

# **Itinerant Trading within the Wangaratta Municipality**

The Rural City of Wangaratta offers a multitude of dining and catering experiences located in convenient locations, and in various settings such as Restaurants, Cafes, Takeaways, Markets and Itinerant Traders within the municipality.

To ensure all businesses are offered an equal opportunity to trade and serve the community, Council would like to remind Itinerant Traders of their responsibilities under our Local Law.

The current legislation pertaining to Itinerant Trading is governed by Local Law No.1 of 2014 Community Amenity (Amendment) which was adopted by Council on 16 September 2014. Sections 14 and 15 apply:-

### 14. Itinerant Trading

The requirement to obtain a permit for itinerant trading also applies where trading is to be done from a vehicle or from:

- (a) any other temporary method of transport including a caravan, trailer or other similar structure; or
- (b) a road; or
- (c) from a property, including any Council land or public place, adjacent to a road or a person on a road or public place.

#### Itinerant traders must not:

- (a) trade within 300 metres of an established permanent business that is selling the same or a similar product
- (b) trade within 500 metres of a Council approved festival without holding the appropriate permit or authorisation for that festival approved by Council
- (c) restrict the flow of pedestrian traffic
- (d) interfere with entry to or exit from any building or driveways
- (e) obstruct any footway or roadway

## Penalty: 2 Penalty Units

#### 15. Itinerant Trading from House to House

The requirement to obtain a permit under clause 14 does not apply to:

- (a) newspapers or magazines being home delivered:
- (b) the home delivery of goods purchased at another location;
- (c) the home delivery of goods where such delivery has been requested by the occupier of the house;
- (d) the sale of fundraising products by persons duly authorised by an educational, welfare or charity based organisation, cultural or recreational facility or organisation which is established within the municipal district.

The two sections of the Local Law, Sections 14 and 15, relate to different methods of Itinerant Trading. Section 14 relates to Static Itinerant trading where the customers



attend the place of trading or Vehicle to make a purchase. Section 15 exempts services offered by home delivery businesses and Fundraising Organisations.

Events, Festivals and Markets, held on public land, are governed by the Planning Scheme and therefore the use of Itinerant Traders, during these periods, will be set out in the conditions issued to the organisers of an event.

As part of the application process, Traders need to nominate a site, hours of operation and meet the conditions as listed in the Local Law (refer Section 14 Itinerant traders must not:). A permit is only valid for the site nominated and cannot be used for multiple sites. To assist with this, Council has designed an application form (also available for download) which is easy to complete and provides the information needed to process your permit. If there is additional information you wish to provide to assist with the application process, please feel free to attach this with the official application form.

Council is committed to assessing all applications on a fair and equitable basis utilizing the conditions set out in the Local Law. Unfortunately there may be applications that are not able to be approved and in this instance the Itinerant Trader will be advised in writing, detailing Councils determinations. Should an Itinerant Trader disagree with the decision to not issue a permit, they are invited to put their concerns in writing and the matter will be forwarded to the "Review Panel" to have the application re-assessed. The Review Panel will forward their determinations in writing to the applicant.

#### ITINERANT TRADING - FEES AND CHARGES

At the Ordinary Council Meeting held on 15 December, Council adopted the following:-

That Council amends the fees and charges schedule, effective 1 January 2016, to include the following:

# 1. Introducing a range of Itinerant Trading Permit fees for itinerant traders to operate within the municipality (including GST)

Permit Type	Duration	Cost
Application fee	For all applications	<b>\$36</b>
Day Event	Per day	\$68
Seasonal Permit	6 months	\$300
Yearly Permit	12 months	\$500
Yearly (weekends only)	12 months	\$400

The proposed application and permit fees allow an Itinerant Trader to choose a permit that best suits their needs. Take the example of an Itinerant Trader who wishes to sell soup during the colder months. The Trader can apply for a permit between April – September (6months) and save \$200 on the cost of a yearly permit.