
COMMERCIAL USE OF LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS

APPROVALS

POLICY NUMBER	STAT-POL-055	DOC.ID	3668209
CATEGORY	Statutory		
POLICY OWNER	Community Education and Compliance		
APPROVAL DATE	24 November 2021	RESOLUTION NUMBER	7591

OBJECTIVE

To achieve a balance of interest between the commercial use of local government controlled areas and roads in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid and to which planning and other regulatory legislation applies.

Principles to achieve the Objective

1. Services and supply of goods must meet the need of the community.
2. The prescribed activity is temporary in nature and restricted to specific operating times and days.
3. The prescribed activity is temporary in nature and restricted to a moveable/transportable platform that will be removed from the designated area of operation.
4. The prescribed activity must not impact negatively on traffic safety.
5. The prescribed activity must comply with the approval conditions and the relevant Local Government, State and Commonwealth legislation.

SCOPE

This policy applies to vendors that operate the following prescribed activities:

1. Mobile Roadside Vending,
2. Stationary Roadside Vending,
3. Footpath Dining and
4. Display of Goods for Sale on a Footpath.

This policy does not apply to:

1. Themed events.
2. State Controlled Roads.

DEFINITIONS

TERM / ACRONYM

MEANING

Mobile Roadside Vending

Means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where – (a) the operator travels from place to place; and (b) the operator supplies the goods or services to a customer in response to the customer waiving down the operator.

Stationary Roadside Vending	Means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where – (a) the operator carries on the activity from – (i) a specified place; or (ii) a number of specified places; but (b) the activity is not footpath dining.
Footpath Dining	Means the operation of a prescribed activity which is contiguous to or in the vicinity of a registered café, restaurant, take away food shop which are operated by the approval holder.
Display of Goods for Sale on a Footpath	Means the operation of a prescribed activity which is contiguous to or in the vicinity of a retail premises which are operated by the approval holder.
Local Government Controlled Area(s)	Land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.
Road	Local Government controlled road.
Themed Events	Events for the greater community benefit that is held on no more than twelve (12) days per event per year (for example: Masons Sunday Markets, Sport/Activity Club Days, Eat Street Markets but not limited to these examples).
Similar goods	Means the broad category of goods (for example: furniture, meals, food but not limited to these examples).
Similar services	Means the broad category of services (for example: personal appearance services, but not limited to these examples).
Hirer	Means an entity that hires the Local Government Controlled Areas and Roads in terms of the Hiring of Council Outdoor Space program.

POLICY STATEMENT

Mobile Roadside Vending

Approval holders will operate the prescribed activity mainly on roads where the operator will be flagged down by customers.

Stationary Roadside Vending

The approval holder will operate the prescribed activity from a specified or number of specified places where the operator will wait for customers to approach the prescribed activity. The approval holder will operate the prescribed activity at the designated areas.

Due to the limited availability of Local Government Controlled Areas and Roads, the number of users per each designated area will be limited to achieve the Objective and the Principles to achieve the Objective.

When Local Government Controlled Areas and Roads (for example a park, sporting field) can be hired by a commercial entity in terms of the Hiring of Council Outdoor Space program and that Local Government Controlled Areas and Roads is also included in the register for Designated Areas the following principles will apply to ensure that both the hirer and the Commercial Use of Local Government Controlled Areas and Roads approval holder have reasonable access for their activity.

1. When the hirer requires the whole Local Government Controlled Areas and Roads for their event and use, approval holders will not be able to operate the activity at that Designated Area but may in accordance with their approval operate the activity from any of the other Designated Areas.
2. Where the hirer requires and only operate from a portion of the Local Government Controlled Areas and Roads, approval holders may operate the activity at the Designated Area.

Council will maintain a register of Designated Areas where the activity can operate at.

Display of Goods for Sale on a Footpath

The approval holder will operate the prescribed activity at a specified place that is contiguous to or in the vicinity of a retail premises which are operated by the approval holder.

Footpath Dining

The approval holder will operate the prescribed activity at a specified place that is contiguous to or in the vicinity of a registered café, restaurant, take away food shop which are operated by the approval holder.

Legislative Provisions

The proposed and approved prescribed activities must always satisfy and comply with the provisions of Isaac Regional Council Sub-Ordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads), all other relevant Local, State and Commonwealth legislation.

Assessment and Decisions

Applications will be assessed against the provisions of the Isaac Regional Council Sub-Ordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads) and Resolution PECS0212, (Objective for the Commercial Use of Local Government Controlled Areas and Roads).

All approvals will be issued with conditions that may include standard and/or non-standard conditions.

Applicants have the right to request a review of the decision, whether it is an approval or a refusal as well as the conditions that has been applied to an approval.

Payment of fees

Approval holders will be required to pay application, assessment and annual fees as determined from time to time by Council and published in the "Isaac Regional Council Fees and Charges".

LEGISLATIONS AND RELATED GUIDELINES

- Isaac Regional Council Local Law 1 (Administration)
- Isaac Regional Council Sub-Ordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads)
- Council meeting of 25 September 2018, Resolution5627, (Objective for the Commercial Use of Local Government Controlled Areas and Roads)

REFERENCES

ID	NAME
PECS-084	Application for Commercial Use of Local Government Controlled Areas and Roads (mobile vendors) New/Renewal Form