

1993—No. 35

LOCAL GOVERNMENT ACT 1919—ORDINANCE

(Relating to controls on street vending)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, has been pleased to make the Ordinance set forth hereunder.

GERALD PEACOCKE, M.P.,
Minister for Local Government.

Commencement

1. This Ordinance commences on 1 February 1993.

Amendments

2. Ordinance No. 30 under the Local Government Act 1919 is amended:

(a) by omitting the definition of “street vending vehicle” from clause 1 (b) and by inserting instead the following definition:

“**street vending vehicle**” means a motor vehicle from which only ice cream, ice confection, chocolate or confectionery is sold;

(b) by omitting clause 12 and by inserting instead the following clause:

Street vending facilities

12. (1) A person who is not the holder of a written approval for the time being in force under this clause must not in any public road set up or use any basket, box, barrow, stall, stand or standing vehicle (other than a street vending vehicle) for the purpose of offering for sale any article or for the pursuit of any business, calling or employment or any charitable purpose.

(2) The Council may grant approval to a person to set up a basket, box, barrow, stall, stand or standing vehicle at a specified place in a public road, on such conditions as may be set out in the approval.

(3) The approval must:

- (a) state the location in which the person is authorised to set up and use the relevant facility; and
- (b) state the period or periods during which the approval is in force; and
- (c) state any conditions to which the approval is subject.

(4) An approval remains in force for the period specified in the approval unless it is sooner suspended or revoked by a notice from the Council.

(5) Before granting an approval, the Council must take into consideration:

- (a) the need to avoid the obstruction of the footpath or the carriageway of the public road; and
- (b) any guidelines relating to street vending facilities that are notified to the Council by the Roads and Traffic Authority or by the Department of Local Government and Co-operatives.

(6) Nothing in this clause requires a person to hold an approval in order to use a vehicle to deliver any article in accordance with a sale or arrangement already made.

(7) Nothing in this clause prohibits the use of a street vending vehicle for the purpose of offering for sale only ice cream, ice confection, chocolate or confectionery.

(8) Nothing in this clause applies to the sale of a motor vehicle.

- (c) by omitting from clause 50 (2) (a) the word “and” and by inserting instead the word “or”;
- (d) by inserting at the end of clause 50 (2) the following matter:

; or

- (c) the placement of a basket, box, barrow, stall, stand or standing vehicle on a footway or road where the placement is in accordance with an approval granted under clause 12.

EXPLANATORY NOTE

Currently, Ordinance No. 30 under the Local Government Act 1919 deals with the setting up and use of a basket, box, stall, stand or standing vehicle for the purpose of selling goods or the pursuit of a business, calling or employment.

The object of this Ordinance is to amend Ordinance No. 30 by:

- providing that such facilities, including all vehicles other than street vending vehicles, may only be set up and used in accordance with an approval granted by the relevant local council; and
- requiring that before granting an approval, a council must consider the need to avoid the obstruction of traffic and must have regard to street vending guidelines which will be issued by the Department of Local Government and Co-operatives and the Roads and Traffic Authority.

Clause 12 does not apply to the sale of a motor vehicle. Such sales are regulated by clause 12B.

The use of street vending vehicles is regulated by clause 12A of Ordinance 30. This Ordinance amends the definition of “street vending vehicles” to update a reference to a repealed regulation.
