

## Council Policy – Trading in Public Places

<b>Responsible Directorate</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit/s</b>	Regulatory Services
<b>Responsible Officer</b>	Manager Regulatory Services
<b>Affected Business Unit/s</b>	Regulatory Services

### Objective

The objectives of this policy are to:

- establish the difference between ‘Town Centre’ and ‘Rest of Shire’ areas for the purposes of assessing Traders Permit applications,
- provide clarity and guidance on the preparation and assessment of stallholder/mobile and itinerant trader applications including commercial activities on Shire land,
- 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,
- manage traders in a sustainable way that allows for the ongoing provision of good and services that promotes community vitality and satisfaction,
- avoid the creation of adverse traffic, pedestrian, and public safety conditions, and
- ensure the operation of traders on Shire land or in public places is carried out in accordance with the *Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2013* (the local law).

### Scope

This policy applies to all areas under the control of the Shire.


### Policy Statement

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.

### Fees and Charges

Applications made pursuant to the local law 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 Centre 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/landowner'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 1995* and associated regulations,
- 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 tables with four 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 most 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 Planning, Lands and Heritage is preferred prior to processing the application.

Where the land is privately owned, the written consent of the landowner is required prior to processing the application.

### Trading 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 carpark is restricted to one light vehicle with a trailer,
- Heavy vehicles (anything large 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 5:00am and 10:00pm.

### Definitions

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

**Rest of Shire** means the whole of the Shire 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.

## Relevant policies/documents

National Competition Principles Agreement

## Relevant legislation/local laws

*Local Government Act 1995*

*Shire of Ashburton Activities on Thoroughfares and Public Places and Trading*

*Local Law 2013*

*Food Act 2008*

*Public Health Act 2016*

*Food Act 2008*

*Shire of Ashburton Town Planning Scheme No.7*

*Environment Protection Act 1986*

### Office use only

Relevant delegations				
<b>Council adoption</b>	<b>Date</b>	14 February 2023	<b>Resolution #</b>	019/2023
<b>Reviewed/modified</b>	<b>Date</b>		<b>Resolution #</b>	
<b>Next review due</b>	<b>Date</b>		<b>Resolution #</b>	

## Appendix – Trading Zones - Maps

### TOM PRICE TRADING ZONES



- Open Trading Zone



- Open Trading Zone- Invited

Keys will be required to access green zones from the shire.  
This will help the shire to police the green zones.



- Events

– Bays to be marked and numbered.

More detailed mapping required for event bays.

### Open Trading Zone – Community Centre Car Park





## Open Trading Zone – Village Green Carpark



## Open Trading Zone – Softball Oval



## Open Trading Zone – Clem Thompson Oval



**Note:** The footpath must remain clear for pedestrian traffic in the Clem Thompson Oval Trading Zone.

## Open Trading Zone – Vic Hayton Memorial Pool





## Open Trading Zone – Area W Oval



## Open Trading Zone – Tourist Information Bay





## Open Trading Zone – Dog Park



## Invited Trading Zone – Soccer Field (Clem Thompson Oval)



## OpenTrading Zone – Coles Carpark



## Invited Trading Zone – Softball Oval (Diamond Club)





## Events - Village Green (Bays to be marked and numbered)



## Events - Clem Thompson Oval (Bays to be marked and numbered)







## Tom Price Trading Zones



## PARABURDOO TRADING ZONES



- Open Trading Zone



- Open Trading Zone- Invited

Keys will be required to access green zones from the shire.  
This will help the shire to police the green zones.



- Events  
– Bays to be marked and numbered.

More detailed mapping required for event bays.

## OPEN TRADING ZONE – Peter Sutherland Oval





## OPEN TRADER ZONE – Shopping Precinct



## OPEN TRADING ZONE – Shopping Precinct (Rear Carpark)





## INVITED TRADING ZONES – Peter Sutherland Oval



## INVITED TRADING ZONES- Peter Sutherland Oval



## EVENTS – Peter Sutherland Oval (Bays to be marked and numbered)



## Events- Peter Sutherland Oval (Bays to be marked and numbered)





## Paraburdoo Trading Zones





## ON SLOW TRADING ZONES

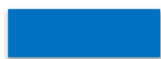


- Open Trading Zone



- Open Trading Zone- Invited

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- Events

– Bays to be marked and numbered.

More detailed mapping required for event bays.

## OPEN TRADING ZONE – Visitor Centre



## OPEN TRADING ZONE – Onslow Foreshore



## OPEN TRADING ZONE – Thalanyji Oval





## OPEN TRADING ZONE – Skate Park

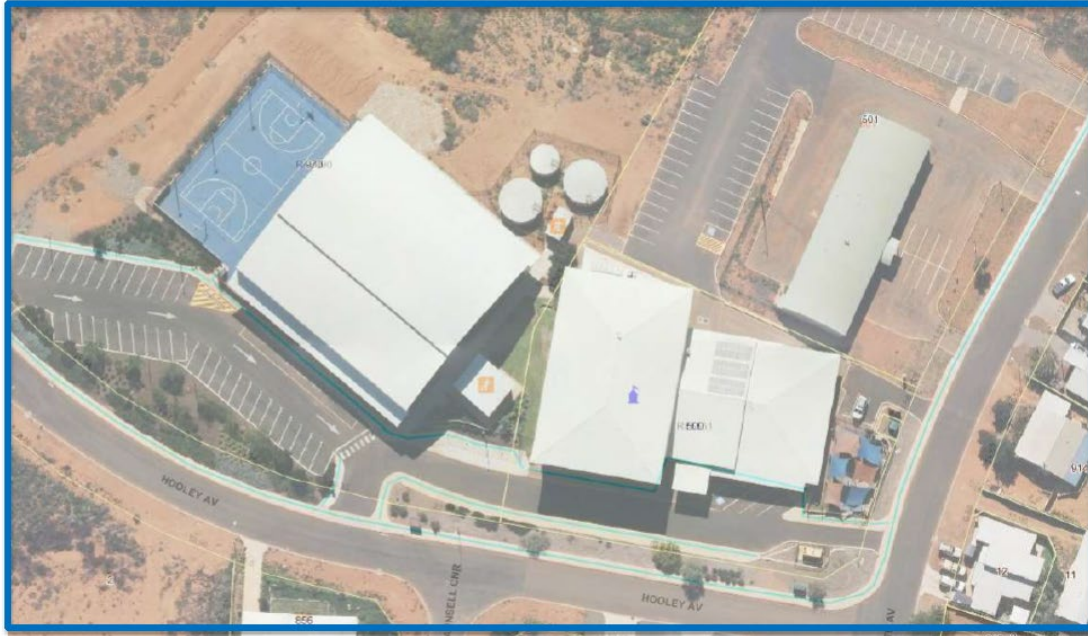


## Events -THALANYJI OVAL(Bays to be marked and numbered) SKATE PARK





## OPEN TRADER ZONE- Multipurpose Center



## ONSLOW TRADING ZONES



# PANNAWONICA TRADING ZONES



- Open Trading Zone



- Open Trading Zone- Invited

Keys will be required to access green zones from the shire.  
This will help the shire to police the green zones.



- Events
  - Bays to be marked and numbered.

More detailed mapping required for event bays.

## OPEN TRADING ZONE – Pannawonica Shopping Precinct





## OPEN TRADER ZONE – Pannawonica Oval



## PANNAWONICA TRADING ZONES

