



shire of Ashburton
opportunity to community



Mobile Trading *Guidelines*



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About this guide

Purpose

The purpose of these guidelines is to outline the requirements for Mobile Traders seeking to operate within the Shire of Ashburton. These guidelines aim to ensure a consistent application process for Trader's Permits, promote orderly and safe trading practices, and support the economic vitality of the Shire while maintaining public health and safety standard s.

Objectives

- Improve access to, usage of, and the overall quality and image of public spaces within the Shire of Ashburton through mobile and itinerant trading activities.
- Manage the competing needs and interests of pedestrians, consumers, and local businesses.
- Offer clear guidance on the requirements for trading and the operation of Mobile Trading vehicles.
- Ensure that Mobile Trading activities and vehicles do not unreasonably compromise the amenity of surrounding residential areas.
- Ensure that Mobile Trading vehicles operate within the permitted trading times and are of a temporary nature.
- Mandate that Mobile Food Traders practice safe food handling in accordance with the *Food Act 2008*.



Mobile Trading Requirements

1. Operating Regulations

Mobile Traders must adhere to the following regulations to ensure safe and responsible operations within the Shire of Ashburton:

- 1.1 *Council Public Places and Local Government Property Local Law 2023*;
- 1.2 Ensure that their operations do not interfere with or cause damage to existing Shire-owned infrastructure such as trees, public art, benches, bins, bus shelters, etc;
- 1.3 It is prohibited for Mobile Traders to sell alcohol, tobacco or any illegal products; and
- 1.4 All advertising must comply with local laws and should not obstruct public walkways.

2. Operating on Privately Owned Land

If intending to operate on privately owned land, Mobile Traders must:

- 2.1 Submit a letter of approval from the owner or legal occupier of the land, detailing proposed dates, times, and locations;
- 2.2 Apply for a Trader's Permit under the Public Places and Local Government Property Local Law 2023; and
- 2.3 Obtain any necessary Development Approval from the Shire's Planning Section;



3. Registration Conditions of Mobile Trading Vehicles

Mobile trading vehicles are permitted to trade within the Shire provided they meet the following conditions:

3.1 All Trading Vehicles must:

3.1.1 Hold a valid **Shire of Ashburton Trader's Permit**;

3.1.2 Trade only within designated Mobile Trading Locations specified by the Shire of Ashburton; and

3.1.3 Maintain a high standard of vehicle presentation;

3.2 Mobile Food Trading Vehicles must also:

3.2.1 Possess a current **Food Act 2008 Certificate of Registration** from a Western Australian Local Government entity.

4. Maintenance and Cleaning

A Permit Holder is required to comply with all maintenance aspects of the entire operation, including the conditions of the Trader's Permit. The following requirements apply:

4.1 The Mobile Trading vehicle and fixtures must be kept in a safe and well-maintained condition;

4.2 Mobile Food Traders must ensure that the Mobile Food Trading Vehicle and food handling activities comply at all times with the requirements of the *Food Act 2008* and *Australia New Zealand Food Standards Code*;

4.3 The trading location must be regularly cleaned during all hours of operation presenting a continuous well cared for image;



- 4.4** All liquid waste must be collected for appropriate disposal off-site;
- 4.5** No waste or litter is to be disposed of in Council rubbish bins by Traders; and
- 4.6** Mobile Traders must provide bins for customer use and ensure the area around their location is kept clear of rubbish and refuse. Refuse must be removed off-site following the end of trade.

Failure to comply with the conditions of the Trader's Permit may result in the Permit being revoked.

5. Management

The Permit Holder is to take responsibility for the care, appearance, maintenance and operation of their activity area and the effect on neighbouring activities. The trading location remains public space, this means that Traders do not have exclusive occupancy of any area.

The following principles apply:

- 5.1** Permanent fixtures and elements are not permitted. Following trade, the Mobile Trading vehicle and all related fixtures must be removed from the site. The site must be left in the same condition in which it was originally found;
- 5.2** Any fixtures relating to the Mobile Trader's site (e.g. umbrellas, signs, waste bins etc.) should be sturdy and windproof, made of quality materials and be well designed and constructed to be safe to use, without sharp edges or other features likely to cause injury;
- 5.3** Fixtures must not be placed where they present a barrier or danger to pedestrians crossing the street, kerbside usage by motorists or access by pedestrians/cyclists;
- 5.4** Vehicles must be positioned to allow full access to service covers, e.g. manholes and existing services when required;



- 5.5 All items belonging to the Permit Holder positioned within the trading location are the Permit Holder's responsibility;
- 5.6 Mobile trading vehicles must not remain at site when not trading;
- 5.7 Towing vehicles are only permitted to remain on site if they fit within the boundaries of the trading location and do not cause obstruction to any activity in the area. If the towing vehicle exceeds the boundary of the trading location the trader requires written permission from the Shire to remain on site and exceed the boundary of the trading zone;
- 5.8 Each Permit will be allocated a trading period as defined on the permit and it is the responsibility of the Permit Holder to ensure that trading does not occur outside of specified hours;
- 5.9 Mobile trading vehicles must not require external mains power, gas or water connections;
- 5.10 All noise emissions, including but not limited to music and generators from the operation of the Mobile Trading vehicle, must comply with the prescribed levels of the Environmental Protection (Noise) Regulations 1997. Should justified complaints be received, or in the opinion of a Shire Officer that any noise emissions are deemed excessive, the Trader will be required to reduce emissions to compliant levels;
- 5.11 When a community event approved by the Shire is being held within a specific location, e.g. festivals and family fun days, any Permits issued for that area will be rendered void for the duration of that event; and
- 5.12 The provision of seating or tables is only permitted where space is available and it is for customers waiting for their order before moving on.

6. Public Risk Management

- 6.1 Mobile Trading Permit Holders must have a current public liability insurance policy. The policy must insure for the amount of at least **ten million dollars** (\$10,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried out under this Permit or the granting of this Permit by the Council.



7. How to Apply for a Trading Permit

- 7.1 Complete an **Application for Trading Permit** form, available online from the Shire of Ashburton website: ashburton.wa.gov.au/trading-in-public-places
 - 7.1.1 Each Trader must submit a separate application if applying as part of a coordinated group, with all documentation lodged together.
- 7.2 Provide a current photograph of your Mobile Trading vehicle.
- 7.3 Provide a copy of your **Certificate of Currency of Public Liability Insurance** for the amount of \$10,000,000.
- 7.4 Include a copy of your current **Food Act 2008 Certificate of Registration** of a Food Business issued by the Local Government where the Mobile Food Trading Vehicle is housed.
- 7.5 Submit your application form, vehicle photograph and required certifications either in person to a Shire of Ashburton administration office or via email to health@ashburton.wa.gov.au.

8. Approval Process

- 8.1 Mobile Traders are not automatically guaranteed approval if they have been previously issued with approval to trade in another Local Government Authority or in the Shire of Ashburton.
- 8.2 Applications will be assessed on a case by case basis. Permits will be allocated to Mobile Traders at the discretion of the Shire in accordance with the following criteria:
 - The condition and appearance of the Mobile Trading vehicle;
 - Mobile food Traders to include healthy food options where practical;
 - The minimisation of packaging and single use disposables where possible. If unavoidable, the Shire recommends items that are recycled / recyclable / reusable / biodegradable and / or compostable;



- Public safety;
- Unfair competition against local businesses and sporting clubs; and
- Comprehensiveness of information provided in the application.

9. Fees

- 9.1** Permit Holders must pay the prescribed fees as outlined in the Shire's Fees and Charges for the relevant financial year. Current Fees and Charges can be found on the Shire's website here: ashburton.wa.gov.au/community/services/fees-charges.

10. Permit Monitoring and Cancellation

- 10.1** The Shire's Environmental Health Officers may conduct unannounced inspections of vans to determine compliance with the relevant legislation.
- 10.2** A Permit may be cancelled or amended if the Permit Holder fails to comply with the conditions.

11. General Location and Siting Requirements

- 11.1** The Shire will consider applications from individual Traders as well as Traders operating in a coordinated manner at all locations.
- 11.2** Permit Holders in coordinated groups are responsible for preparing and advertising a roster system for trading locations.
- 11.3** The Shire reserves the right to approve additional Mobile Trading Vehicles at any site or to reduce the number of vehicles at sites due to wear and tear issues.



- 11.4 Mobile Trading will not be supported where vehicle size or layout may compromise public access, circulation, safety or other street activities.
- 11.5 Permit holders must display the permit in a prominent and visible location on the approved vehicle at all times while operating.
- 11.6 Mobile trading vehicles are only permitted to trade in Shire-designated locations detailed on the Permit. Alternative locations may be considered if they meet the objectives of these guidelines.
- 11.7 Please refer to the Mobile Trading Locations guide for detailed information on trading locations in each town.

12. Definitions

Itinerant Trader means a Trader who travels along a road looking for customers or is hailed by them. The vehicle stops temporarily to conduct business and then moves on once the business transaction with customers is complete.

Mobile Food Trading is the use of public areas for preparing and dispensing food products by a Mobile Food Trader.

Mobile Food Trader is a business operated from a vehicle, van, trailer (or similar) that complies with the *Food Act 2008* and *Australia New Zealand Food Standards Code*.

Mobile Food Vehicle includes any registered vehicle, caravan, trailer or other method of transport from which food is sold.

Mobile Food Trading Coordinator is the entity responsible for the rostering, promotion and general coordination of a group of food trucks across one or more locations.

Mobile Trader means working in one place for a short period of time and then moving on to operate in another place (for example: fish truck, meat truck etc.).

Permit Holder is the person(s) whose name is written on the trading permit issued by the Shire of Ashburton.



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