

STALLHOLDER & STREET TRADING

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1. OBJECTIVE

- 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.

2. APPLICATION

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

This Policy will apply to all stall holders and street 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. PRINCIPLES

3.1 Approved temporary trading locations

Any stallholder who wishes to operate their stall will only be permitted to trade at the following locations:

Karratha

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

Roebourne

8. Roebourne Community Centre Carpark

Point Samson

9. Point Samson Community Hall Carpark
10. Point Samson Viewing Platform Carpark
11. Miller Close Carpark

Wickham

12. Wickham Recreation Precinct Overflow Carpark

Dampier

13. Lions Park, Dampier
14. Dampier Palms
15. Church Road Pullover Carpark

Appendix 1 of this Policy shows the approved trading area for each of the approved trading locations.

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

3.2 Conditions of operation

- A mobile trader shall not operate without first 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 in the Fees and Charges document set by Council for the relevant financial year.
- The City may decide to close approved trading locations to all activities, including trading at any time.
- The maximum number of mobile traders shall be as specified for each location 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.
- Trading shall only occur within the approved trading areas as detailed in Appendix 1.
- The approved trading area for Dreamers Hill is a mobile trading area only. This means that customer parking must occur outside of this approved trading area.
- When issued a day permit this shall permit trading between the hours of 5am – 5pm, and when issued a night permit this shall permit trading between the hours of 5pm – 10pm.

The City will be responsible for allocating which business are issued a day or night permit for each of the designated trading locations. This will be coordinated through a roster system, with applications made to the City on a specified date. The City will arbitrate any disputes and can cancel their trading permit for not adhering to this condition.

The City will not be responsible for the conditions of approved trading locations such as surfacing of the ground, lighting availability or public toilets.

3.3 Approval Requirements

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

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.

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 Council.
- 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.

3.4 Trading at a public event

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.

3.5 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:

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

3.6 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:

- 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.
- Where the applicant intends to employ assistants, a current copy of the business Workers Compensation Insurance.
- Where the stall is a vehicle, trailer or similar apparatus, a current copy of the Third Party Motor Vehicle Insurance.

4. 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.

5. 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.

6. REFERENCES TO 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

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This policy takes effect from the date of adoption by Council and shall remain valid until it is amended or deleted.