

Council Policy Name: Commercial Use of City Land and Facilities

Responsible Directorate: Community and Commercial Services /
Planning and Development Services

Version: Current

1. PURPOSE

- 1.1. This Policy provides support for the use of City Land in a manner that encourages and creates economic and community vibrancy, diversity and opportunity.

2. SCOPE

- 2.1. This Policy is applicable to the 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.

3. DEFINITIONS

Term	Meaning
Community Facilities	Buildings managed by the City
City Land	Land owned or managed by the City
Designated Site	Pre-determined site for Fixed Trading outside of a Community Facility
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

- 4.1. This policy links to Key Goal Areas 4 (Economy), 2 (Places and Spaces) and 1 (Community) of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
- a. 4.1: An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice;
 - b. 2.3: Creative urban design that produces vibrant, mixed use town centres and public spaces;
 - c. 1.3: A community with access to a range of cultural and art, social and recreational facilities and experiences.

5. POLICY STATEMENT

- 5.1. The objectives of this Policy are to set out a framework for managing the commercial use of City Land and Community Facilities which:
 - a. encourages innovation, business development, and overall economic growth;
 - b. provides diversified goods and services to residents and visitors;
 - c. value adds to the overall resident and visitor experience; and
 - d. enhances the vibrancy and activation of public spaces.
- 5.2. Trading activities can generally be classified as Fixed Trading and Itinerant Trading.
- 5.3. Fixed Trading may occur at Community Facilities, on City Land at Designated Sites, and, with the exception of food based Trading, at other locations approved on an ad-hoc basis.
- 5.4. 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'.
- 5.5. Designated Sites will be determined by the CEO, generally for a particular type of Trading, and will be periodically reviewed through appropriate community consultation.
- 5.6. 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.
- 5.7. Applications for Fixed Trading permits at Designated Sites and for Itinerant Trading permits will be sought publicly every two years. Permits will be issued for one year, with, at the City's discretion, a one year renewal. Permits may be issued for Trading at vacant Designated Sites, subject to the permit length aligning to the next round of public advertising.
- 5.8. The CEO at their discretion may limit the number of permits for Itinerant Traders.
- 5.9. 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 impact of the activity on the surrounding amenity;
 - e. the cost to ratepayers of facilitating the activity;
 - f. the experience and capacity of the applicant to operate the activity; and
 - g. other considerations outlined in relevant City of Busselton local laws.
- 5.10. 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 Use of City Property'*
- 6.6. *Commercial Use of City Land Operational Practice*
- 6.7. *Designated Sites Map*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	13 May 2020	Resolution #	C2005/126
Previous Adoption	DATE		Resolution #	