



## H2 – TRADERS AND STALL HOLDERS PERMITS

### OBJECTIVE

The objective of this policy statement is to allow for the operation of trading activities in thoroughfares and public places in such a manner that they do not conflict with or prejudice the Shire's permanent retail and service base, or other normal functions of the towns located within the Shire.

### POLICY

#### All Applications:

1. This section applies to all forms of trading as defined in Part 6 Division 1 Trading in Thoroughfares and Public Places of the Shire of Derby/West Kimberley Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
2. Trading activities should meet a demand for goods and services which is not already met by existing, permanent facilities.
3. Applications to establish trading activities in public places will be subject to the same planning considerations as are applied to applications for the use of private land. Particular attention will be paid to the impact of the proposal on the public environment.
4. Trading activities should be appropriate to the character and functions of the area in which they are proposed to be located.
5. Trading should not take place where the gathering of customers would impede pedestrian or vehicle movements, or cause conflicts with other activities.
6. Trading locations should be readily and safely accessible to potential customers.
7. Where trading is proposed to take place from a unit such as a stall or barrow, the form, design and appearance of that unit should be appropriate to its intended location.
8. Applications to establish trading activities should also comply with the specific requirements of any relevant policy relating to the location and/or type of activity proposed.
9. Where the location or type of activity proposed does not fall within the scope of an adopted policy, the Council may consider the application in the light of the desirability of the proposed activity and its location, and the general circumstances of the case.

#### Trading in Food:

10. In assessing an application for a licence to trade in food, the Council will consider the suitability of the proposed site for that purpose, having particular regard to health requirements and standards or any other matter considered necessary for the satisfactory operation of the activity.
11. The place of trading should have a sealed or graded surface and should be adequately drained.
12. The place of trading should be accessible to service vehicles if appropriate.

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# Shire of Derby / West Kimberley

13. Where trading involves the preparation and cooking of food for sale to the public, the Council will have particular regard to, and may impose conditions relating to:
  - The form and structure of the stall;
  - The provisions to be made for the storage of cooked and uncooked food;
  - The storage and disposal of waste material, for both operators and patrons.
14. Provision of on-site power, if required, will be the responsibility of the operator, and should be to the satisfaction of the Council.
15. The Council may require that a food-trading activity have access to a supply of potable water and/or to a sewer for the disposal of wastewater. Where such conditions are imposed, arrangements for compliance will be the responsibility of the operator, and should be to the satisfaction of the Council

## Enforcement Procedures:

16. The following procedure will be followed in dealing with breaches of the Local Law on Trading in Public Places, or non-compliance with the provisions of licences issued under that Local Law.
  - A verbal warning will be issued, indicating the nature of the infringement. The date, time and nature of the warning and reasons given should be documented.
  - A written warning will be issued, setting out the reasons for the warning being issued, and the actions required to comply.
  - The licence will be revoked, or proceedings initiated, in accordance with Part 10 of the Local Law.
17. Reasonable opportunities should be provided between each step in the process, to permit the person(s) to either comply or otherwise explain the reason for their non-compliance.
18. The CEO may approve non trading activities considered suitable for each area and may place restrictions or conditions on activities when considered necessary.

## ADOPTION OF THIS POLICY

<b>Relevant Legislation:</b>	
<b>Related Documents:</b>	
<b>Related Local Law:</b>	<u>Activities on Thoroughfares and Trading in Thoroughfares and Public Places</u>
<b>Related Policies:</b>	
<b>Last Reviewed:</b>	28.02.2019
<b>Next Review Date:</b>	
<b>Adopted:</b>	28.02.2019

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