditions apply)**





**WICKHAM CBD (Conditions apply)**



**DAMPIER (Conditions apply)**





### **Booking Guidelines**

The Mobile Traders roster is updated on the website monthly and ad hoc.

Traders request a designated trading area for the month. Due to maximum spot allowances, a roster is developed to provide fair allocation.

- An email from the City of Karratha Administration is sent out to all registered mobile traders declaring bookings are open by the 3<sup>rd</sup> week of the current month.
- Mobile Traders are given 7 days to complete the request for their preferred designated trading area for the upcoming month and have 7 days to complete their booking process before the roster is closed for the new month.
- The link to the bookings is sent via the Karratha Mobile Traders website <https://karrathamobiletraders.com.au/>
- Once bookings are closed, requests are checked by City of Karratha Administration for double bookings from the same trader for the same designated trading area & time AND/OR a from a trader for two separate spots on the same day.
- Any double bookings/clashes are negotiated with the mobile traders and will be resolved prior to finalizing the bookings.
- Mobile Traders provided their first preference ONLY after all the checks are completed.
- An email notification is sent to the mobile traders to notify of the approved first preference allocations and available to view on the website.
- After this allocation and notification is sent, mobile traders are invited to send through their second choice/s for remaining available designated trading areas.