

## **Policy Statement, Purpose and Objective**

### **1 POLICY STATEMENT**

The Shire of Ravensthorpe encourages improved retail and hospitality vibrancy that reinforces the positioning of Ravensthorpe as a developing tourism Shire.

The Shire values its local business community and recognises that there are business opportunities that can occur on a temporary basis. The Shire is also committed to promoting small business initiatives in a sustainable and fair manner.

It is recognised that Itinerant Traders can:

- 1.1 Contribute to the vitality of the town;
- 1.2 Provide a safe, efficient and accessible food service at peak times to service increased customer demand beyond the supply capabilities and/or outside operating hours of permanent food outlets;
- 1.3 Provide products and services on a temporary basis not currently on offer;
- 1.4 Provide an opportunity for seasonal products to be provided; and
- 1.5 Activate a particular location or precinct that meets the objectives of the local government.

This Policy is a tool that will provide Council with a framework for the operation and management of itinerant traders within the Shire of Ravensthorpe.

### **2. PURPOSE**

The purpose of this policy is to:

- 2.1 Describe the Shire of Ravensthorpe's commitment and approach to genuine, consistent socio-economic and tourism development, and community engagement in Council's decision-making processes.
- 2.2 Contribute to informed decision making by ensuring the diverse perspectives, experiences, abilities, and aspirations of the community are considered when Council makes decisions.
- 2.3 Strengthen relationships and trust between Council and community by creating opportunities for people to participate and innovate and add to the Shires service offerings.
- 2.4 Provide regulation for the management of public property and the activities that may be conducted on public property that is owned or managed by the Shire.
- 2.5 Align the Shire of Ravensthorpe Council's approach to economic development

with:

2.5.1 The expectations and feedback from the Shire's community.

2.5.2 The requirements and best practice standards of the:

2.5.2.1 Local Government Act 1995.

2.5.2.2 Planning and Development Act 2005.

2.6 Align with, and support the implementation of other Council policies, local laws, frameworks, strategies and action plans.

### 3. OBJECTIVE

The objectives of this policy are:

- 3.1 To facilitate the opportunities for itinerant traders that adds to the public enjoyment and use of the local government area, while not reducing safety or access to public land;
- 3.2 To ensure existing local businesses are not significantly disadvantaged through the approving of itinerant traders; and
- 3.3 To provide a consistent and coordinated process for the assessment of applications for itinerant traders within the municipality.

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## Policy

### 1. SCOPE

The Itinerant Traders Policy is applicable in instances where businesses and/or individuals seek to use public land to operate a business for financial gain where land is owned or controlled by the local government.

This Policy does not apply to the following:

- 1.1 Where a vendor is part of an event, carnival, market, fete or the like (this would require an event permit);
- 1.2 Where the activity is a one-off occurrence such as an opening or open day for a business/premises (this would require an event permit);
- 1.3 Trading from private property strictly under consent of the land owner (food permit still required if selling food and beverage products);
- 1.4 Community health mobile clinics and other government/community like uses; and
- 1.5 A 'produce stall' within private property.

## 2. GENERAL PROVISIONS

- 2.1 All itinerant traders are required to apply for the following permits;
  - 2.1.1 Itinerant Trading on Local Government Property Permit, and
  - 2.1.2 Food Business Registration Application (if food vendor).
- 2.2 Approvals to trade can be granted for periods ranging from 1 day up to 12 months
- 2.3 All Itinerant Traders operating within the Shire must hold a public liability policy of insurance in respect of the activities being undertaken, providing cover of at least \$5,000,000.
- 2.4 No permanent signage may be erected. A Moveable Advertising Sign may only be displayed during the operating times of the business.
- 2.5 Permits will not be issued for itinerant trading within 100m of a competing static business (does not include other itinerant traders) at the same opening times and trading in predominantly similar products unless it is in association with an approved event. For clarity, types of food e.g. pizza, hamburgers, fish and chips are not considered similar products.
- 2.6 The trader is responsible for containment and removal of all waste arising from their operations. The site and surrounds must be maintained in a clean manner with all waste removed and legally disposed of.
- 2.7 Traders may apply for multiple locations however are required to nominate all approved locations, operating days and times and pay for these locations in advance. Multiple bookings that in the opinion of the Shire are designed to exclude other traders can be cancelled at the Shire's absolute discretion.
- 2.8 There are no stipulations on type of food service to be approved at each location however in order to reduce potential conflict the numbers of permitted traders at each approved location will be limited as stipulated for each site nominated below, or at the discretion of the CEO for non-approved locations (excludes one off events).
- 2.9 The Shire will allocate each booking its own space on a first come first served basis and is only confirmed once payment has been received. The Shire will maintain a booking sheet for all approved locations.
- 2.10 Food Vans wishing to operate at specific locations on a more permanent approach greater than 12 months will be considered as per above.

## 3. APPLICATION PROCESS

- 3.1 Applications are to be lodged with the Shire a minimum of 28 days prior to the proposed trading commencement date.
- 3.2 Applications must be submitted on the form provided for this purpose and provide all information necessary for officers to determine whether or not to issue a permit and apply appropriate conditions to the permit.
- 3.3 In the case of food vans, a current copy of your *Food Act 2008* Certificate of Registration (noting the vehicle's internal fit-out must comply with the

requirements of the *Food Regulations 2009* and applicable ASNZ Food Standards Codes) is required. If you do not have a Certificate of Registration a new application needs to be lodged a minimum of 28 days prior to the proposed trading commencement date.

- 3.4 Shire may request additional information in support of the application.
- 3.5 Incomplete applications or delays in providing additional information upon request, may result in delays in the application being processed. This includes failure to pay the required permit application fee or provide evidence of adequate public liability insurance.

Trading may not commence until all required fees are paid in full and the permits are issued.

## **4. WHERE FOOD VANS MAY OPERATE**

### **Approved Locations**

The Shire will nominate approved locations where Itinerant Traders may operate. A town centre approved location are those approved by Council, from time to time, and are within a 500m radius of each town's Post Office within the Shire. Locations outside the town centre may also be nominated as approved locations. Where sites are not approved, or are outside the town centre radius, applications will be assessed and approved on a case-by-case basis, and subject to the conditions stated in this policy, at the discretion of CEO. Preferred locations nominated by the Itinerant Trader will be assessed and approved on a case by case basis and subject to the conditions stipulated within this policy.

### **Itinerant Traders at Markets, Events and Festivals**

Itinerant Traders may only operate at a Market, Event or Festival when they have received the prior consent of the organiser of the Market, Event or Festival. In seeking the prior consent, the Itinerant Trader should provide evidence of current public liability insurance and Food Act Registration (as appropriate).

When a pre-existing booking between the Shire and the itinerant trader conflicts with a festival or one-off event the event will take precedence. In these circumstances if the trader chooses to trade during the event the trader must abide by the event organiser terms and conditions and the agreement between the Shire and trader will be suspended for the period of the event. The Shire will refund or credit to the trader any pre-paid booking fees for the period affected at the end of the booking period.

## **5. POLICY IMPLEMENTATION**

The policy will be implemented by:

- 5.1 The Shire of Ravensthorpe Planning Officer (responsible officer).
- 5.2 Final Application approval will be by the Chief Executive Officer.
- 5.3 When reviewing an application, the responsible officer will:
  - 5.3.1 Apply the relevant legislation, Shire Policies and planning processes;

5.3.2 Where locations outside of those approved form part of the application, prepare an agenda item for Council approval.

## 6. DEFINITIONS AND ABBREVIATIONS

**Approved Location** - The Shire has identified locations from which an Itinerant Trader may trade with appropriate approvals. Trading from these locations may occur independently of a Council approved market, festival or event. Current Shire Approved Locations are;

- Hopetoun - Main Beach Carpark, adjacent to the public toilets (1 site)
- Hopetoun – Veal Street. Shire road verge adjacent to Lot 500, south of the Hopetoun bowls club (up to 2 sites)
- Hopetoun – West Beach carpark (1 site)
- Starvation Bay camp grounds (2 sites)
- Masons Bay Campgrounds (1 site)
- Ravensthorpe Aerodrome (1 site)
- Ravensthorpe Recreation Centre (2 sites)

**Food Van** - Any vehicle, caravan, trailer, table, stall or other similar structure for the purpose of selling or offering for sale any food and or drink (excluding alcoholic beverages).

**Itinerant Trader** – A person or persons, engaged in providing goods and/or services on a temporary basis.

**Moveable Advertising Sign** – Any moveable board, notice, structure, banner or similar device used for the purposes of notifying of a sale, soliciting sales or notifying people of the presence of an adjacent property where goods and services may be obtained. Includes A-Frame signs. This excludes commercial signage mounted on vehicles and/or trailers.

**Public Place** – Includes a reserve, public highway, mall, road street, bridge, footway, footpath, court, alley, passage or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.

## 7. RELATED DOCUMENTS

### 7.1 Legislative requirements

Council will adhere to all legislation that requires Council to give notice, consult or engage with the community in a specific way, including:

- 7.1.1 Local Government Act 1995.
- 7.1.2 Planning and Development Act 2005.
- 7.1.3 Food Act 2008.

### 7.2 Shire of Ravensthorpe policies and procedures

- 7.2.1 LPP2 – Advertising signs;
- 7.2.2 Shire of Ravensthorpe Local Planning Scheme no.6; and
- 7.2.3 Shire of Ravensthorpe Local Planning Strategy.

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