

COUNCIL POLICY

Local Planning Policy – Trading in Public Places

Policy No:	8.10
Policy Subject:	Local Planning Policy – Trading in Public Places
Purpose:	The purpose of this Policy is to provide direction to public traders and Shire staff in the processing of applications for trading in public places, in accordance with the Shire’s Trading in Public Places Local Law.

Scope

This policy applies to trading in public places and includes **fixed locations, market operators** and **alfresco dining**.

Note: This Policy does not apply to trading proposals on private land.

Objectives

The objectives of this policy are as follows:

- Locate traders in suitable public places, considerate of the commercial needs of established shops.
- To provide a clear set of controls for operators to trade under.

Fixed Location Trading

1. Fixed location trading may only be permitted for a maximum of two years, at locations defined in accordance with 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.
2. Traders must ensure that the trading location is always kept clean and tidy.
 - 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 must provide adequately sized bins for patrons’ and business use and remove all rubbish from the approved location at the end of trade.
3. 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.
4. Traders are to display the permit at all times while trading.
5. Traders shall not have any claim for compensation or damages because of any disruption to business.
6. Should trading be proposed during hours of darkness, adequate lighting is to be provided.

7. Two advertising signs are permitted at the location from which the business is conducted and shall not exceed 500mm in height nor 0.5 square metres in area. Signs are not to cause a nuisance or safety concern to pedestrians or vehicles. No permanent signage will be permitted in a public place.
8. Associated fixtures such as tables and chairs may be provided on-site at the discretion of the Shire.

Alfresco-Dining

1. Applications for alfresco dining may only be submitted by proprietors of existing food premises who wish to extend their service area onto the adjacent footpath in front of their premises.
2. A proprietor approved to operate an alfresco dining area is required to indemnify the Shire in writing against any action taken against the Shire by a person injured or suffering loss due to the presence of the alfresco dining area.
3. The boundaries of an approved alfresco dining area are to be marked and maintained by the registered proprietor. Tactile directional tiles, removable railings or planter boxes may be required by the Shire, at the business proprietor's expense, to provide delineation to a dining area for the visually impaired.
4. 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.
5. A minimum 1800mm unobstructed thoroughfare is always maintained for pedestrians.
6. All patrons and furniture must remain within the delineated boundaries of the alfresco dining area. Tables, chairs and other furniture associated with the alfresco dining facility should generally be removable and stored inside the premises following the close of business. More permanent furniture may be permitted subject to a development application and building permit (if required).
7. Two advertising signs are permitted at the location from which the business is conducted and shall not exceed 500mm in height nor 0.5 square metres in area. Signs are not to cause a nuisance or safety concern to pedestrians or vehicles. No permanent signage will be permitted in a public place.

Market Operators

1. Individual stalls operating at a market, other than stalls selling food, are covered by the market operator's licence - individual licencing fees will not be charged.
2. 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 under the provisions of the Food Act 2008.
3. All food products that are not for immediate consumption must be labelled in accordance with the relevant health regulations.

Application Requirements:

1. Fixed location traders, Alfresco Dining and market operators, require a permit in accordance with the Shires Trading in Public Places Local Law.

2. Complete a Permit Application and fee payment.
3. Include a cover letter explaining the proposal:
 - Proposed location
 - Details of goods/services sold
 - Expected hours of operation
 - Statement against the relevant provisions of this Policy (including how the application is consistent with community interest)
4. Include a Management Plan detailing the following information:
 - Details as to how amenity of the public place(s) will be maintained
 - Details as to how the potential for public nuisance will be minimised
 - Details on waste generation and method(s) for ensuring location/s remains clean, tidy and free of litter
 - Details on the provision of power, water, gas or other servicing requirements
 - Any other information deemed relevant by the Shire of Katanning
5. Include details of the vehicle and trailer (if relevant) to be used in the proposed operation (photo's), as well as a site plan detailing where the vehicle/trailer will be stored when not in operation.
6. Include a copy of current public liability insurance to the value of \$20 million.
7. If food is sold, include 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 Shire of Katanning Health Local Laws) is required.

Definitions

- **Approved Location** means a location from which vendors can trade with Shire approval.
- **Approved Event** means a Shire of Katanning event that has been approved under the Shire's approval process.
- **Food Stall** means a stall from which any perishable or potentially hazardous food (other than fruit or vegetables), is sold or offered for sale.
- **Food Van** means any vehicle, caravan, trailer or other similar mobile structure selling or offering for sale any food and/or drink (excluding alcoholic beverages).
- **Market** means premises used for the display and sale of goods from stalls, food vans or similar by independent vendors.
- **Potentially Hazardous Food** 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.
- **Public Place** includes:
 - Any thoroughfare or place which the public is allowed to use whether or not the thoroughfare is on private property.
 - Local government property.

- But it does not include premises on private property from which trading is lawfully conducted under a written law.
- **Stall** 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.
- **Stallholder** means a person in charge of a stall.
- **Trader** means businesses or individuals seeking to use public land to operate a business or for financial gain.
- **Trader's Permit** means a person who sells food, goods and/or services from a vehicle parked temporarily on the road/public place while they are parked.
- **Trading in Public Places** refers to the long-term or periodic occupation of Shire-controlled land for the purposes of either selling or displaying goods or providing services to customers.

Legislation:

- 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

Resolution No: OC/162/25

Resolution Date: 25 November 2025

Amended:

Source: Infrastructure and Assets

Date of review: Bi-annually

Review Responsibility: Chief Executive Officer

Permit Application Form

Application to conduct a street stall or other structure for the purposes of trading in a public place.

To the Chief Executive Officer, Shire of Katanning

I / we:

.....

(full name of applicant/s)

Of:

.....

(Residential address of applicant/s)

Business Name (as applicable):

ABN:

Applicant to produce a Certificate of Currency for public liability certificate to the value of \$20,000,000.
(Copy of Public Liability Policy to be attached)

Type of structure (stall / van/ vehicle)

.....

Location where the trader is to trade (address of location)

.....

Registration number of vehicle:

Number of trading days:

Trading dates of permit sought:

The permit holder indemnifies the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

..... Date

(signature of applicant)

Fees


Permit Application Fee: \$130.00 per annum

Licence Fee Including Vans: \$17.50 p/day

Licence Fee Including Vans: \$115.00 p/week

Licence Fee Including Vans: \$300.00 p/year

Annexure A: Fixed Trading Locations

LOCATION 1 – Corner Arbour St and Aberdeen St	
Trading Term	2 Years
Special Conditions	<ul style="list-style-type: none"> • Operating hours limited from 6.30am to 6.30pm • Max two vans, one at each location shown • Vans located to allow for safe traffic movement throughout
	

LOCATION 2 – Tourist/Caravan Rest Parking Area – Aberdeen St

Trading Term

2 Years

Special Conditions

- Operating hours limited from 8am – 6pm
- Max one van at any one time
- Van located to allow for safe traffic movement throughout



LOCATION 3 – Corner of Bokarup St and Austral Tce

Trading Term

2 Years

Special Conditions

- Operating hours limited from 6am – 6pm
- Max two vans at any one time – one at each site identified by figure
- Vans located to allow for safe traffic movement throughout



LOCATION 4 – Lions Park

Trading Term

2 Years

Special Conditions

- Operating hours limited from 9am – 5pm
- Max three vans at any one time



LOCATION 5 – Piesse Park

Trading Term

2 Years

Special Conditions

- Operating hours limited from 9am – 5pm
- Max two vans at any one time – one at each site identified by figure

