



SHIRE OF DENMARK

Discover Denmark

INVITATION FOR EXPRESSIONS OF INTEREST & COMMENTS REGARDING

Mobile Food Van Opportunities on Council Land

Council is seeking expressions of interest from interested and motivated persons regarding several food van sites on Council controlled land and comments from the wider community and interested persons or organisations regarding its proposed "Trading in Public Places Policy" which related to food vans.

Potentially the available sites include Visitors Centre Car Park, Rivermouth (Smith Brothers Park), Lights Beach, Parry Beach, Peaceful Bay Sea Rescue Precinct (proposed trailer park), Nornalup (Settlers Park), and the William Bay Car Park.

Details of these locations and the proposed policy can be viewed at the Shire Office, on the Denmark Library Notice Board and the public notices section of Councils website – www.denmark.wa.gov.au

Submissions for trading opportunities must detail the nature of the food service/s being offered, the trading hours and season that is proposed, any community benefits that the trading will provide and how much the trader is prepared to pay per year for the opportunity to trade on their preferred site.

Comments on the proposed policy and applications must be in writing (fax or email is accepted) addressed to the undersigned and received by 4.00pm, Wednesday, 22 October 2014.

For further information please contact Gregg Harwood – Director of Community & Regulatory Services on telephone 98480300 or enquiries@denmark.wa.gov.au

for Dale Stewart

Chief Executive Officer

PO Box 183, Denmark WA 6333

Telephone: (08) 9848 0300 Fax: (08) 98481985

Email: enquiries@denmark.wa.gov.au Web: www.denmark.wa.gov.au





Proposed Shire of Denmark Trading in Public Places Policy: September 2014

“Principles supporting the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law

Objectives

1. To facilitate approval of Trading Licences using public places, as defined below and therefore reducing administrative matters being placed on Council.
2. To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues.
3. Maintain equity in the regulation of trading in public places by promoting fairness and certainty to traders and the community.
4. Protect the financial interest of ratepayers through appropriate management of traders in public places and to support the development and retention of local small business within the Shire of Denmark.

Policy

Trading in public places allows for a variety of activities to either sell, offering for sale or hire goods and wares to the public. Before a licence can be considered, it is necessary to assess the proposed location and the impact it may have on other traders, traffic flow, pedestrians, the community and also if the proposal is likely to have a detrimental effect on established businesses currently selling the same or similar produce or services close by.

Given the many unique forms and locations of products for trade proposed to the Shire of Denmark, all applications for a Trading Licence are to be lodged and will be assessed in conjunction with the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law. In addition to this, the application will be assessed on their individual merits and the information supplied in the application, in line with but not limited to the following:

1. Applications for general Trading at an eligible trading location will be widely advertised in the local media at least three months prior to the renewal of a license based on the following principles;
 - A trading location is defined in the attached table.
 - Trading Licences will be limited to a period of no more than two (2) years.
 - The Shire will assess applications for Trading Licences for commercial activities with reference to the Local Law and the criteria set out in this Policy.
2. Applications for trading are to be accompanied by a supporting statement of the land owner and/or occupier on which the trading activity is to occur (unless the landowner is the Shire of Denmark).
3. The Shire of Denmark will assess the suitability of proposed Trading activities utilising local government owned or management land. This assessment will consider the consistency of the proposed activity with the land use and vesting of the parcel of land or any management order that is attached to the parcel of land.



4. Except in the case of an event approved in accordance with the Shire of Denmark Events, Concerts & Other Organised Gatherings Policy, events held on Local Government property and public places, only one Trading Licence will be approved for a trading location at any one time.
5. A Trader must not attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the Trader. In determining an application, Officers of the Council may contact the Denmark Chamber of Commerce (Inc.) and / or identified nearby business proprietors to ascertain whether goods offered for sale may compete with existing nearby businesses and / or whether they wish to object to the proposal.
6. Traders are not permitted to sell offensive, illegal, prohibited, counterfeit or unauthorised goods including goods bearing trademarks for which the Trader does not have a license to sell.
7. Where a time restriction will be specified, the Trader must be removed from the prescribed locations within 15 minutes of closure and the area surrounding the Trader must be left in a clean and litter free condition.
8. Traders must comply with any lawful direction given by a Shire of Denmark Authorised Officer.
9. Subject to approval from the land owner and existing business, trading may be undertaken in car parking areas outside hours of operation of the existing business. Should the use of the premises and hours of trade alter, the Trading Licensee will be required to notify the Shire of Denmark and apply for an amendment to the Trading Licence.
10. All Trading Licence applications and renewals will be considered by the Shire of Denmark in accordance with, but not limited to, the following –
 - Stationary trading must only occur on a hard stand areas;
 - Except in the case of mobile traders, for example, ice cream vans, the use of Shire of Denmark road reserves will not be permitted for trading unless it can be shown not to adversely impact on traffic movement.
 - The licensee will be responsible for any damage to Shire property from the trading activity or customers of the trading activity.
 - Trading must not impede traffic flow or cause a traffic hazard or pose a danger to the safety of the general public.
 - Trading must not prevent access to pedestrian foot paths.
 - Reference to complaints of performance from previous years at the site or other sites.
 - No tables, chairs or the like are to be provided by the licensee that impede or block footpaths or car park bays.
 - Where food is proposed to be sold, the vehicle, stall or place of trading must notify/register in accordance with the Food Act 2008 and associated Regulations;
 - Operators of mobile trading vehicles shall not create any noise or disturbance that is likely to cause a nuisance to any person in the vicinity of the mobile trader.
 - Applicant must provide written approval from the relevant event organiser when

**Public Place Trading Policy Open For Public Comment & Trading on
Public Land Applications Closing 4.00pm, Wednesday, 22 October 2014**



- submitting an application for a Trading Licence in relation to an event.
- Traders must obtain their own public liability insurance to the minimum value of \$10,000,000 as they will not be covered by the Shire of Denmark's insurance policy.
 - Traders must not connect to or utilise any Shire of Denmark utilities without prior approval and an additional charge.

Should the application for trading be considered unsuitable by the officers of the Shire of Denmark in accordance with legislation and the above conditions, or any other condition applicable to the application, the application will be referred to Council for their consideration as to the suitability of the activity in the community.

All applicants for Trading Licences are to be advised of their right to object to a decision of Local Government. In accordance with section 9.4 of the Local Government Act 1995, such a person may object to a decision of local government and lodge an appeal to the decision by lodging an objection within 28 days of the decision."

Itinerant Trading Locations in the Shire of Denmark					
Potential Itinerant Trading (Annual or Biennial) Sites	Proximity to Existing Shop (that may sell a similar product)	Comments	Current Approvals / Conditions	Predicted or Likely Usage	Suitability / Opportunity for Number of Trading Bays
Berridge Park	Less than 300m	Immediately adjacent the CBD	Ice creams and cool drinks	Market Days, identified event days and summer / seasonal	Single car plus trailer or van or utility
Visitors Centre Carpark	Less than 300m	Immediately adjacent the CBD and future Supermarket	Seasonal fresh produce & Fish Van	Summer / seasonal	Single car plus trailer or van or utility
Rivermouth (Smith Bros Park)	Less than 300m		Bike Hire, Canoe and Kayak hire allied to adjoining leased property	Throughout the year	Limited access to grass areas – suitable whilst allied to existing adjoining Shop
Lights Beach	Greater than 300m	Lights Beach Tearooms have closed down but are greater than 300m	Nil	Summer / seasonal	Single car plus trailer or van or utility
Parry Beach	Greater than	No perceived	Fish Van	Summer / seasonal	Single car plus trailer or

**Public Place Trading Policy Open For Public Comment & Trading on
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	300m	conflict			van or utility
Peaceful Bay Swimming Beach Carpark	Less than 300m	Peaceful Bay Caravan Park Shop is adjacent	Nil	Summer / seasonal	Single car plus trailer or van or utility
Peaceful Bay proposed Trailer Park	Greater than 300m	Peaceful Bay Caravan Shop is greater than 300m	Nil	Summer / seasonal	Single car plus trailer or van or utility
Nornalup (Settlers Park)	Greater than 300m	Nornalup Tearooms has closed down but does not normally provide takeaways	Nil	Summer / seasonal	Single car plus trailer or van or utility
William Bay Car Park	Greater than 300m	No perceived conflict	Ice creams and cool drinks	Summer / seasonal	Single car plus trailer or van or utility
Other Areas not being within a Road Reserve (and greater than 300m from a Shop offering food or drink)	Greater than 300m ?	As requested and considered in context of the Local Law and any governing Policies of Council			

Advice to Persons Considering Making Submissions:

Submissions for trading opportunities must detail the nature of the food service/s being offered, the trading hours and season that is proposed, any community benefits that the trading will provide and how much the trader is prepared to pay per year for the opportunity to trade on their preferred site.

Comments on the proposed policy and applications for trading opportunities must be in writing (fax or email is accepted) addressed to the undersigned and received by 4.00pm, Wednesday, 22 October 2014.

For further information please contact Gregg Harwood – Director of Community & Regulatory Services on telephone 98480300 or enquiries@denmark.wa.gov.au



SHIRE OF DENMARK

Discover Denmark

EXPRESSION OF INTEREST FORM

Mobile Food Van Opportunities on Council Land

Council is seeking Expressions of interest from interested traders regarding its proposed "Trading in Public Places Policy" which relates to food vans.

Potentially the available sites include Visitors Centre Car Park, Rivermouth (Smith Brothers Park), Lights Beach, Parry Beach, Peaceful Bay Sea Rescue Precinct (proposed trailer park), Nornalup (Settlers Park), and the William Bay Car Park.

Details of these locations and the proposed policy can be viewed at the Shire Office, on the Denmark Library Notice Board and the public notices section of Councils website – www.denmark.wa.gov.au

Expressions of interest for proposed sites under this policy and must be in writing (fax or email is accepted) and can be made using this form or in a separate letter addressed to the undersigned and received by 4.00pm, Wednesday, 22 October 2014.

Name: _____

Address: _____

Phone: _____ Fax (if any): _____

Business Name (if any): _____

Preferred Location: _____

Second choice location (if any): _____

Third choice location (if any): _____

Forth choice location (if any): _____

Type of Vehicle: _____

Type of Food Service: _____

Are they locally grown or sourced? _____

Length of anticipated peak season trading and the hours of the day and days of the week that the trading will take place?

Details of anticipated off season trading and the hours of the day and days of the week that the trading will take place?

Details of what anticipated community benefits your trading will bring to your desired location(s)?

Details of Previous Experience (if any): _____

From: admin@denmarkrivermouthcaravanpark.com.au
To: [Gregg Harwood](#)
Subject: Food Vender
Date: Friday, 3 October 2014 9:33:27 AM

Good Morning Gregg,

Thank you for your support.

The Denmark Rivermouth Caravan Park sells pre-packaged food and fresh coffee to caravan clientele and general public. We will be applying to the council to extend our office and provided a facility for service of Fish and chips to enhance the area. We feel a mobile food van at the Rivermouth Caravan Park or Smith Brothers Park would be in direct conflict to all the work we have put in to the area for the previous 11 years.

Kind regards
Noel Phillips
Denmark Rivermouth Caravan Park

2. William Bay Car Park. \$525.00

We have found parking in the center of the William Bay car park preferable to a park bay, as it creates a circular flow of traffic. In the 27yrs we have been trading here we have not had or have not caused any damage to our own or any other vehicle.

Vans have on board generators we don't need extra space for a trailer.

We carry a Public Liability of \$20,000,000.00

Hoping our application is successful as we look forward to again serving the Denmark Community and Tourist to our town.

Yours Faithfully

JF & YM Sharpe

JF Sharpe

YM Sharpe

Handwritten signatures of JF Sharpe and YM Sharpe. The signature for JF Sharpe is written above the signature for YM Sharpe.

HLTH-4

Shire Of Denmark
ICR141029390

22 OCT 2014

CH	
COUNCILLORS	
CEO	
DIR of FINANCE	
DIR of PLANNING	
DIR of INFRASTRUCTURE	
DIR of COMMUNITY	<input checked="" type="checkbox"/>
OTHER	

Attention

Mr. Gregg Harwood,
Director of Community Regularity, Shire of Denmark
DENMARK 6333.

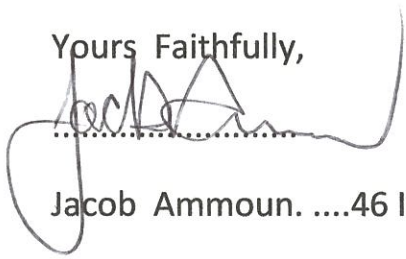
Dear Sir,

Thank you for your communication re Mobile Food Van Opportunities on Council Land.

I wish to submit the following information for consideration by the Council.

- (1) Preference of Site Rivermouth (Smith Bros. Park)
- (2) Nature of Food Service..... Kebabs
- (3) Trading Hours.....Weekends, 11am. To 3pm.
- (4) Community benefits.....Providing wholesome food.
- (5) Season that is proposed..... Spring to Autumn.
- (6) How much trader is prepared to pay per year on preferred Site.....As little as possible.

Yours Faithfully,



PH: 0457058670

Jacob Ammoun.46 Inlet Drive, ... Denmark.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Peaceful Bay Caravan Park [REDACTED]
Sent: Thursday, 23 October 2014 2:19 PM
To: Dale Stewart
Subject: Opposition to mobile food vans

Hi Dale,

The Idea of having any more mobile food vans in the Denmark Shire is completely ridiculous.

Established businesses with in the shire rely on the income generated during the Summer influx of tourists to survive the winter. Existing businesses employ local people which helps the local economy. I don't see how offering up tourist hotspots to itinerant food vans is going to be a positive step for the local economy. They won't create any local employment opportunities and unless they're local operators they will drain funds from the local economy.

Have shire staff members been out to Peaceful Bay on a fine day during the peak season and seen the beach and car park full with cars and boat trailers. The car park gets so full people are forced to park along the roadside all the way down to the war memorial to access the beach. The addition of a food van will further exacerbate this problem.

At Peaceful Bay Caravan Park we are open 364 days of the year. We bleed quite heavily staying open during the winter months to provide essential services like mail delivery for our local community and provide year round employment for local employees. We direct the few tourist that stay at our caravan park to other fixed businesses who are also doing it tough during the winter months. We are also members of volunteer emergency service organisations and support local community events. I can't see a mobile food van operator doing any of this.

The worst part about the introduction of more mobile food vans is; it will make it harder for people to set up new, fixed, year round business ventures in the Denmark Shire as they will be competing with a parasite that enjoys the luxury of operating during the Summer months and disappearing during the Winter.

Kind Regards,

Ryan Phillips

Peaceful Bay Caravan Park

Ph: 08 9840 8060

Fax: 08 9840 8282

Email: info@peacefulbaywa.com.au

Web: www.peacefulbaywa.com.au

PEACEFUL BAY PROGRESS ASSOCIATION INC
Peaceful Bay WA 6333



22 October 2014

Shire of Denmark
PO Box 183
Denmark WA 6333

ATTN – Dale Stewart

RE – Invitation For Expressions Of Interest & Comments Regarding Mobile Food Van Opportunities
On Council Land

Dear Dale

The Peaceful Bay Progress Association wish to express opposition to the potential operation of an Itinerant Food Van at the Peaceful Bay Sea Rescue Precinct (proposed trailer park). The PBPA believes itinerant food vans compete unfairly with local businesses who may struggle financially through the quiet winter months and rely on increased trade during the busy tourists season.

Although the Association acknowledges there can be healthy competition between small businesses, the Association feels the negative impacts outweigh the positives.

Yours faithfully

Emma Holland
Secretary

Peaceful Bay Progress Association
secretary@peacefulbayprogress.org.au