

Facts

Mobile Roadside Vending

Who needs a vending approval?

Any food-vending vehicle (includes any vehicle, whether mobile or stationary) or temporary food stall (includes any structure, food stall or mobile food stall, including any van, truck, trailer or movable module, tent or gazebo) located in an area or on a road controlled by local government and used for the purpose of selling any article requires a vending approval under Mackay Regional Council's Local Law No.1 (Administration) 2011 and Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011.

These approvals may be one of an itinerant or static nature and are quite often associated with the sale of food.

Enforcement

The commercial use of local government controlled areas and roads is a category 1 prescribed activity under Mackay Regional Council's Local Law No.1 (Administration) 2011 and

Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011.

It is a legal requirement that you cease to operate from vending food products from any local government controlled area unless you have valid approval to do so.

If you are conducting roadside vending you must have a current approval and comply with the conditions of your approval. Failure to comply with your approved conditions may result in one or more of the following enforcement actions:

- A warning notice being issued
- A legal notice being issued requiring action to be taken or work to be conducted
- Prescribed Infringement Notice (PIN) or an on-the-spot fine will be issued should you be found to be carrying out a prescribed activity without approval. This will be an offense under Section 6 of Mackay Regional Council's Local Law No.1 (Administration) 2011, which is subject to an infringement notice of a maximum



of 50 penalty units. One penalty unit equates to \$110

- Suspension of an approval
- Cancellation of an approval
- Seizure of roadside vending items
- Prosecution.

It is permissible to operate from private land as long as you have the land owner's permission to be there and have appropriate insurance

If you have difficulty complying, please contact council.

Criteria

You must provide the following:

- Proposed plan of the mobile roadside vending location(s) showing;
- All adjoining roads and road names
- Distances from roadways and other features (i.e. intersections, bus stops, pedestrian crossings, houses, businesses etc.)
- Proposed set up/layout of the vehicle at the location in relation to each of the above
- Copies of current registration certificate(s) for each vehicle proposed to be used
- Copy of each policy of insurance of the applicant which relates to the operation of the mobile roadside vendor
- Details of waste disposal for waste generated by the activity
- If signage is intended to be displayed council requires details of the signage and how the signage will be secured whilst displayed.

Other matters relating to approvals

▪ *Inspections for operation*

In accordance with the relevant local laws, council officers may inspect food stalls at any time of the operation.

▪ *Fees*

Fees for the assessment of applications, the issuing of approvals and the conducting of all inspections are determined in accordance with the councils "commercial fees and charges". Applications will only be



considered for approval after payment of the approved fee.

▪ *Road transport rules*

The licensee must comply with road rules with respect to period parking restrictions and not trade in areas that are restricted to under one (1) hour parking.

▪ *Waste management*

Mobile vendors and temporary food stall operators are required to be responsible on a daily basis for the waste materials that they generate. Waste materials such as food packaging and the like should be collected in bins or suitable receptacles, bagged or contained and stored and disposed of at the cost of the operator. Where reasonable and feasible, packaging used for the sale of food should be selected for its suitability for recycling in the relevant local council area and recycled where possible. Details of how waste will be managed should be provided with your application.

▪ *Prohibited zones, neighbourhood shopping centres, roads*

The selling of goods from

mobile food vending vehicles is prohibited within a 300 metre buffer of similar businesses.

▪ *Hours of operation*

Hours of operation for mobile food vending vehicles are subject to assessment and approval by council.

▪ *Owner / operator insurance*

The vehicle owner / operator must keep an insurance policy in respect to public and product liability of an amount not less than \$20 million (for each accident or event) and shall provide to council with the application form and, at any other time on request, a certificate of currency for that insurance policy. The policy must also insure against any action that may arise from damage to property or injury to any person using the footpath or public road in the vicinity of the activity from which approval is sought.

Further information

For further information please visit www.mackay.qld.gov.au or contact an Environmental Health Officer on 1300 622 529.