

Commercial Use of Roads Application Form – Mobile Roadside Vending

Privacy Notice: Rockhampton Regional Council is collecting the personal information you supply on this form for the purpose of processing your application. Council is authorised to do this under the *Rockhampton Regional Council Local Law No. 1 (Administration) 2011*, specifically *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*. Council deals with your personal information in accordance with law including the *Information Privacy Act 2009*.



This form is to be completed when applying for approval for mobile roadside vending. Approval for this activity allows vending on local government controlled roads only. The application is for 'waive down', that is, the operator must be waived down in order to make a sale. Products must be ready for sale or available in a short period. The operator must remain stopped only for the duration of the sale and must not wait for customers. Mobile roadside vending cannot be undertaken in the Rockhampton CBD exclusion zone being bound by Derby, Archer and Denison Streets and the Fitzroy River.

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Applicant Details <small>(applicant name must be the same as shown on the public liability insurance)</small>			
Applicant name: <small>(if partnership or company)</small>		ABN:	
Applicant name: <small>(if individual)</small>			
First	Middle	Last	
Trading name:			
Postal address:			
Person responsible for the activity:			
Contact number/s:		Email:	
Company Details			
Registered office address: <small>(if partnership or company)</small>			
Street number and name		City	State Postcode
Company director/s name:			
Manager/s name:			
Manager/s contact number:		Email:	
Preferred delivery method: <input type="checkbox"/> Email <input type="checkbox"/> Post <input type="checkbox"/> Collect – (Rockhampton, Gracemere, Mt Morgan)			
<small>Email is the standard form of delivery. If this is method is unsuitable please select an alternative.</small>			
Vehicle Details			
Make:	Model:	Registration number:	
Length:	Width:	Weight:	
Public Liability Insurance <small>(please note a copy of your public liability insurance and indemnity statement must be provided)</small>			
Name of insurer:		Policy number:	
Policy limit:		Expiry date:	
Is Rockhampton Regional Council noted as an interested party? <input type="checkbox"/> Yes <input type="checkbox"/> No			

OFFICE USE ONLY	Date:	CSO:	Information checked: Y / N
	Amount:	Receipt number:	Application number:

Operational Details

Nature of goods/services to be supplied:

Method of sale of goods/services:

Days and times of operation:

Vending areas (*roads/streets etc*):

Method of waste disposal:

Supporting Documentation

Please remember to provide the following supporting documentation when submitting this form:

- ☐ Map showing the roads/streets on which the mobile vending is proposed.
- ☐ Certificate of Cover for Public Liability Insurance to the minimum value of \$20 million dollars and noting Rockhampton Regional Council as an interested party – ensure the name on the insurance policy is the same name as the applicant name on this application and must be either a person or a company name.
- ☐ Copy of the current registration certificate for the vehicle proposed to be used in the operation of the activity.
- ☐ Colour photographs of the proposed vehicle.

Declaration

I submit this Commercial Use of Roads Application Form – Mobile Roadside Vending with the relevant fee and supporting documentation as required.

Applicant name:

Applicant signature:

Date:

Signatory name:

Signatory position:

(*if partnership or company*)

(*if partnership or company*)

Fees and Charges

For a full list of fees and charges please refer to Council's [Fees and Charges Schedule](#).

Payment Information

In person | You can pay at Council's Customer Service Centres: 232 Bolsover Street, Rockhampton; 32 Hall Street, Mount Morgan; 1 Ranger Street, Gracemere.

By phone | Customer Service staff will contact you regarding payment via credit card or debit once this form is received.

By post | Make your cheques/money order payable to 'Rockhampton Regional Council' and send to PO Box 1860, Rockhampton, Queensland, 4700.

Roadside Vending

Council has a role in regulating roadside vending to ensure these activities are carried out in a safe manner for customers, pedestrians and traffic, while preventing nuisances to the surrounding environment.

While no applications are required for the remainder of the 2020/2021 financial year, retailers and hospitality outlets will be required to make formal application for Commercial Use of Local Government Controlled Area and Roads if they wish to continue commercial use of the footpath from 1 July 2021.

What is Roadside Vending?

There are two types of roadside vending:

Mobile Roadside Vending – where an operator solicits or carries on the supply of goods or services (including food or drink) for profit in circumstances where the operator travels from place to place and the operator supplies the goods or services to a customer in response to the customer waving down the operator.

Example: a mobile ice-cream van using amplified music to attract customers while driving.

Stationary Roadside Vending – where an operator solicits or carries on the supply of goods or services (including food or drink) for profit in circumstances where the activity is carried on from a specified place or a number of specified places. This does not include footpath dining.

Example: a roadside stall selling fruit or vegetables, a pie/coffee van selling food and drink.



Trading on Local Government Controlled Areas and Roads

Roadside vendors wanting to trade on Local Government controlled areas and/or roads require approval in accordance with *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*. Further approval may be required by Council's Parks unit where vending is intended to take place from a Council owned park or reserve.

Food vending is not permitted in the Central Business District (CBD). This exclusion zone is bounded by Derby, Archer and Denison Streets and the Fitzroy River.

Trading on Private Land

Roadside vending approval is not required when trading on private land, however you should check with Council's Development Assessment unit to see if planning approval is required.

Trading on a Main Road

Roadside vending approval is not required from Council when trading on a main (State Government-controlled) road; however you should check with Department of Transport and Main Roads to see if an approval is required.

General Requirements

Roadside vendors should take the following conditions/requirements into consideration prior to deciding the location of their activity and making an application with Council:

- Take measures to protect the safety of persons who may be involved in, or affected by, the activity;
- Take out and maintain insurance for a minimum of \$20 million for Council controlled roads indemnifying Rockhampton Regional Council against any or all claims of damages resulting from the activity;
- Allow for the operation of the activity, including any vehicle or premises used in the operation of the activity, to be inspected by an authorised person;
- The activity of this type must not be operated within 150m radius of a fixed premise which sells or offers for sale the same or similar goods or services, or the site of another prescribed activity which the same or similar goods or services are sold or offered for sale;
- The activity must not:
 - a. cause a nuisance;
 - b. create a traffic nuisance;
 - c. increase an existing traffic nuisance;
 - d. detrimentally affect the efficiency of the road network;
 - e. detrimentally affect the amenity of the neighbourhood;
 - f. create a road safety risk.
- The activity must not amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*;
- Customers must only be served from the non-traffic or kerbside side of the vehicle;
- Trading is not to be located where customers would be required to park in a kerbside lane or where parking/standing restrictions apply.

Are you Selling Food?

You may also require a Food Business Licence. Check with Council's Environment and Public Health unit to see if a food licence is required.



How to Apply for an Approval

To apply for a roadside vending approval, you will need to submit a completed Commercial Use of Roads Application Form – Mobile Roadside Vending or a Commercial Use of Roads Application Form – Stationary Roadside Vending with supporting documentation and pay the relevant application fee. Supporting information includes:

- A site plan (1:100 refer individual application form for specific requirements);
- Certificate of Cover for Public Liability Insurance with a minimum of \$20 million dollars and noting Rockhampton Regional Council as an interested party;
- Copy of current registration certificates for each vehicle proposed to be used in the operation of the activity;
- Coloured photographs of the proposed vehicle/s.

The application process can take up to 30 days from date of submission to the final approval, should there be no further information required. If further information is required, this will extend the application process by at least seven to 14 days. Contact Council for an application form.

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