

PROPOSED STALLHOLDER & STREET TRADING

1. Objectives Purpose

- 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; and
- To provide guidance and direction on the location and management of mobile traders in the district.

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

The Act means the *Local Government Act 1995*.

A Local Law is a statutory instrument made by local governments to regulate a broad range of issues within their communities.

Mobile Traders means the sale of items directly from a vehicle, without a fixed or ongoing location/premises.

Permit means a permit issued under this Local Law.

Fundraising means an organised activity designed to gather financial contributions or support for a specific cause, project, organisation, or individual.

Promotional activities mean activities that aim to reach and engage a target audience, conveying key messages and encouraging specific actions such as purchasing, attending, or donating.

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CBD	means Central Business District, referring to the main business and commercial zones of each town.
Fixed Business	means a business that is in a traditional fixed structure such as a shop in a commercial building.
Stallholders	means person owning or running a stall.
City	refers to the City of Karratha.
Itinerant Vendor	means a vendor who travels from one place to another to sell goods e.g. ice cream truck.
Fees and Charges	refers to the City's fees and charges adopted annually
Public Event	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.
Public Place	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— (a) premises on private property from which trading is lawfully conducted under a written law; and (b) local government property.

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5. Principles Policy Statement

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5.1 Approved Mobile Trading Areas

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Stallholders and Mobile Traders are permitted to only trade from the following Designated Mobile Trading Sites. 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 extent and applicable conditions for the Designated Mobile Trading Sites. Any stallholder who wishes to operate their stall will only be permitted to trade from the following Approved Mobile Trading Areas:

Karratha

1. Dreamers Hill
2. Searipple Park, Bulgarra
- 3.2. Karratha Tourism and Visitors Centre
4. Karratha Country Club Carpark
- 5.3. Baynton West Park
6. Nickel West Park
- 7.4. Cattrall Park
- 8.5. Karratha CBD

Roebourne

- 9.6. Roebourne Community Centre Carpark

Point Samson

~~10.7.~~ Point Samson Community Hall Carpark

~~11.~~ Point Samson Viewing Platform Carpark

~~12.8.~~ Miller Close Carpark

Wickham

~~9.~~ Wickham Recreation Precinct Overflow Carpark

~~13-10.~~ Wickham CBD

Dampier

~~14.11.~~ Lions Park, Dampier

~~12.~~ Church Road Pullover Carpark

~~13.~~ Dampier CBD

~~15-14.~~ Hearson's Cove

~~Appendix 1 of this Policy shows the Designated Trading Areas for each of the Approved Trading Areas.~~

This provision does not apply to ~~Itinerant Vendors businesses~~ 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.

3.2 5.2 Conditions of operation

- ◆ ~~5.2.1~~ A mobile trader ~~shall not operate without first must~~ obtaining a permit to trade in a public place, ~~that has been issued by the City. An application fee must be paid prior to operation as set out in the Fees and Charges document adopted by Council for the relevant financial year. 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 on 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 Trading~~ Area shall be as specified in Appendix 1.
- ◆ ~~In the CBD, temporary trading can only occur for a maximum of one (1) hour per day with permission from the landowner and the City.~~
 - ◆ ~~Trading in the CBD shall not be undertaken within 100 metres of a fixed business selling similar goods. The only exemption will be traders operating as part of an approved event by the City.~~
 - ◆ ~~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 provided that~~ traffic flow ~~being is~~ maintained and the maximum number of mobile traders is not exceeded.
 - ◆ ~~The Approved Mobile Trading Area for Dreamers Hill is a mobile trading area only. This means that customer parking must occur outside of this approved trading area.~~
 - ◆ ~~5.2.6~~ Day time trading shall only occur between the hours of 5am ~~-9am and 9am~~– 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.

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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.

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~~The City will be responsible for allocating day time or night-time trading for each of the Approved Mobile Trading Areas. This will be coordinated through a roster system, with applications made to the City on a specified date.~~

5.2.9 The City will arbitrate any disputes and ~~can~~ 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.

3.3 5.3 Approval Requirements

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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.

~~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.~~

5.4 Special Events Trading

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3.4 5.4.1 Trading at a public event~~Public Events~~

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- Trading at a public event will only be approved by the City 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.

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5.4.2 Fundraising and Promotional Events

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- 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.

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- 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.

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~~3.5~~ 5.5 Grounds on which an application may be refused

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

- ~~1-~~ 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.
- ~~2-~~ 5.5.2 The applicant intends to trade in an area where conducting a stall or trading is not permitted.
- ~~3-1~~ 5.5.3 The conduct of a stall or trading may potentially result in traffic and pedestrian safety being compromised.
- ~~4-~~ 5.5.4 Selling of products out of a car boot, or other method which does not present a professional image.
- ~~5-~~ 5.5.5 The conduct of a stall does not conform to the proper and orderly planning of the area.
- ~~6-~~ 5.5.6 Any other ground that the Council of the City of Karratha deems relevant to the application.

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~~3-6~~ 5.6 Application to conduct a stall or trade in a public place

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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.

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~~3-~~ Consequences

~~This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.~~

~~4-~~ Roles and Responsibilities

~~All staff approving stall holder and trading permits are to be aware of this policy and apply the provisions of the policy to all new or amended applications.~~

Related Documents

- ~~Health (Miscellaneous Provisions) Act 1911 and subsidiary legislation~~
- ~~Public Health Act 2016 and subsidiary legislation~~
- ~~City of Karratha Activities in Thoroughfares and Public Places Local Law 2017~~
- ~~Food Act 2008 and subsidiary legislation~~
- ~~Local Government Act 1995 and subsidiary legislation~~
- ~~City of Karratha No. 8 Town Planning Scheme~~
- ~~Local Planning Policy DP08 Roebourne and Wickham Mixed Business Zone~~
- ~~Local Planning Policy DP13 Tourism Zone Development Requirements~~

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

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

Policy Reference Number Policy Name

4.0	March 2017	153747	<i>Adopt revised policy – removing Karratha Visitor centre as approved trading location and allowing weekend trading at Dreamers Hill</i>
5.0	June 2020	154614	<i>Advertise to seek public comments on draft Stallholder and Street Trading Policy</i>
6.0	August 2020	154653	<i>Review Stallholder and Street Trading Policy</i>
7.0	July 2021	154842	<i>Current Policy</i>