

Council Policy

Council Policy Name: Commercial Use of City Land and Community Facilities
Responsible Directorate: Economic and Business Development **Version:** ADOPTED

1. PURPOSE

- 1.1. The purpose of this Policy is to provide support for the use of City Land in a manner that encourages and creates economic and community vibrancy, diversity and opportunity through activities of a low impact and short-term nature.

2. SCOPE

- 2.1. This Policy is applicable to the non-exclusive use of City Land and Community Facilities for Trading
- 2.2. This Policy does not relate to events, approved outdoor eating facilities, markets, buskers / street entertainers, or use of City Land under a lease or licence.
- 2.3. Leases and requests for longer term commercial activity will be dealt with under a separate framework.

3. DEFINITIONS

Term	Meaning
Community Facilities	buildings owned or managed by the City
City Land	land owned or managed by the City
Designated Site	pre-determined site for Fixed Trading outside of Community Facilities.
Fixed Trading	trading that operates from a particular location for fixed periods of time
Itinerant Trading	trading that operates from place to place on a roaming basis with a set time limit at any one place e.g. an ice cream van
Policy	this City of Busselton Council policy titled "Commercial Use of City Land and Facilities"
Trading	<ul style="list-style-type: none"> the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for goods or services; and the displaying of goods for the purpose of offering or inviting offers for their sale or hire, soliciting orders for them or carrying out any other transaction in relation to them; and the selling of a service for profit

4. STRATEGIC CONTEXT

Strategic Outcome	Objective
OPPORTUNITY	<p>12: Facilitate an innovative and diversified economy that supports investment and employment growth.</p> <p>13: Be a destination of choice for unique tourism experiences and events.</p>

5. POLICY STATEMENT

- 5.1. The objectives of this Policy are to set out a framework for managing the non-exclusive commercial use of City Land and Community Facilities which:
 - a. enables activation of sites that improves their vibrancy and appeal;
 - b. encourages innovation, business development, and overall economic growth;
 - c. provides diversified goods and services to residents and visitors;
 - d. value adds to the overall resident and visitor experience; and
 - e. enhances the vibrancy and activation of public spaces.
- 5.2. Trading activities can generally be classified as Fixed Trading and Itinerant Trading.
- 5.3. Trading activities require removal of all infrastructure / equipment at the end of each trading day.
- 5.4. Fixed Trading may occur at Community Facilities, on City Land at Designated Sites, as identified at 6.7 and, except for food based Trading, at other locations approved on an ad-hoc basis.
- 5.5. Fixed Trading at Community Facilities will generally only be supported where it does not conflict with community use of the facility, approved in accordance with Council Policy 'Community Use of City Property'.
- 5.6. Designated Sites will be determined by the CEO, generally for a particular type of Trading, and will be periodically reviewed through appropriate community consultation.
- 5.7. Applications to use City Land for Fixed Trading outside of Designated Sites will be considered against the objectives of this Policy and the factors outlined in paragraph 5.9. Where there is a high level of interest in a particular location an expression of interest process may be undertaken.
- 5.8. Applications for Fixed Trading permits at vacant Designated Sites and for Itinerant Trading permits will be sought publicly every two years.
- 5.9. Permits may be issued for Trading at vacant Designated Sites, subject to the permit length ceasing no later than the next round of public advertising.
- 5.10. Current permit holders of a Designated Site will be given first option to renew at the end of each two (2) year term, provided:
 - a. compliance with the previous conditions of approval
 - b. consideration of any complaints received,
 - c. impact of the activity, and
 - d. determination that the designated site continues to be appropriate as per 5.4 and 5.5
- 5.11. This Permit may not be assigned or transferred without the prior written consent of the City, which consent the City may in its sole discretion grant or refuse.
- 5.12. The CEO at their discretion may limit the number of permits for Itinerant Traders.
- 5.13. Factors that will be considered when assessing applications to use City Land for Trading include:
 - a. the type and regularity of the activity as it relates to its location;
 - b. the potential economic benefit of the activity;
 - c. the potential impact on the surrounding existing businesses;
 - d. the potential impact on community use of the broader location;
 - e. the impact of the activity on the surrounding amenity;
 - f. the cost to ratepayers of facilitating the activity;
 - g. the experience and capacity of the applicant to operate the activity; and
 - h. other considerations outlined in relevant City of Busselton local laws.
- 5.14. Fees for the use of City Land will be as per the City's Fees and Charges, reviewed annually.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Activities in Thoroughfares and Public Places and Trading Local Law 2015*
- 6.3. *Property Local Law 2010*
- 6.4. *Jetties Local Law 2014*
- 6.5. *Council Policy 'Community Hire of City Property'*
- 6.6. *Council Policy 'Leasing of City Premises'*
- 6.7. *Designated Sites Map*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	9 April 2025	Resolution #	C2504/83
Previous Adoption	DATE	13 May 2020	Resolution #	C2005/126