



CD007	CARNARVON MOBILE TRADING		
POLICY OWNER:	Council		
DEPARTMENT:	Office of the CEO		
CREATION DATE:		REVIEW SCHEDULE:	Annually - December
RELATED PROCEDURES:			
RELATED FORMS:			
RELATED DELEGATIONS:			
RELATED POLICIES:			
LEGISLATION:	s.2.7(2)(b) Local Government Act 1995 Shire of Carnarvon Local Law - Hawkers, Traders & Stall holders		
DOCUMENT CONTROL			
DATE REVIEWED:	REVIEWED BY:	CHANGES (IF ANY):	ENDORSED BY COUNCIL:
August 2022	Council	Nil	FC 7/8/22
13/12/2022	Council	Nil	FC 4/12/22
28/05/2024	Council	Nil	OCM 12/05/24

CD007 Carnarvon mobile trading

OBJECTIVES

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.
- 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).
- accommodate appropriate vendor activities to provide services that enhance the visitor/resident experience.
- ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the characteristic streetscape of the area and the street carparks, and private commercial areas.

POLICY STATEMENT/S

The purpose of this policy is to regulate the issuing of licences relating for the operation of mobile traders in in Carnarvon Shire except for Coral Bay.

This is a local planning policy prepared under the Local Government Act 1995 s2.7(2)(b) and the Local Government Act Local Laws 1998 “Hawkers, Traders and Stall Holders”.

General

Itinerant vendors are to move on when all customers at a particular location have been satisfied.

Public liability insurance cover of \$20 million is required where an activity occurs on local government managed land.





The local government may seek contribution towards the upgrading and/or construction of a site used by a mobile vendor.

A mobile trading licence shall only be issued to the specific applicant and is not transferable to any other person or to any other land parcel.

Activities may require additional approvals/permits under the applicable health standards. 6. If an additional approval/permit is required then the mobile trading licence shall only remain valid while the additional approval/permit remains current and valid.

On the expiration or earlier termination of the additional approval/permit, the mobile trading licence shall cease to be valid.

This policy does not apply to the following:

- A 'produce stall' within private property,
- Where a vendor is part of an event, carnival, market, fete, or the like,
- Where the activity is a one-off occurrence such as an opening or open day for a business/premises; and
- Community health mobile clinics and other government/community like uses.

Application requirements

Applications must be accompanied by:

- Details of goods/merchandise and or services to be offered,
- Details of vehicle intended to be used for trading including a photograph(s) of the vehicle (such vehicle may be subject to assessment to determine its suitability for the purpose proposed),
- For mobile vendors, specific details of area(s) or route (including site plans),
- Times, days, and dates sought and
- Evidence of public liability insurance.

Where the land is NOT under the care, control and management of the local government, the written consent of the Crown via the Department of Lands or vesting Authority or Management Authority is required prior to processing the application.

Where the land is privately owned, the written consent of the landowner is required prior to processing the application.

Schedule of declared trading locations

The Schedule of Declared Trading Locations has been created to identify various locations within the district as being worthy of encouraging or allowing mobile trading within certain parameters due to the needs of the area and the benefit that mobile trading can bring to the public place.



The Schedule is at the end of this policy and should be interpreted in the light of the declared benefit that is provided for each item.

A place will only be approved if it:

- Is located within a place identified in the Schedule of Declared Trading Locations,
 - Is readily and safely accessible to customers,
 - Provides adequate parking for customers,
 - Does not present a traffic hazard or danger to the public,
 - Has adequate rubbish disposal facilities,
 - Does not breach any regulatory or signposted car parking restrictions,
 - Takes place where the goods displayed, and the gathering of customers will not impede pedestrians or vehicle movements or cause conflict with other activities; and
 - Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).
- Trading in road reserves will not be supported unless the site has a formal parking area (such as parking bays, a car park or rest area).
- Itinerant vendors are generally not appropriate on roads with speed limits greater than 70km/hr.
- Based on experience of the impacts of previous/similar activities (within or outside the Shire), the fragile nature of certain areas, and/or the dominant public use of certain areas, the local government is of the view that activities should not be supported in certain areas and also that a restriction on the number of certain activities in certain areas should be prescribed.
- These restrictions (if any) are attached to this policy and area based on knowledge and experience at this time and may be amended from time to time by the local government as further knowledge and experience is accumulated.

Approval periods for mobile vendors are generally restricted to:

- No more than 4 hours in any one location each day.
- A maximum period of 12 months shall be approved for each licence.

Definitions

Mobile means working in one place for a short period of time.

Public Place includes a road or place which the public are allowed to use, whether the road or place is on private property.



Vendor means someone who promotes, exchanges, or hires goods or services for money. Itinerant Vendor means a person who travels along a road looking for customers and who sells, hires, or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is so parked.

Note

The main difference between an itinerant vendor and a mobile vendor is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor stops to serve waiting customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling preprepared food or produce is a mobile vendor).