

City of Albany
Policy

Trading in Public Places

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Objective

The City of Albany is committed to promoting small business initiatives in a sustainable fair manner and acknowledging the historic use of some of the areas.

The purpose of this policy is;

- To provide direction to City staff in the processing of applications for trading in public places, in accordance with the City of Albany's *"Activities on Thoroughfares and Public Places and Trading Local Law 2011"*.
- To provide a clear set of controls for operators to trade under.

Policy Statements:

The City supports traders operating on a regulated basis to ensure equity and fairness to all business proprietors.

The City's Local Law provides regulation for the management of public property and the activities that may be conducted on public property that is owned or managed by the City, including City halls, car parks, parks and reserves.

This also applies to private property, if being used for public purposes such as fetes and markets.

Assessment of an application considers the proposed location and impact the activity may have on established businesses close by, other traders, traffic flow and the amenities at the desired location.

The City reserves the right to refuse any application for any reason.

A. Trading – General Requirement applicable to all traders;

- All Stallholders and Street Traders (Traders) must ensure that the trading location is kept clean and tidy at all times. The permit holder is responsible for the disposal of all litter associated with the provision of the goods or services and the cleaning of the permit location.
- Traders shall depart from a trading location upon the direction of any person or body, authorised to carry out any works in the street, thoroughfare, local government property or public place in which the trader is situated.
- Traders shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to an event, market, parade, thoroughfare works or any other contingency.
- The City is under no obligation to relocate the trader or stallholder, however, an alternate location may be offered if an appropriate location is available.
- Trading shall only take place in a suitable area with landowner permission and where it does not cause a safety or nuisance concern or in a car parking area/space and complying with local parking restrictions.
- To ensure public safety, trading must be conducted in areas that are serviced by adequate lighting.
- Advertising signs are restricted to the vehicle/stall from which the business is conducted.
- To apply for permission to operate a mobile trading vehicle within the City, the following documentation will be required:
 - A copy of current public liability insurance;
 - A complete application for a trading licence including proposed payment details;
 - and

- If food is sold, a current copy of your *Food Act 2008* Certificate of Registration (noting the vehicles internal fit out must comply with the requirements of the *Food Regulations 2009*, applicable ASNZ Food Standards Codes and the City of Albany Health Local Laws) is required.

B. Trading - Approved Events and Markets:

Subject to approval from event holders:

- If your food business (registered food business and as a stall holder) is based within the City of Albany, no Food stall approval is required to trade at an event or market.
- If your business is located outside of the City of Albany an Application for a Temporary Food Stall Approval will be required (unless proof of appropriate registration in another local government area is provided).

C. Trading – Approved Fixed Locations:

- The City of Albany has identified fixed trading locations where trading may be permitted only by the approved street trader in accordance with their licence.
- A fixed location street trader licence may be issued for a maximum fixed term, the maximum fixed terms for the various sites are contained in annexure A.
- A fixed trading location becomes available for reallocation if the trader ceases trading for a period of six months or advises that they wish to cease trading.
- The City of Albany will call for applications for fixed trading licences prior to when a licence expires or when a trading location becomes available.
- Annual trading site hire fees will be set each year by Council through the budget process and fees may differ depending on the location/desirability of the site (as shown in annexure A). The desirability rating is based on the proximity to the CBD, attractiveness of the locality and/or potential for passing trade.
- Trading licences for these sites are determined at the discretion of the City, on their individual merit and against the following criteria:
 - How the business will benefit the community (i.e. authenticity, unique culinary experience and celebrating local produce);
 - Experience of the street trader (e.g. food van or restaurant that is currently operating);
 - Already in possession of a well-designed and well-maintained vehicle that is aesthetically pleasing and complies with the City's environmental health requirements.
 - Historic use of a specific location by the trader and existing patronage by the community.
 - Risk management plans provided by the street trader.
 - Knowledge of food safety principles.
 - Litter management plan.
 - Marketing plan and social media presence.

D. Trading – Itinerant Varied Locations:

- Traders may apply for a Permit to sell to the public by traveling from place to place throughout the City in accordance with this Policy.

D.1 Trading – Zones:

- **CBD:** Traders are precluded (unless a special permit is approved) from selling within the Albany Regional Business Trading Centre, also known as the Central Business District (CBD), as defined by the local planning scheme and as delineated within the Street Traders Map published by the City.

D.2 Special Permit

Traders may apply for a special permit to trade:

- On Stirling Terrace (east)
 - Friday nights between 10pm and 2am Saturday morning.
 - Saturday nights between 10pm and 12am.
- In the CBD on;
 - Saturdays between: 1 pm and dusk
 - Sundays: All Day during daylight hours:

Trading under this arrangement shall not occur closer than 150 m from any shop open for business and generally offering the same goods for sale.

Please note the City is not obligated to issue any special permits and reserves the right to apply additional conditions of operation.

D.3 Outside the CBD:

Trading is permitted in areas outside of the Albany CBD on condition that:

- It occurs a minimum of 150 metres away from any shop or other permit holder, who is trading at the time and offering a similar product for sale, except when the Trader has been invited onto a property by the property owner/occupier and/or is participating in a special / community event, such as a weekend market or sporting event;
- It occurs a minimum of 150 metres away from a school between the hours of 7.00am and 9.00am and 2:30pm and 4.00pm during school days;
- The trader moves on when all customers at a particular location have been serviced; or
- If parked in a safe location within a public car parking area/space (complying with local parking restrictions and not on a designated fixed trading location) in City of Albany controlled Beach or Park move on within the following maximum daily time limits permitted;
 - 2 hours - < 2 km away from the CBD
 - 4 hours - < 10 km away from the CBD

E. Stallholder

- Approval for stalls, other than stalls which are part of an approved market or extend the service area of an existing business onto the adjacent footpath, will be restricted to community associations.
- A stallholder proposing to operate a food stall, which will offer for sale to the public potentially hazardous food (e.g. sausage sizzles) is required to submit an application for approval (unless proof of appropriate registration is provided) to the City's Environmental Health team.
- All food products that are not for immediate consumption must be labelled in accordance with the relevant food regulations.
- Community associations are exempt from permit fees.

F. Alfresco-Dining

- Operators of alfresco-dining areas are required to hold a permit under the provisions of the [Activities on Thoroughfares and Public Places and Trading Local Law](#), where they are referred to as outdoor eating facilities.
- Applications may only be submitted by proprietors of existing food premises who wish to extend their serving area onto the adjacent footpath (generally) in front of their premises.
- A proprietor granted approval to operate an alfresco dining area is required to indemnify the City in writing against any action taken against the City by a person injured or suffering loss due to the presence of the alfresco-dining area.
- The boundaries of an approved alfresco-dining area are to be marked and maintained by the registered proprietor. Markers can be purchased from the City.
- Tactile directional tiles, removable railings or planter boxes may be required by the City, at the business proprietor's expense, to provide delineation to a dining area for the visually impaired.
- Tables and chairs used in the alfresco-dining area should be designed for commercial outdoor use. Domestic furniture is not permitted, and the furniture must be located within the delineated boundaries of the alfresco-dining area at all times.
- Tables and chairs used in the alfresco-dining area must be located no closer than 600 millimetres from the adjacent kerb to allow passengers to alight from vehicles.
- In addition, a minimum 1800mm clearway for pedestrians must be maintained at all times.
- Only table service will be permitted within an alfresco-dining area.
- No advertising signs, other than the logo or name of the outlet, will be permitted in an alfresco-dining area.

G. Market Operators

- Operators of markets on public land are required to hold a permit under the provisions of the Activities on Thoroughfares and Public Places and Trading Local Law. Please note, Development Approval is required for a Market on private land.
- Individual stalls, other than stalls selling food, are covered by the market operator's licence - individual licencing fees will not be charged.
- Stallholders proposing to operate a food stall, which will offer for sale to the public potentially hazardous food (e.g. sausage sizzles) are required to be registered/hold registration under the provisions of the Food Act 2008.
- All food products that are not for immediate consumption must be labelled in accordance with the relevant health regulations.

Scope

This policy applies to all public land within the City of Albany as well as private land used for public purposes, and all businesses and individuals seeking to use public land to operate a business or for financial gain.

Legislative and Strategic Context

Both the [Food Act 2008](#) and the City's [Activities on Thoroughfares and Public Places and Trading Local Law 2011](#) require street traders to obtain a licence for trading and selling food.

This policy aims to provide direction and guidance for City officers assessing applications and to ensure equity for all commercial outlets.

Review Position and Date

This policy and procedure is to be reviewed by the Document Owner every 5 years.

Associated Documents

Strategies, procedures, references, guidelines or other documents that have a bearing on this policy and that may be useful reference material for users of this policy:

- [Food Act 2008](#)
- [Food Regulations 2009](#)
- [Australia New Zealand Food Standards Code](#)
- *Activities on Thoroughfares and Public Places and Trading Local Law 2011*
- *Local Government Property Local Law 2011*
- *Environmental Protection (Noise) Regulations 1997*
- [National Competition Policy](#): Noting Australia's National Reform Agenda is the successor program to the National Competition Policy. Clause 7 of the [Competition Principles Agreement](#) extended elements of the National Competition Policy reform agenda to local government.

Definitions


Key terms and acronyms used in the policy, and their definitions:

<i>Approved Locations</i>	means locations from which vendors can trade with City approval.
<i>Approved Event</i>	means an event that has been approved under the City of Albany's event approval process.
<i>Community Association</i>	means an organisation which can demonstrate that its objectives are charitable, benevolent, religious, cultural, educational, recreational or sporting.
<i>Food Stalls</i>	means a stall from which any perishable or potentially hazardous food, other than fruit or vegetables, is sold or offered for sale, unless approved by the City of Albany.
<i>Food Van</i>	means any vehicle, caravan, trailer or other similar mobile structure selling or offering for sale any food and or drink (excluding alcoholic beverages).
<i>Itinerant Food Vendor</i>	means a form of Street Trader who sells food from a vehicle parked temporarily on the road to customers who stop them or come to them while they are so parked.
<i>Potentially Hazardous Food</i>	means all prepared or cooked food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, crustaceans, molluscs, gravy, cooked rice and pasta or ingredients capable of supporting the growth of infectious or toxigenic micro-organisms.
<i>Public place</i>	Includes: (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare is on private property; and (b) local government property; but does not include premises on private property from which trading is lawfully conducted under a written law.
<i>Stall</i>	means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire.
<i>Stallholder</i>	means a person in charge of a stall.
<i>Street Trader</i>	means a person who sells food, goods and/or services from a vehicle parked temporarily on the road/public place while they are parked.
<i>Trader's permit</i>	means a permit issued to a street trader.
<i>Trading in public places</i>	refers to long-term or periodic occupation of City controlled land for the purposes of either selling or displaying goods or providing services to customers.


Annexures:


- [Annexure A: Fixed Trading Locations](#)
- [Annexure B: Street Traders Map](#)


Annexure A: Fixed Trading Locations


MIDDLETON BEACH	
Trading Term	5 Years
Desirability	A
	

CENTENNIAL PARK	
Trading Term	5 Years
Desirability	A
	


SANDPATCH	
Trading Term	1 Year
Desirability	C
	

NANARUP BEACH	
Trading Term	1 Year
Desirability	C
	

LAKE WEERLARA PARK	
Trading Term	1 Year
Desirability	B
	

FOUNDATION PARK	
Trading Term	1 Year
Desirability	B
	

GOODE BEACH	
Trading Term	1 Year
Desirability	C
	

'SURFERS' BEACH MIDDLETON	
Trading Term	1 Year
Desirability	A
	

Goods and/or Services (other than food)

There is currently one non-food location, other than leased areas, and is located within the Middleton Beach carpark:

<div>MIDDLETON BEACH</div> <div>Approved location for non-food street trader in the Marked location (1.5 Bays maximum)</div>	
Trading Term	5 Year/s
Desirability	A
 <p>The image is an aerial photograph of the Middleton Beach carpark and surrounding area. The carpark is a large paved area with many parking spaces, some of which are occupied by cars. To the left of the carpark is a residential area with several houses, some of which have numbers on their roofs (e.g., 1, 15, 3, 2, 13, 5, 4, 1, 2, 3, 655, 0, 14, 0). To the right of the carpark is a grassy area with trees and a small body of water. A yellow box is drawn on the carpark, indicating a specific location for a trader. The box is labeled 'Trader location (as marked)'.</p>	

Annexure B: Street Traders Map

