Policy PS3 – Trading in Public Places

Policy Intention

- To develop a vibrant commercial and cultural environment for residents and visitors
- To encourage the use of parks and reserves by commercial operators as a means of activating public spaces;
- To ensure approved trading activities do not significantly conflict with or prejudice the Shire of Murray (Shire) permanent retail and service base; and
- To ensure that the operation of trading activities, are appropriate in particular areas and they do not result detrimentally impact on safety, amenity, convenience or cause a nuisance.

Policy Statement

1. Applications

Applications for trading in public places will be considered on their individual merit having due regard for balancing the policy intentions and the following matters:

(a) the existing provision of similar services within a town or otherwise within proximity of the proposed trading and the potential for the loss of a community service or benefit;

(b) whether the proposal would add to the range or extent of services, or the hours or days a service would be available to the community;

(c) whether the proposal would be predominantly focused toward a key activity node that is not otherwise directly serviced by the goods or services to be offered by the proposed trading;

(d) the proximity of a shop or other place of business that sells the same goods or services proposed to be offered by the trading;

(e) the compatibility of the proposed trading within its setting, including but not limited to the positioning, height, bulk, scale, orientation and appearance of any vehicle or other item associated with the proposed trading;

(f) the likely effect of the proposed trading on the character and amenity of the locality, including the level of noise, disturbance or other nuisance likely to result;

(g) the amount of traffic likely to be generated by the proposed trading, the adequacy of pedestrian and vehicular access, and the effect on pedestrian and traffic flow and safety;

(h) the availability and adequacy of parking to service the needs of the proposed trading;

(i) the proposed means of servicing, and the storage, management and collection of any waste associated with the proposed trading; and

(j) the extent, scale and design of any site signage proposed.

2. When trading in public places will not be permitted

Trading will not be permitted in public places in the following circumstances:

(a) within the road reserve of or land adjacent to the Kwinana Freeway, Forrest

(b) Highway, Pinjarra Road, South Western Highway, Pinjarra Williams Road and Old Bunbury Road, unless supported by the relevant road management authority;

(c) within 200 metres of any shop or permanent place of business that sells the same goods or services proposed to be offered by the trading;

(d) within 300 metres of a school, between the hours of 8:00am to 9:00am and

(e) 2.45pm to 3:45pm, except during school holidays, weekends and public holidays; or

(f) in the case of itinerant vendors on roads with a speed limit greater than 60 km/hr.

3. Consultation

(a) The Shire may advertise an application for a trading permit to nearby businesses and/or the community and may refer the application to any State agency for its comments where it considers this necessary or desirable.

(b) Where an application is advertised or otherwise referred to any State agency then any submission received will be considered in determining the application.

4. General Notes

(a) Any trading on privately owned or public land also requires permission of the land- owner, or where the land is leased, from the lease-holder.

(b) There is a general presumption against trading in road reserves unless the site has a formal parking area (such as rest areas).

(c) There is a general presumption against trading in the townsite of Pinjarra.

(d) Any trading within a Shire approved event requires approval of the event manager.

(e) Nothing in this Policy implies that Council will approve the use of public land under the care and control of the Shire for use for commercial trading activities.

(f) Trading permits will be valid for a period up to 12 months, concluding on 30 June each year. Approval of a trading permit does not guarantee or infer the permit will be renewed, or renewed for the same location in the future, particularly for pre-eminent sites.

Policy Detail		
Responsible Directorate	Planning and Sustainability	
Responsible Department	Environmental Health	
Responsible Officer	Manager Environmental Health	
Next Policy Review / Schedule	2028 (3-yearly)	
Council Adoption	Date / Resolution	26 November 2015 (OCM15/315)
Amendment Record	Date / Resolution	22 February 2018 (OCM18/008)
		27 August 2020 (OCM20/153)
		23 June 2022 (OCM22/070)
		18 December 2025 (OCM25/159)