

REPORT TITLE:	Issue of permits to buyers and sellers at the Robe Wharf
DATE OF MEETING:	10 th November 2009
AUTHOR:	Ronni Barnden
AUTHOR'S TITLE:	Deputy Chief Executive Officer
REPRESENTORS:	Nil
FILE NUMBER:	
ATTACHMENTS:	Copy of letter received from Wilson's Fresh Oysters & Cooked Crayfish.

PURPOSE

For Council to consider a request from Wilson's Fresh Oysters & Cooked Crayfish seeking Councils permission to buy and/or sell fish, shellfish and seafood at the Robe wharf, in the vicinity of the Obelisk, at Long Beach and also in the main street. This will necessitate Council examining the other compliance issues associated with such a request.

RECOMMENDATION

- 1. That Council grant interim permission to Wilson's Fresh Oysters & Cooked Crayfish to buy and sell from the Robe wharf area until the appropriate permit documentation can be prepared;**
- 2. That once the appropriate permit documentation is prepared, Wilson's Fresh Oysters & Cooked Crayfish be required to complete a permit application form, and meet all permit conditions;**
- 3. That the request for permission to sell at the Obelisk, Long Beach and the main street be declined;**
- 4. That Council grant a grace period of 6 weeks to the other buyers and sellers who operate in the Robe wharf area to continue their activities as normal to allow them time to apply for the relevant permit as long as it is within the 6 week grace period. The grace period is recommended to commence from Monday 16 November, 2009;**
- 5. That**
 - (a) Council delineate a specific area at the wharf which can be used to conduct fish, seafood and shellfish buying and selling activities and**
 - (b) that Council erect a sign at the entrance to the wharf area advising that a permit is required to conduct business at the wharf and also advising of the**

relevant penalties if no permit is held.

6. That Council endorse that a sellers permit application fee of \$380.00 plus GST be charged and that annual renewals of permits be required.
 7. (a) That Council delegate authority to the Deputy CEO to formulate the permit documentation in consultation with relevant third parties such as LGAMLS

and

(b) that Council delegate authority to Council's Environmental Health Officer, Ms Catarina Santos and General Inspector, Michael Wilkin to assess and issue the permits subject to compliance with all permit conditions and Health requirements.
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BACKGROUND

Over the past 2-3 weeks Council has received a significant number of complaints from other fish buyers/sellers with regard to Wilson's Fresh Oysters and Cooked Crayfish selling their produce at the wharf without a permit. Given the number of complaints received it would be pertinent of Council to put into place a permit system for all fish/seafood/shellfish buyers/sellers who wish to trade from the Robe wharf area. This will ensure fairness and equity to all buyers and sellers.

DISCUSSION

After the first complaints had been received, the Deputy CEO and Michelle Gibbs, Administration Officer – Planning attended the wharf area to speak to the seller for Wilson's. Results of the conversation were that the seller was asked to cease selling his produce on Council land until he had contacted Council to obtain a permit/permission to do so. To the best of Council's knowledge, this request has been complied with and the request for permission has been received by Council as evidenced through this report.

Section 200 of the *Local Government Act 1999* states that:

- (1) A person must not use community land for a business purpose unless the use is approved by the Council.
- (2) The council cannot approve the use of community land for a business purpose contrary to the provisions of a management plan.
- (3) The council's approval may be given on conditions the council considers appropriate.
- (4) A person must not—
 - (a) use community land for a business purpose in contravention of subsection (1); or
 - (b) contravene a condition of an approval for the use of community land for a business purpose.

Maximum penalty: \$5 000.

Pursuant to the above legislation all buyers and sellers conducting business at the Robe wharf are required to apply for a permit to enable them to conduct their business from the wharf.

Past practice has been that all buyers and sellers were required to obtain a permit from Council at the start of each fishing season to allow them to conduct their business from the wharf area, however, this practice has not been adhered to for a number of years for reasons that are not clear to current management.

In order for Council to become legislatively compliant once again, a system must be implemented whereby the issue of the abovementioned permits is monitored and “policed” by Council. In implementing such a system, Council will also ensure the fair and equitable treatment of all buyers and sellers wishing to conduct business at the Robe wharf, thus ensuring that no party is disadvantaged by such activities.

POLICY IMPLICATIONS

A new policy regarding the issue of buying and selling permits at the Robe wharf will need to be prepared and implemented. This will be done in consultation with Councils OH&S and Environmental Health Officers.

BUDGET IMPLICATIONS

The cost of obtaining and erecting a sign at the entrance to the Robe wharf area has not been budgeted for.

STRATEGIC PLAN

Governance

To ensure the delivery of sustainable, high quality, corporate governance for the District Council of Robe.

Council is committed to operating with 100% legislative and best practice compliance at all times to ensure that its processes are both accountable and transparent.

Tourism & Economic Development

To ensure the economy of the District is managed to encourage & support sustainable economic growth

COMMUNITY CONSULTATION

Not required.

Wilson's

**FRESH OYSTERS
&
COOKED CRAYFISH**

0413 616488



District Council of Robe
Robe SA 5276

6/ 11/ 2009

Dear Mayor, Councillors and Council Representatives,

We hereby apply for a Buy / Sell permit in the District Council area of Robe on land owned by the council.

In the short time that our business has been operating we have been very pleasantly surprised by the number of local Robe residents and tourists alike who have expressed their delight in the opportunity to purchase high quality fresh oysters and crayfish from us.

Initially this has been in such locations as the main street, the obelisk the wharf area and near Long Beach.

Following a complaint from a member of the public, Council representatives (Ronnie and Michelle) politely and professionally requested that we apply for this permit and we have subsequently stopped selling on council land which has seen a decline in our sales, although we have continued to have many requests for fish.

We are asking for a permit to buy and sell crayfish and other fish from the wharf area and to sell fish / seafood at the Obelisk area, at Long Beach and fourthly in the main street.

We look forward to a positive response from you and believe it will add an eclectic atmosphere to Robe without impinging on any other businesses.

Yours sincerely,

Ⓢ
Kym Wilson

Lot 34, King Drive

Cape Jaffa SA 5275