Trading in Public Places Policy

Policy Statement

The objective of this policy is to provide a clear, supportive and consistent framework that enables businesses to trade successfully in public places, creating opportunities for growth, innovation and community engagement while ensuring well-managed public spaces. The focus is on delivering a licensing system that is proportional to the risk involved in committing public spaces to commercial activity.

- Trading in public places should enrich community life, support local business vitality and tourism, and contribute positively to the activation and character of public spaces while not unfairly competing with existing 'bricks and mortar' businesses.
- Trading must protect the safe, enjoyable and shared use of public places by the community, avoiding hazards, conflicts with pedestrians or vehicles and adverse impacts on local amenity.
- Public places are shared assets, and trading opportunities must be allocated fairly, transparently, and consistently, without creating unreasonable disadvantages for nearby established businesses or excessive administrative burden for applicants who want occasional use of public spaces.
- Trading should respect natural areas, flora and fauna, and demonstrate sensitivity to cultural and heritage values. Activities must align with the purpose, vesting and environmental constraints of public land.
- Trading arrangements should be adaptable to seasonal conditions, site suitability, performance history and community needs, with regular review to maintain effectiveness and relevance.

Policy Scope

This policy applies to all public land within the Shire of Denmark and all businesses and individuals seeking to use public land to operate a business or for financial gain.

This policy does not apply to traders who wish to trade on privately owned land. Proposals to use private land will generally require a development application.

This policy does not apply to events, approved outdoor eating facilities, markets or buskers/street entertainers. For the purposes of this policy, events, and as determined in the WA government guidelines for concerts, events, and organised gatherings, an event is a gathering of people brought together for a common purpose by some prearrangement. The event may be of a temporary nature or a recurring event.

Definitions

Designated Trading Site means a pre-determined site for Fixed or Occasional Trading.

Event is a gathering of people brought together for a common purpose by some prearrangement. The event may be of a temporary nature or a recurring event.

Fixed Trading means trading that operates from a particular location for a fixed period of time.

Occasional Trading - refers to intermittent or irregular commercial trading in public places. It includes activities that occur sporadically, seasonally, or on a limited number of days throughout the year.

Low Impact Trading means a trading activity that has minimal effect on public spaces, surrounding land uses, amenities, and community access. It generally involves small-scale, short-duration or infrequent operations that:

- require little to no fixed infrastructure;
- do not significantly alter or obstruct public areas, pedestrian movement, or vehicle access;
- generate minimal noise, waste, or visual impact;
- present low risk to public safety; and
- integrate easily into a reserve, park, or public place without adversely affecting its intended purpose or enjoyment.

Policy

Trading activities can generally be classified as:

Activity Type	Key Characteristics	Application Process
Fixed Trading	• Operate from a specific, approved location • Trading occurs on a consistent schedule (e.g., daily, weekly, seasonally) • Activities may involve the preparation, handling, or sale of food or beverages, requiring compliance with relevant food safety legislation. Traders must meet all obligations under the Food Act, Food Regulations, and Australian Food Safety Standards • The trader is expected to maintain regular trading activity from the site, supporting predictable service availability and public expectations.	An invitation through an Expression of Interest process is opened every 2 years. Applications are assessed against a weighted set of criteria by suitably qualified Shire Officers and approved by the CEO. Application Fee applies Annual Licence fee applies
Occasional Trading	• Trading occurs sporadically, seasonally, or on a limited number of days per year. • Often linked to peak visitation periods, weekends, holidays, or specific days when community demand is higher. • Any one trading period can be no longer than 3 days (72 hours)	Rolling applications are accepted year-round through the online process. Applications are assessed by a Shire Officer using simple, low-burden suitability criteria.

Activity Type	Key Characteristics	Application Process
	• Traders do not have an allocated permanent location, but specific sites are identified as to where trading can occur. • Access to sites is not guaranteed and is managed through a booking system administered by the Shire. • Mobile setups are temporary and must be fully removed at the end of each approved trading period. • Trading is not tied to a specific, organised event.	A licence to trade will be issued where the requested site is available. Fees are charged on a per-day basis, in accordance with the Shire's Fees and Charges Schedule.
Low Impact Trading	• The trading activity may involve movement or progression through a number of Shire-managed areas (e.g., tours, guided walks, bike tours) or use of park areas. • Traders typically carry minimal equipment and do not establish any fixed infrastructure, stall, or display in public spaces. • Activity may be frequent, seasonal, or occasional	No licence is required if 10 or fewer people (at anyone time) are involved in the activity and the appropriate insurance is in place. A licence is required where 11 or more people (at any one time) are involved. Where a licence is required the following applies: Rolling applications are accepted year-round through the online process. Applications are assessed by a Shire Officer using simple, low-burden suitability criteria, including suitability, safety, environmental considerations, and impact on public access. Where a licence is required, a flat annual or seasonal fee applies, as set out in the Fees and Charges Schedule.
Alfresco Dining and Trading	• The trading area is located immediately adjacent to the business frontage and does not extend to the opposite side of the footpath. • The alfresco trading activity is related to the business activity carried out in the premises.	No licence is required Where these requirements cannot be met, a separate alfresco dining licence or approval will be required.

Activity Type	Key Characteristics	Application Process
	• A minimum clear and unobstructed pedestrian footpath width of 2.0 metres is maintained at all times. • The alfresco dining area does not obstruct access to adjoining properties, building entries, public utilities, or street infrastructure. • All furniture, fixtures, and activities associated with the alfresco dining area remain within the area adjoining the premises.	

Fixed and Occasional Trading – Designated Sites

The Shire will designate locations for fixed and occasional trading. The existence of these sites does not limit the Shire's ability to authorise one-off trading at other Shire reserves or public places, provided the proposed activity is appropriate for the site and meets relevant assessment criteria.

While the general presumption is to limit the creation of new fixed sites, any application for a site other than those listed in this policy will be duly considered, generally in exceptional circumstances. Any proposed location will be assessed against the objectives of this policy, as well as its purpose and suitability. Approval of a new trading location may require an amendment to this policy.

In considering suitable locations for Fixed or Occasional Trading, the Council has established that all sites must:

- Be located on a hard-stand area, ensuring durability, accessibility, and reduced environmental impact.
- Provide safe pedestrian and vehicle access, maintaining clear movement paths and sightlines.
- Not impede public enjoyment of parks, reserves, beaches, or foreshore areas, including access to amenities and open space.
- Be compatible with the designated purpose and function of the reserve or public place, ensuring trading activities align with intended land use and community expectations.

Designates sites are provided in Appendix A

Care of Site

For all trading, irrespective of licence requirements, the following provisions shall be adhered to where relevant:

- Keeps the site clean, orderly, and safe at all times.
- Removes from the site all infrastructure and equipment associated with trading activity at the end of each trading day.

- Is responsible for collecting and properly disposing of all waste generated by their goods or services.
- Does not discharge wastewater, solid waste, or any other pollutant onto the ground, into vegetation, or allow it to enter the stormwater drainage system.
- Does not obstruct, cover, damage, relocate, remove, or modify any Shire-owned infrastructure, including trees and landscaping, public art, signs, benches, bins, bus shelters, footpaths, roads, or any other public assets.
- Is not entitled to compensation or damages for any business disruption or loss arising from events, markets, parades, road or thoroughfare works, or any other unforeseen circumstances.
- Must vacate the trading location immediately upon the direction of any authorised person or body.

Where a licence is required, the relevant conditions will be applied to the licence.

Application Process

<u>Fixed Trading</u>

Applications for all fixed trading licences will be publicly invited through an expression-of-interest process every two years. The timeframe and process will be widely advertised in local media and on the Shire's website at least three months before the renewal date for fixed trading sites. Positive weighting will be applied to renewal applications from businesses that have fully complied with all conditions of their previous licence agreement.

To apply for a licence to operate as a trader within the Shire of Denmark, applicants must complete the required application form, as detailed in the Licence Guidelines. All applications for a trading licence will be assessed in conjunction with the Shire of Denmark *Public Places and Local Government Property Local Law 2026*.

Multiple businesses may apply for shared use of a designated trading site, provided the applicants agree on their shared-use arrangements before submitting a joint application. Only one licence fee applies to the shared site, and each participating business must comply jointly and individually with all licence conditions.

Fixed trading sites are assigned as Tier 1 or Tier 2. Tier 1 sites are considered premium sites due to their high tourism exposure, pedestrian volumes, strategic importance, and intensity of demand.

All approved licences will be shown on a site map on the Shire's website, allowing the community and prospective applicants to identify which fixed trading sites are currently vacant. The Shire may, at its discretion, also accept applications at any time for any fixed trading site that does not have an existing licence holder.

<u>Occasional or Low Impact Trading</u>

The Shire adopts a risk-based approach to the assessment of occasional and low-impact trading activities, recognising these activities as generally low risk. Accordingly, a streamlined application process will be used to support efficient licensing for businesses and community groups. Applications must be submitted online and include completion of a self-assessment checklist, which is provided to the Shire to inform its risk-based assessment.

Fees and Charges

Application and Licence fees for the use of Shire land will be charged in accordance with the Fees and Charges Schedule, as adopted and reviewed annually by Council.

Transition arrangements

Until an Expression of Interest process is introduced, holders of fixed trading licences will continue to operate under the existing arrangements and renew their licences annually.

Reference Documents

Shire of Denmark Public Places and Local Government Property Local Law 2025

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Document Responsibilities:					
Owner:	Chief Executive Officer		**Owner Business Unit:**	Development Services	
Reviewer:	Manager Development Services		**Decision Maker:**	Council	
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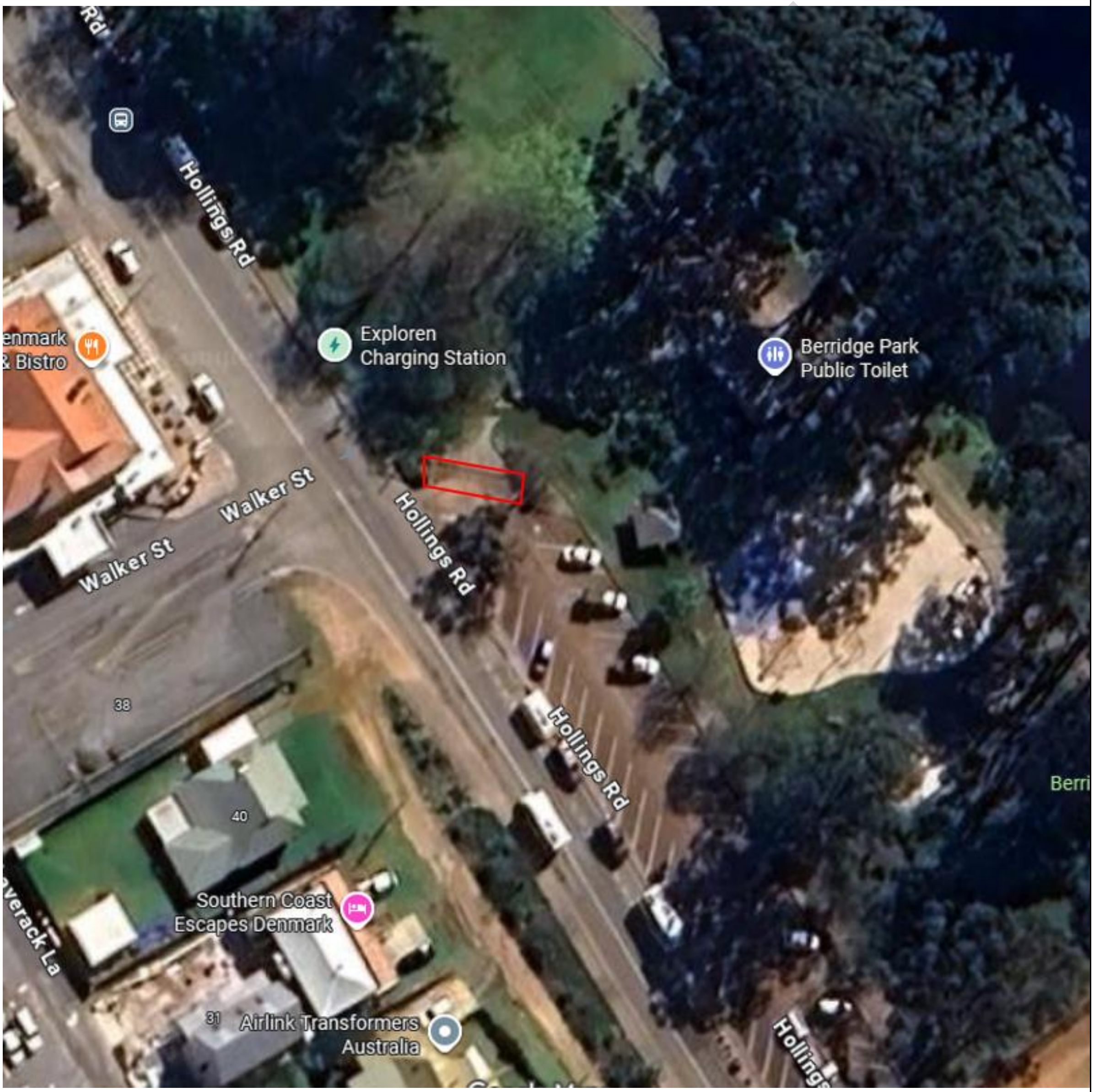
1.		ADOPTED by Council	XXX		
2.					

Appendix A

Sites Approved for the Operation of Trading in Public Places

Site	**Berridge Park (1 Licence)**	
Trading Term	Fixed Trading - Food	Tier 1



Indicative area identified in red

Site	**Ocean Beach (2 Licences)**	
Trading Term	Fixed Trading – Non Food	Tier 1

Exact location in carpark dependent upon nature of trader, in consultation with Shire of Denmark

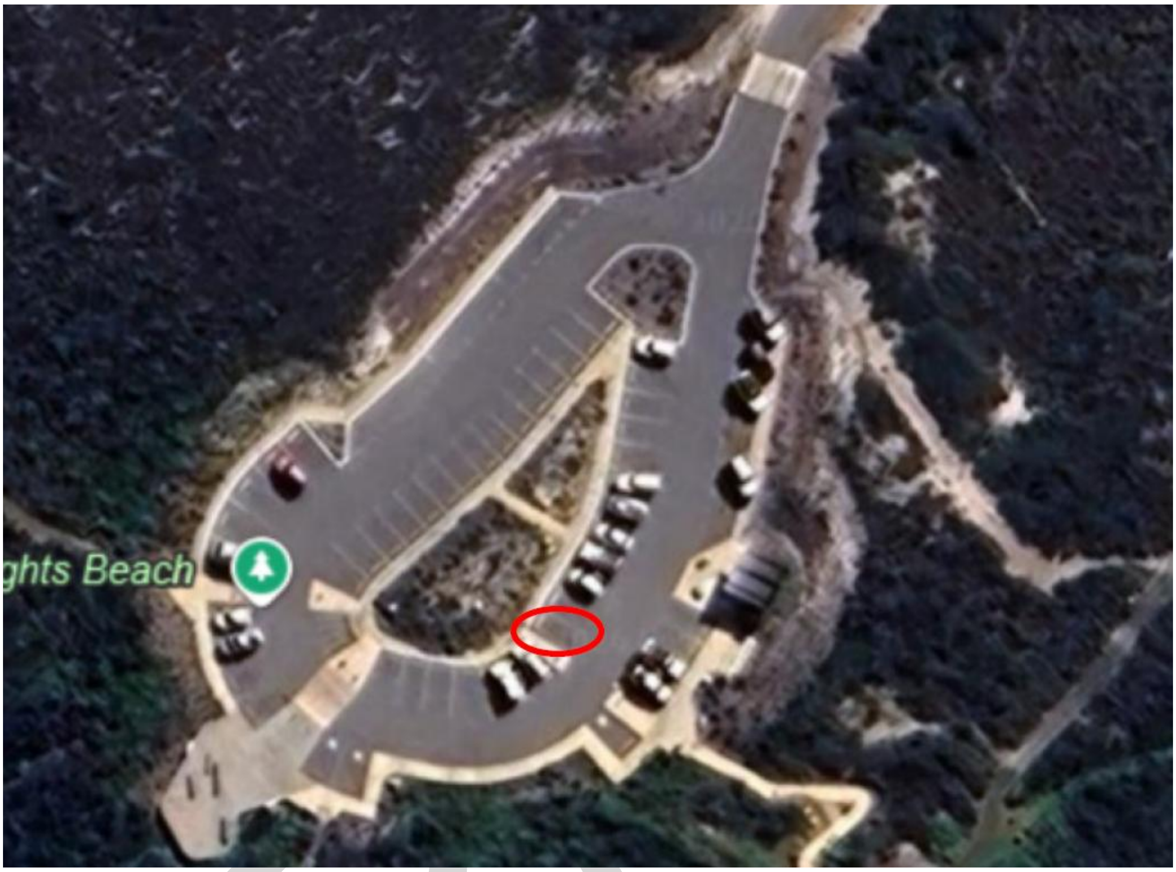
Site	Prawn Rock Channel (1 Licence)	
Trading Term	Fixed Trading – Non Food	Tier 2

Indicative area identified in red

Site	**Library Carpark (3 Licences)**
Trading Term	Occasional Trading

Indicative area identified in red

Site	**Lights Beach (1 Licence)**	
Trading Term	Fixed Trading – Food	Tier 2



Indicative area identified in red

Site	Parry Beach (1 Licence)	
Trading Term	Fixed Trading – Food	Tier 2

Indicative area identified in red, exact location to be agreed in consultation with Parrys Beach Volunteer Group

<table>
<tr><td>Site</td><td colspan="2">Settlers Park Nornalup (2 Licences)</td></tr>
<tr><td>Trading Term</td><td>Fixed Trading – Non Food AND Fixed Trading - Food</td><td>Tier 2</td></tr>
<tr><td colspan="3">
Indicative area identified in red</td></tr>
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