



Cloncurry Shire Council

**POLICY
NO.**

WES1006

ROADSIDE VENDING POLICY

1. Objectives

The objective of this policy is to provide clear guidelines for the issuing of approvals to carry out Roadside Vending Activities under Cloncurry Shire Council Subordinate Local Law No.1 (Administration), Schedule 8 Commercial Use of Local Government Controlled Areas and Roads.

2. Scope

This policy shall apply to Roadside Vending Activities carried out on all Council and State-controlled roads within the Cloncurry Shire.

3. Definitions

Roadside vending: The sale of any goods, produce, products or services from a stationary vehicle on any roadway or road reserve within the Cloncurry Shire.

Stationary roadside vending: where an operator trades goods, produce, products or services (including food or drink) from a vehicle or stall at one specified site. This activity does not include footpath dining.

Mobile roadside vending: where an operator trades goods, produce, products or services (including food or drink) from a vehicle, travelling from place to place and is waived down by the customer.

4. Roles and Responsibilities

- The Chief Executive Officer is responsible for ensuring this policy is understood and adhered to.
- The Director Works and Environmental Services and Manager Planning and Environment are responsible for managing this policy.
- The Environmental Health Officer is responsible for the administration of this policy.

5. Policy

5.1 General

- All new applications will be assessed and administered by the Environmental Health Officer.
- The Environmental Health Officer will determine the nature of goods, produce, products or services that can be approved for under this policy.
- All roadside vending renewal applications will be reviewed by the Environmental Health Officer upon expiration of the permit.
- No services, including, but not limited to power and water, will be provided by Council.

5.2 Requirement to Hold Approval

- A person must not carry out roadside vending activity on a road unless approval has been issued by the Cloncurry Shire Council.
- The holder of an approval may, with the approval of Council, transfer the approval to another person. Such application for transfer must be made on an approved form, must comply with all conditions and must be accompanied with the transfer fee as set by Council resolution.
- The holder of the approval is to take out Public Liability Insurance to the value of \$10,000,000 against personal injury and property damage resulting from activities authorised by the approval.

5.3 Exemptions

- The activities listed below are considered exempt from requiring an approval. Those exempt activities are:
 - Fundraising activities (i.e. sausage sizzles); and
 - Activities in relation to trading markets and market stalls.

5.4 Application for Approval

An application for approval must be made in accordance with the requirements of Local Law No.1 (Administration) 2014 and must be accompanied by the following:-

- a) Details of the proposed goods, products, produce or services for trade;
- b) Details of the proposed site on the relevant section of roadway where the activity is to be carried out, by way of site plan;
- c) Details of the proposed dates and hours the roadside vending activity is to be carried out;
- d) If the site is to be used for the preparation/sale of food, a copy of a current Licence/Registration Certificate issued under the *Food Hygiene Act 2006* is required;
- e) For food vendors, one weeks worth of temperature logs must be provided for the period immediately prior to the activity being carried out within the Cloncurry Shire;
- f) Details of toilet arrangements for the operator/s of the site;
- g) A copy of the current Public Liability Insurance Policy showing an indemnity to the value of \$10,000,000;
- h) Details of vehicle, trestle bench or any other equipment to be utilised with the proposed activity;
- i) Signs for the proposed activity will be in accordance with the Subordinate Local Law No.1 (Administration) 2014 Schedule 10 (installation of advertising devices);
- j) Detailed plan/s to scale of not less than 1:50 of the proposed activity identifying:
 - The layout of roadside vending arrangement including measurements;
 - If the proposal is for a specific site, the distance from fixed businesses selling the same or similar goods and/or services;
 - Details of how the proposal will contain waste water;
 - Details of how the proposal will dispose of waste water

5.5 Assessment of Application

Council retains the right to approve, subject to conditions or refuse any application for Roadside Vending. A decision on all applications for which this Policy relates will be assessed within a period of thirty (30) days.

5.6 General Conditions of Approval

5.6.1 Mobile Roadside Vending Conditions

- The approval is restricted to the registered vehicle proposed in the application;
- The operator of the vehicle for which this approval relates, must not undertake any vending on areas or roads under the control of Council or the State other than those areas or roads specified in the conditions of this approval;
- The approval shall permit a maximum annual limit of three (3) visits per calendar month;
- The vehicle and/or stall must be removed from the site after the close of business each day unless otherwise specified;
- The operator of the vehicle for which this approval relates, must not:
 - Engage in stationary roadside vending on any local government and/or state controlled area or road within five hundred (500) metres of fixed businesses selling the same or similar goods and/or services
 - Park the vehicle for any period longer than is necessary to serve a customer who has hailed down the vehicle; or
 - Amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with the *Environmental Protection Act 1994*;
- At all times keep and maintain all facilities and equipment used in the undertaking of the activity:
 - In good working order and condition; and
 - In a clean and sanitary condition;
- For wastes generated by the operation of the activity, only dispose of waste:
 - In a safe and sanitary manner; and
 - In a manner which maintains the site for which the approval relates and its surrounds, in a clean, tidy, sanitary and hygienic condition;
- Not dispose of the waste:
 - So as to attract pests; or
 - At another location other than a location properly intended for the receipt of the waste;
- Only serve customers from the non-traffic or kerb side of the vehicle for which this approval relates;
- Ensure the activity does not create a safety risk to both pedestrians and vehicles;
- If the activity is operated during the evening and/or night time period, the activity must provide adequate lighting to ensure comfort, convenience and safety of customers;

- Ensure the activity does not operate in locations where standing or parking of a vehicle will be contrary to parking restrictions at operating times.

5.6.2 Stationary Roadside Vending Conditions

The approval is restricted to the registered vehicle proposed in the application;

- The operator of the vehicle for which this approval relates, must not:
 - Engage in stationary roadside vending on any Local Government and/or State controlled area or road within five hundred (500) metres of fixed businesses selling the same or similar goods and/or services.
 - Amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with the *Environmental Protection Act 1994*;
- The operator of the vehicle for which this approval relates, must not undertake any vending on areas or roads under the control of Local Government or the State other than that specified in the conditions of the approval;
- The approval shall permit a maximum annual limit of three (3) visits per calendar month;
- The vehicle and/or stall must be removed from the site after the close of business each day unless otherwise specified;
- This approval does not permit the use of a structure, object or thing that is fixed to the footpath unless otherwise approved by Council and/or the State;
- Ensure the activity, during the night-time period, provides adequate lighting to ensure comfort, convenience and safety of customers;
- Ensure the activity does not operate in locations where standing or parking of a vehicle will be contrary to parking restrictions at operating times;
- Ensure at all times, to keep and maintain all facilities and equipment used in the undertaking of the activity:
 - In good working order and condition; and
 - In a clean and sanitary condition.
- For wastes generated by the operation of the activity, only dispose of waste:
 - In a safe and sanitary manner; and
 - In a manner which maintains the site for which the approval relates and its surrounds, in a clean, tidy, sanitary and hygienic condition;
- Do not dispose of the waste in a manner that may:
 - Attract pests; or
 - At another location other than a location properly intended for the receipt of the waste.

6. Accountability and Reporting

This policy will be implemented by the Works and Environmental Services Department and is subject to periodical review. This policy will be reviewed annually or more frequently if there are significant changes in legislation or other circumstances which affect its effectiveness and validity.

References and Related Documents:

Local Law No.1 (Administration) 2014
Subordinate Local Law No. 1 (Adminsitraton) 2014

Adopted by Council Resolution

POLICY VERSION AND REVISION INFORMATION

Version No.	Date Adopted	Review Date
1	19.02.2019	19.02.2020

Policy Authorised by: David Bezuidenhout



Title: Chief Executive Officer