

ROADSIDE VENDING GENERAL POLICY

Intent

The intent of this policy is to provide clear objectives and guidelines for the issuing of approvals to carry out Roadside Vending Activities on roads under Cairns Regional Council Local Law No. 1 (Administration), Schedule 8 Commercial Use of Local Government Controlled Areas and Roads.

Scope

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

Definitions

Products: produced by natural process.

Roadside Vending: The sale of any goods, produce or products from a stationary vehicle on any roadway or road reserve within the Douglas Shire Council area.

Produce - Agricultural products.

Further definitions as set out in the Cairns Regional Council Local Law No.1 (Administration) Schedule 8, and Douglas Shire Council Local Law No. 59 (Commercial Use of Roads) 2002.

Provisions

General

- All new applications applied for under this Local Law - will be referred to Council for a decision.
- Council will determine from time to time the nature of produce/products that can be approved for sale under this policy.
- All roadside Vending renewal applications applied for under this Local Law will be reviewed by Council every four (4) years.

Requirement to Hold Approval

- A person must not carry out a Roadside Vending activity on a road unless authorised by an approval issued by the Douglas Shire Council.

Application for Approval

An application for approval must be made in accordance with the requirements of Local Law 1 (Administration) and must be accompanied by the following:-

- a) Details of the proposed goods to be displayed for sale.
- 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 approved for the preparation/sale of food, a copy of a current Licence Certificate issued by the Douglas Shire Council under the *Food Act 2004* is required.
- e) Details of toilet arrangements for the operator/s of the site.

- f) A copy of the current Public Liability Insurance policy showing an indemnity to the value of \$20,000,000 which nominates Douglas Shire Council, The Minister administering the *Land Act 1994* and the State of Queensland as interested parties.
- g) Details of vehicle, trestle bench or any other equipment to be utilised with the proposed activity.
- h) A deposit of \$1,000-00 (or as otherwise determined by Council) for permanent standing vehicles. A deposit of \$500-00 (or as otherwise determined by Council) for seasonal vehicles for a period of not longer than 6 weeks.

Assessment of Application

- Assessment of all applications will be undertaken with reference to the Department of Main Roads document "Self-Assessment Guidelines for Roadside Stall Locations"
- Sites where the proposed activity will potentially create water and dust problems will not be favoured.
- That all new applications (not renewal) be sited at least 1 km (roadside) from existing retail businesses of a similar nature.

Unit Responsible for Administration

Environmental Health & Regulatory Services Unit

Nature of Goods Approved for Roadside Vending

Only the following categories of goods will be considered for approval under this policy:-

- Whole fruit, vegetables and flowers grown by the approval holder.
- Primary produce harvested by the approval holder e.g. whole/uncooked seafood.

Referral Agencies

Each application shall be referred to the following agencies prior to processing:-

- Main Roads Department, if the application is for a site located on a state controlled road.
- Douglas Shire Council Infrastructure Services for evaluating the safety of the site and the suitability of the road verge for heavy traffic in all weather conditions.
- Douglas Shire Council's Environmental & Regulatory Services Unit if the proposal involves the sale of food.

General Conditions of Approval

In issuing an approval, Council may impose conditions relating to public health and safety, which may include issues such as:-

- The approval is for the use of the specified site only.
- The certificate of approval is to be conspicuously displayed or produced for inspection when required by an authorised officer.
- The holder of the approval is to provide and maintain sufficient receptacles for refuse and thoroughly clean the area at the conclusion of business each day.
- The approval is issued for one (1) financial year only or as otherwise specified. Should the applicant wish to continue carrying out the activity for longer periods, a renewal application should be made to Council.
- The approval is issued for a particular vehicle or use for that site. A change of vehicle or use requires prior Council approval.
- Any matter associated with criteria or conditions of approval as set out in Douglas Shire Council Local Law No. 59 (Commercial Use of Roads) 2002.
- The vendor shall only sell products from the approved vehicle and from approved benches, tables and containers within the individual licence footprint during daylight hours.

Fees as set out in Council's current Fees & Charges Schedule will apply.

Health Conditions of Approval Where Proposal Involves The Sale of Food

- Where the application involves any food other than whole fruit and vegetables, the applicant must submit evidence that the food was prepared in approved premises.
- If the application is for a vending activity that involves food preparation in the vehicle, the applicant must submit copies of current certificates of Car Registration and Licence under the Food Act 2006..

Issue of Approval

The approval may be issued

- On an annual basis by financial year, OR
- On a pro-rata basis, as determined by Council.

Insurance

- The holder of the approval is to take out Public Liability Insurance to the value of \$20,000,000 against personal injury and property damage resulting from activities authorised by the approval.
- Such insurance policy must clearly indemnify the Douglas Shire Council and any person associated with the activity as well as the operator and any other person directly involved with the activity.
- Council may withhold issuing the approval until the copy of the insurance policy is provided.

Transfer of Approval

- 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.

This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Sustainable Communities

ORIGINALLY ADOPTED: 16/06/2015

CURRENT ADOPTION:

DUE FOR REVISION: 16/06/2019