Health Services

Trading on Local Government Property Guidelines – Sole Traders

20/253768

PURPOSE

The purpose of these guidelines is to:

- Provide trading locations, where possible, to local businesses that are registered and reside in the City of Wanneroo.
- Promote vibrancy of the City's public places, provide economic opportunities for small business and develop and enhance the City's cultural and community life.
- Provide consistency and clarity for assessing trading applications in accordance with the provisions of the City's Public Places and Local Government Property Local Law 2015.
- Ensure trading activities compliment or enhance the purpose for which the public property is zoned or reserved.
- Protect residents from activities that pose an amenity, public health or safety risk.
- Prevent unreasonable conflict with the City's permanent retail and service base.

APPLICATION PROCESS

1. Applicant submits an application in accordance with the City of Wanneroo Public Places and Local Government Property Local Law 2015. http://www.wanneroo.wa.gov.au/downloads/download/212/trading_in_public_places

2. Health Services determines if the requested site is on a list of pre-approved trading locations. If the location is listed and a vacancy is available, a trading licence is issued subject to any necessary development approvals being obtained.

1. If the proposed trading location is not pre-approved, an internal referral process is undertaken by Health Services to various internal service units using, but not limited to, the criteria listed in this guideline.

2. If through the internal referral process no objections to the proposed trading application have been received, a trading licence is issued subject to any necessary development approvals being obtained prior.

CRITERIA USED FOR APPROVING TRADING ACTIVITIES

For areas not already approved, an assessment will be carried out by various service units using the following, but not limited to, criteria.

- Due to public safety risks, trading is not permitted in any part of a highway or main road reserve under control of Main Roads Western Australia or the City. This is in line with Main Roads Policy.

- Trading on COW road reserves can only be approved after a safety assessment has been carried out and is deemed safe for traffic to slow down and pull off the road, park without posing a hazard to other vehicles or obstructing line of sight, causing a distraction to drivers and the ability to exit safely.

- Trading vehicles cannot be approved to trade on road reserve car bays unless the servery opening is on the left-hand side of the vehicle away from the street.

- In all circumstances, the purpose for which any public property is zoned or reserved is given priority (for example, the purpose of a car park is for parking of vehicles and the purpose of a reserve or park is recreation). Trading will be allowed if it does not interfere with this intent. Trading applications will only be considered if it complements or enhances the public's use of the area.

- Smaller carparks that are in demand for parking purposes may not be available for trading. Car bays associated with a building are required to have a certain number of bays available for users of the building and may result in no bays being available for trading purposes.

- Trading will only be considered if there is a community need for the proposed trading activity and is not already being provided by permanent existing retail premises selling the same class of goods. Local businesses in areas approved under the City's District Planning Scheme are taken into consideration when assessing trading applications and a minimum setback of 500m from these businesses is required. The setback will be measured from the proposed trading location along relevant roads/footpaths to the nearest constructed part of the retail premise.

  The City will allow trading closer than 500m if the applicant can provide evidence that the permanent business has no objection to the proposed trading location. Trading will also be considered closer than 500m if the proposed trading will be conducted outside the trading hours of the permanent business.

- Trading activities may not be allowed in areas where there are sporting bodies or other not-for-profit organisations selling food and other products to raise funds. Trading is only permitted in these areas as part of the City's Food Truck Program or where invited by the sporting bodies or other not-for-profit organisations.

- Where trading involves the sale of food there must be toilets available for the trader to use as required by the Food Standards Code. Toilets should be located within 90m, or the vehicle is capable of being driven to a toilet without the need to prepare the vehicle for driving. (e.g. reattach a trailer to the vehicle) or provide a written agreement from a landowner within 90m of the trading site to use their facilities.

- The trading vehicle's presentation must contribute to the character and energy of the area and be in neat and tidy condition to the City's satisfaction.

- A limit of one trading activity type allowed per area. Limiting the number of trading types in an area will assist in managing the number of traders in each area so that as many car bays or reserve areas are available for public use as possible. For example, if three car bays are determined to be available for trading in a particular area then these could be utilised by one food van, one coffee van and one dog wash, but not three coffee vans.

- Limit to the number of street charitable fund-raising licences. There is a limit of one license per area and a collection free day required every second day. A licence is restricted to one collector per licence.

- Trailers requiring to be towed by a vehicle are generally not suitable for street or carpark trading. Trailers can be used for trading at events, subject to the organiser's approval.

- Traders utilising a generator to provide power must ensure it does not interfere with the amenity of nearby sensitive land uses such as residential properties. Generators must be the quietest available on the market and in near new condition. The City reserves the right to cancel a trading licence area should noise complaints be received.

- Due to demand for trading areas, the City does not approve areas that cannot be actively utilised. For example, one food van can be approved for half a day in one area and half a day in another. Approval would not be granted for a full day in one area and a full day elsewhere at the same time because it is not possible for a trader to be in two places at once.

EXEMPTIONS FROM LICENCING

All traders must apply for a license as required under the Public Places and Local Government Property Local Law 2015 except in the following situations:

1. Individual Traders at fetes, shows, swap meets operating under an event approval from the City.

2. Anyone teaching, coaching or training for profit, a person or animal on local government property is required to contact the City's Community Facilities for a separate approval.

3. Where a sporting club or other body who has approved use of the City's reserves, they are permitted to invite traders for the purpose of providing refreshments to patrons attending the event without the need to apply for a trading license (e.g. coffee van, ice cream van burgers etc.). Once the sporting event or other event has been completed the vendor must move on and is not to engage in business to the general public without obtaining a license under the City's Local Law.

LICENCE FEES

- Fees are set by Council each year and listed in the City's Fees and Charges Schedule, including:
- Application fee
    - Assessment fee where trading is not proposed in a pre-approved area
    - Annual licence fee
    - Every weekend and public holiday licence fee
    - Per day licence fee
    - Busking licence fee
    - Outdoor dining licence fee

- Where an annual licence fee is required, it is to be initially paid on a pro-rata basis (to the nearest month) to the end of September in that year. Renewal reminders will be sent out prior to the expiry of the licence.

- A trading licence is limited to two trading areas. Additional areas will require an additional licence Trading times in the different areas must not overlap.

- A maximum of two vehicles is permitted per Trading Licence. Additional vehicles require a new licence.

FEE EXEMPTIONS

A licence fee exemption in the City's Fees and Charges Schedule applies to activities run by a not-for-profit, charity or community organisation for fundraising purposes.

FOOD TRADING ACTIVITIES

All Food Traders must comply with the requirements of the *Food Act 2008* in addition to any requirements under the Local Law. The *Food Act 2008* requires that any food premise or food vehicle involved in the handling, preparing, storing or sale of food be approved by the Local Authority and issued with a Registration Certificate. This is achieved by completing the City's Food Act 2008 - Notification and Registration Form. A Trading License cannot be issued unless the food trader provides a copy of the Registration Certificate.