CD007| Carnarvon Mobile Trading

Introduction and Purpose

The purpose of this policy is to regulate mobile trading on land under the care, control and management of the Shire of Carnarvon (Shire) in a manner that:

- Protects public safety and amenity;
- Minimize conflict with established businesses;
- Supports tourism and economic development;
- Encourages appropriate activation of key destinations; and
- Provides certainty and transparency for mobile traders.

This is a local planning policy prepared under the Local Government Act 1995 s2.7(2)(b) and the Public Places and Local Government Property Local Law 2021.

Objective

The objectives of the policy are:

- To avoid the creation of adverse traffic, pedestrian and general public safety conditions, particularly on routes where the dominant function is the safe movement of vehicular traffic;
- To regulate the level and intensity of vendor activities on road reserves and private land accessible to the public to ensure that the site is retained primarily for its purpose (community/traffic use, parking and commercial activities);
- To accommodate appropriate vendor activities in order to provide services that enhance the visitor /resident experience; and
- To ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the characteristics streetscape of the area and the street carparks, and private commercial areas.

Scope

This policy applies to mobile trading activities conducted on public land within the Shire of Carnarvon, excluding Coral Bay.

This policy does not apply to:

- Approved markets, fairs or community events;
- One-off promotional activities;
- Buskers/street entertainers;
- Produce stalls located wholly on private property; and
- Government or community service vehicles (including mobile clinics).

Definitions

Mobile Trader:

A person or business that sells goods or services from a vehicle or temporary structure operating from a stationary location for a limited period.

Itinerant Trader:

A trader who travels along roads and stops only to serve customers who approach the vehicle.

Public Place:

Any place to which the public has access, whether on public or private land.

Application Process

- Applications are to be lodged with the Shire a minimum of 14 days prior to the proposed trading commencement date.
- Applications must be submitted on the form provided for this purpose and provide all information necessary for officers to determine whether to issue a permit and apply appropriate conditions to the permit.
- Shire may request additional information in support of the application.
- Application can be made to renew an existing licence by completing a renewal application form and must be submitted for consideration before the expiry of the licence.

Preferred Trading Location

Carnarvon Airport

The above site is designated as the preferred and primary location for mobile trading within the Shire.

Mobile trading at Carnarvon Airport:

- Will be actively encouraged;
- Will be prioritized in the assessment of applications;
- Must align with airport operations, safety and security requirements; and
- May be limited to specified areas and times.

Secondary and Discretionary Locations

8.1 Secondary Trading Locations

The following locations are identified as **secondary trading locations**, where mobile trading may be supported subject to compliance with restrictions, site-specific assessment and conditions:

- **Carnarvon Space and Technology Museum,** supporting tourism;
- **Blowholes Reserve,** at the Blowholes car park and Aquarium car park.

Approval at secondary locations may be:

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- Limited to specified days and times;
- Subject to seasonal or peak-demand use;
- Capped in number to protect amenity and safety.

8.2 DISCRETIONARY LOCATIONS

In addition to the above, any application outside of the preferred and/or secondary trading locations shall be subject to a public consultation process. The Shire may also restrict or prohibit mobile trading in sensitive locations such as near residential areas and Carnarvon town center.

Mobile trading at locations other than the Preferred and Secondary locations may be approved on a discretionary basis where:

- A clear community or visitor benefit is demonstrated;
- There is minimal impact on existing businesses (300m buffer zone);
- Traffic, pedestrian safety and amenity impacts are acceptable;
- The activity aligns with Shire/Council-endorsed events, recreation or tourism initiatives.

Assessment Criteria

All applications for mobile trading licences will be assessed against the following criteria. The Shire may impose conditions or refuse applications where these criteria are not satisfactorily addressed.

9.1 Location Suitability

- Whether the proposed location is the preferred location or an identified secondary trading location;
- Suitability of the site having regard to its primary function (e.g. transport, recreation, community use);
- Availability of sufficient space for safe vehicle positioning, customer queuing and service; and
- Proximity to sensitive land uses, including residential areas, schools or health facilities.

9.2 Traffic, Parking and Access

- Impact on vehicle movements, including sightlines, intersections and access points;
- Availability of adequate parking without displacing existing users;
- Ability for customers to access the site safely on foot; and
- Impacts on emergency access and service vehicles.

9.3 Pedestrian Safety and Amenity

- Potential for obstruction of pedestrian paths and shared paths;
- Noise, odour, lighting and visual impacts;
- Appropriateness of hours of operation for the surrounding area;
- Cumulative impacts where more than one trader is proposed.

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9.4 Impact on Existing Businesses

- Proximity to permanent food, retail or service businesses (300m buffer zone apply);
- Likely competitive impact, particularly in town-centre or activity-node locations;
- Whether the proposal complements, rather than undermines, existing businesses; and
- The degree to which the proposal addresses an unmet demand or peak-period need.

9.5 Operational Management

- Suitability, appearance and condition of the trading vehicle or structure;
- Proposed waste management arrangements, including litter control and grease disposal;
- Access to power, water and wastewater, where relevant;
- Compliance with health, food safety and other regulatory requirements.

9.6 Signage and Presentation

- Compliance with signage requirements under this policy;
- Scale, design and placement of signage;
- Overall presentation of the trading setup and contribution to place character.

9.7 Community, Tourism and Economic Benefit

- The Shire may approve applications on a trial or seasonal basis to assess impacts prior to issuing longer-term approvals.
- Demonstrated benefit to visitors, residents or users of the location;
- Alignment with tourism initiatives, events or peak activity periods; and
- Support for local entrepreneurship and small business development.

Licensing and Approval

- A mobile trading licence is required prior to operating;
- Licences are issued to a specific applicant and are non-transferable;
- Licences may be issued for up to 12 months;
- Public liability insurance of not less than $20 million is required;
- Mobile food businesses are permitted to operate at approved locations subject to this policy and application process. All other locations are subject to the same requirements as required for approved locations and subject to public consultation. See Schedule 1 – Approved locations;
- Additional approvals under health or other legislation may be required.

Approval to operate on private property

Mobile food business operating on properties in the Priority/General Agriculture zones Town Centre Zones or caravan parks will be exempt from the need for development approval where:

- They operate incidentally to an approved small bar, brewery, tavern, winery, cellar door café, restaurant, lunch bar, fast food outlet, service station or caravan park limited to one trader per property, subject to the following:
    - Written consent from the landowner
    - Mobile trading licence is obtained
- All mobile food businesses operating in the Shire must hold a current Food Act 2008 Certificate of Registration from a Western Australia Local Government.
- A mobile traders permit is required and compliance with this policy.

Operating Conditions

Mobile traders must:

- Comply with all licence conditions;
- Operate only within approved locations and times;
- Maintain the site in a clean and tidy condition;
- Not obstruct traffic, pedestrians or access to businesses;
    - Not use amplified music or mechanical chimes which could cause noise nuisance;
    - Manage generator noise so they do not constitute a nuisance under the Environmental Protection (Noise) Regulations 1997 - Cease trading if directed by an authorised officer; and
    - Ensure all signage is safe, legible, and compliant with this policy.

Signage Requirements

Mobile trading signage:

Must be limited to signage attached to, or immediately adjacent to, the trading vehicle or structure;

- Must not be fixed to the ground, buildings, light poles, fencing or street furniture;
- Must not obstruct pedestrian or vehicle sightlines;
- Must not include flashing, moving or illuminated elements unless expressly approved;
- Must be of a size and scale appropriate to a temporary trading activity;
- Must clearly identify the business name and nature of goods or services being offered; and
- Additional freestanding signage, flags or promotional devices are not permitted unless specifically approved as part of the licence conditions.

Compliance and Enforcement

The Shire may:

- Impose conditions on licences;
- Limit the number of mobile traders at any location;
- Suspend or revoke licences for non-compliance; and
- Recover costs associated with site remediation or damage.

Schedule of declared trading locations

Generic locations	**Restrictions**	**Declared benefits**
Lawfully established public markets or fairs	Trading is subject to permission of market or event coordinator	Attracting tourists and visitors. Promoting quality local produce and goods. Enriching the vibrancy of public areas.
Lawfully organised community events	Trading is subject to permission of event coordinator.	Promoting community and cultural events. Attracting tourists and visitors. Enriching social life in the town.
Privately managed sports clubs or grounds (not public ovals)	Trading is subject to permission of club or venue manager	Supporting the recreational and sporting culture of the town, primarily via food and drink refreshments.
Sports events at public recreation grounds (e.g. ovals)	Trading is subject to permission of relevant club or association	Supporting the recreational and sporting culture of the town, primarily via food and drink refreshments.
Late night food service for revellers	Exact location to be negotiated by applicant.	Providing for the needs of late night revellers when no other food service is available.
Remote camp grounds not having their own shops	Exact locations to be negotiated by applicant.	Supporting caravanning and camping in the district. Providing for needs of campers, primarily via food, drink and camping supplies.

Preferred location	Restrictions	Declared benefits
Carnarvon Airport grounds (refer to Figure 1)	Parking to be negotiated in approval process.	Providing for the needs of people awaiting plane arrivals and departures, primarily via food and drink refreshments.
Secondary locations	**Restrictions**	**Declared benefits**
Carnarvon Space and Technology Museum (refer to Figure 2)	In conjunction with special events or celebrations with approval from the museum operator.	Supporting tourism in Carnarvon. Enriching the vibrancy of public areas.
Blowholes reserve (refer to Figures 3 & 4)	Trading is limited to the Blowholes carpark, Picnic area carpark.	Enriching the vibrancy of public areas. Providing for needs of campers and people enjoying the public area, primarily via food, drink and camping supplies.



Figure 1: Schedule of declared trading location map – Carnarvon Airport (refer to restrictions).

Trading area



Figure 2: Schedule of declared trading location map – Carnarvon Sace and Technology Museum (refer to restrictions).

Trading area

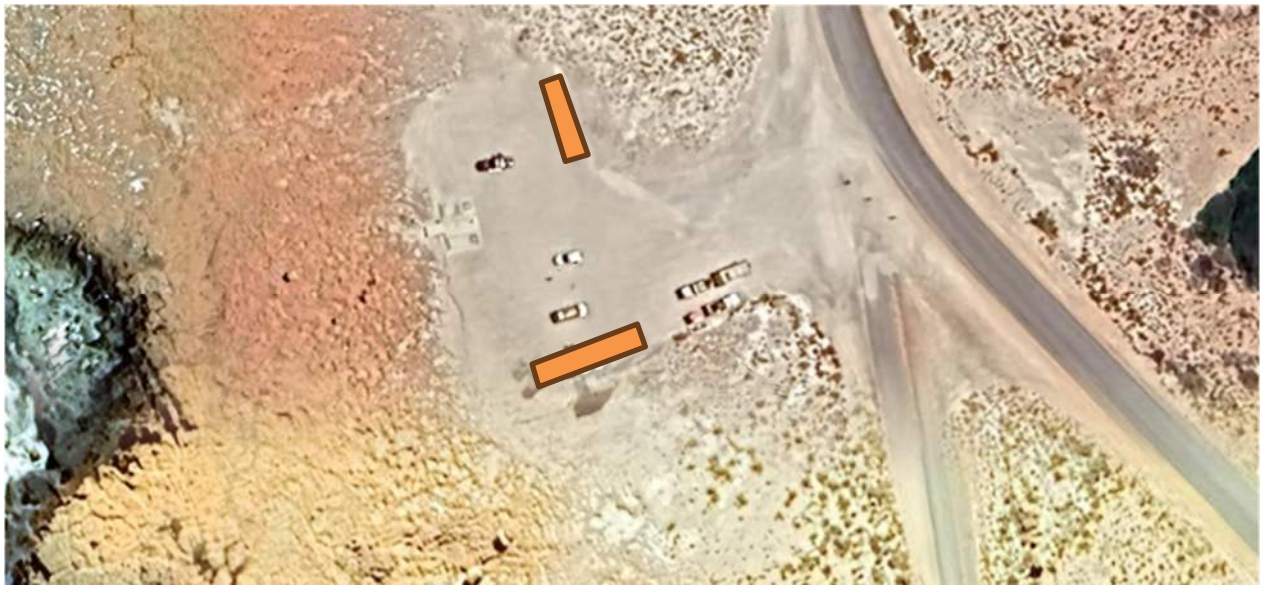


Figure 3: Schedule of declared trading location map – Blowholes Reserve – Blowholes carpark (refer to restrictions).

Trading area

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Figure 4: Schedule of declared trading location map – Blowholes Reserve – Picnic area carpark (refer to restrictions).

Trading area

Document control

Policy Context

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Legislation, standards & external guidelines	Shire of Carnarvon Public Places and Local Government Property Local Law 2021; Shire of Carnarvon Local Law - Hawkers, Traders & Stall holders
Policies and procedures	N/A
Delegations	N/A
Strategies, plans and frameworks	N/A

Document custodian

Policy Owner	Council	Department	Community Planning and Sustainability

Review management

Creation Date	August 2022	Document management ref.	CD0007
Next review due	31/10/2027		

Document management

Version	Adopted by	Adoption date	Synopsis of changes
1.0	Council	August 2022	NIL
2.0	Council	13/12/2022	NIL
3.0	Council	28/05/2024	NIL
4.0	Council	19/10/2026	Minor changes made – refer to council meeting minutes 19/10/2026
5.0			