

# Mobile and Itinerant Vendors

## Local Planning Policy

**VERSION 3**

December 2015

town planning services

Version	Adoption	Comment
1	24 March 2009 Council Item SC056	Final – No objections received during advertising.
2	22 December 2009 Council Item SC134	Final – No objections received during advertising.
2	1 July 2011 Council Item SC001	Final – Readopted under the new City of Greater Geraldton.
3	15 December 2015 Council Item DRS242	Readopted under the new LPS No. 1.

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**1.0 CITATION**

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Greater Geraldton Local Planning Scheme No. 1 ('the Scheme'). It may be cited as the *Mobile and Itinerant Vendors local planning policy*.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

**2.0 OBJECTIVES**

- a) 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.
- b) To regulate the level and intensity of vendor activities on road reserves and other public places necessary to ensure that the site is retained primarily for its purpose (like community/traffic use and not commercial).
- c) To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience.
- d) To 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.

**3.0 POLICY MEASURES**

3.1 Application of Policy

3.1.1 This policy does not apply to the following:

- A 'produce stall' within private property;
- Selling of newspapers;
- 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;
- Trading from private property strictly under consent of the land owner, providing the land has approval from the local government for the type of trading that is proposed AND the parking requirements of the Scheme are still achieved (e.g. Selling sheep skin car seat covers from a truck in a Bunnings car park); and
- Community health mobile clinics and other government/community like uses.

3.1.2 Where the activity is based from home and/or involves the use of a commercial vehicle reference should be made to the *Home Based Business and Parking of Commercial Vehicles in Residential and Rural Residential Areas* local planning policies.

- 3.1.3 Where approvals are required for the above they should be dealt with in one application.
- 3.1.4 This policy is to be read in conjunction with the *Activities on Thoroughfares and Public Places and Trading Local Law*.
- 3.1.5 Activities may require additional approvals/permits under the applicable health standards.
- 3.1.6 If an additional approval/permit is required then the development approval 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 development approval shall cease to be valid.

3.2 General

- 3.2.1 Itinerant vendors should be limited to the predominant sale of ice creams (with other subsidiary products such as drinks and lollies).
- 3.2.2 The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted.
- 3.2.3 Itinerant vendors are to move on when all customers at a particular location have been satisfied.
- 3.2.4 Public liability insurance cover of \$10 million is required where an activity occurs on local government managed land.
- 3.2.5 The local government may seek contribution towards the upgrading and/or construction of a site used by a mobile vendor.
- 3.2.6 Development approval shall only be issued to the specific applicant and is not transferable to any other person or to any other land parcel.

3.3 Application Requirements

- 3.3.1 Applications must be accompanied by:
- a) Details of goods/merchandise and or services to be offered;
  - a) Details of vehicle intended to be used for trading including a photograph(s) of the vehicle (such vehicle may be subject to assessment in order to determine its suitability for the purpose proposed);
  - b) For mobile vendors, specific details of area(s) or route (including site plans);
  - c) Times, days and dates sought and
  - d) Evidence of public liability insurance.
- 3.3.2 Where the road is under the control of Main Roads WA, their written consent is preferred prior to processing the application.
- 3.3.3 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 is preferred prior to processing the application.

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

### 3.4 Site Requirements

3.4.1 A place will only be approved if it:

- a) Is readily and safely accessible to customers;
- b) Provides adequate parking for customers;
- c) Does not present a traffic hazard or danger to the public;
- d) Has adequate rubbish disposal facilities;
- e) Does not breach any regulatory or signposted car parking restrictions;
- f) 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
- g) Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).

3.4.2 There is a general presumption against trading in road reserves unless the site has a formal parking area (such as rest areas).

3.4.3 Itinerant vendors are generally not appropriate on roads with speed limits greater than 60km/hr.

3.4.4 Approvals will generally not be given on sites within 200m of other businesses that are considered by the local government to sell or offer the same or similar product or service.

3.4.5 No trading is permitted within 200m of schools between the hours of 14:30 and 16:00 (except during school holidays).

3.4.6 Based on experience of the impacts of previous/similar activities (within or outside the municipality), the fragile nature of certain areas, and/or the dominant public use of certain areas, the local government is of the view that certain 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.

3.4.7 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.

### 3.5 Approval Periods

3.5.1 Approval periods for mobile vendors are generally restricted to:

- A maximum of 3 days a week (regardless of the number of sites visited) with no more than 3 consecutive days of operation at any time; and
- No more than 4 hours in any one location each day.

- 3.5.2 These approval times are what is considered a “*short period of time*” for a mobile vendor.
- 3.5.3 It is considered appropriate that a fee be charged for the use of Crown land (including Unallocated Crown Land) which involves longer periods of trading and are therefore not truly “mobile”. The fee is in accordance with the *Commercial Tourism Activity on Crown Land* local planning policy.
- 3.5.4 Trading for itinerant vendors is to take place between 07:00 – 21:00 hours (notwithstanding no trading is to take place during hours of darkness).

#### 4.0 DEFINITIONS

**Itinerant** 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.

**Mobile** means working in one place for a short period of time and then moving on to operate in another place.

**Public Place** includes a road or place which the public are allowed to use, whether or not the road or place is on private property.

**Vendor** means someone who promotes, exchanges or hires goods or services for money.

*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 has to be stopped by customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling fresh flowers or produce is a mobile vendor).*