

# Hay Shire Council Policy



<b>Title of Policy</b>	DRAFT Vending Vehicles Policy		<b>Hay Shire</b> COUNCIL
<b>This applies to</b>	Hay Shire Local Government Area		
<b>Author</b>	Jack Terblanche	<b>Date Approved:</b>	**
<b>Position of Author</b>	Director of Community Development	<b>Authorised by:</b>	Council
<b>Legislation, Australian Standards, Code of Practice.</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Food Act 2003</i></li> <li>• <i>Protection of the Environment Operations Act 1997</i></li> </ul>		
<b>Related Policies/Procedures</b>	Nil		
<b>Attachments</b>	Nil		
<b>Aim</b>	To regulate mobile and standing vehicles that display and sell commodities on public or private land.		
<b>Version</b>	<b>Details</b>	<b>Date</b>	
Version 1	Initial Issue	****	
<b>Superseded Policies</b>	Nil		
<b>The Policy</b>			

## OBJECTIVE

To regulate mobile and standing vehicles that display and sell commodities on public or private land.

## POLICY

### Approval

1. An application for approval to operate a vending vehicle within the Hay Local Government Area must be completed by the applicant and submitted to Hay Shire Council for approval by the Director Community Development (or equivalent position) or their nominated delegate.
2. An approval to operate a vending vehicle includes approval under the provisions of Section 68 of the Local Government Act 1993 for the purpose of selling of commodities in a public place.
3. If the vehicle information provided with the initial application changes during the term of this approval, details of the change shall be advised in writing to Council within one week of the variation occurring.

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4. Any vehicle and adjacent areas used for the purpose of displaying and selling commodities without the appropriate approval of Council, and/or not in accordance with this policy, or any licence or direction of Council, is prohibited.
5. A copy of the certificate of approval must be kept with the vehicle at all times and the certificate must be provided on request by an authorised Council Officer.

#### Inspection of Vehicle

6. The Council may require the vehicle to be made available for inspection at any reasonable time.

#### Hours of Operation

7. The hours of operation for the vehicle selling or displaying commodities are limited from 8.00am to 7.00pm daily during Daylight Saving period and from 8.00am to 6.00pm daily during other times of the year. In exceptional circumstances, hours of operation may be varied to the discretion of the Director Community Development (or equivalent position) or their nominated delegate.

#### Selling Condition

8. The vehicle must be in motion unless displaying or selling commodities. The vehicle shall not operate within 100 metres from any business or other premises, displaying or selling similar types of commodities, at the same time, unless it is a vending vehicle on public land with Council permission.
9. It is expected that the operator of a vending vehicles will work closely with sporting groups at any sporting events.

#### Vehicle Condition

10. All vehicles permitted under this policy shall be maintained in a clean and safe condition. Vehicles displaying or selling food are to comply with the Food Standards, Australian and New Zealand Food Safety Standards, Food Act 2003 and Roads and Maritime Services registration and rules.
11. The vending vehicle must not be used for sleeping purposes.

#### Waste Disposal

12. Suitable garbage receptacles with close-fitting lids must be provided in the vehicle.
13. When directed, a suitable receptacle must be provided outside the vehicle for placing litter.
14. All garbage must be removed daily or more frequently when the need arises.
15. Any waste must be transported to a place that can lawfully be used as a waste facility for that waste. A copy of an appropriate waste management plan must be provided to Council prior to approval.

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### Public Nuisance

16. The vehicle shall operate in accordance with the Local Government Act 1993, the Protection of the Environment Operations Act 1997 and such other legislation as may from time-to-time impinge upon the activities hereby approved.

### Road Rules

17. Vehicles permitted under this policy shall not obstruct roadways or footpaths and shall not be driven or parked in such a way that is a hazard to other road users.
18. A vehicle permitted under this policy will not be exempt from any road rules, traffic and parking regulations or any similar legislation.

### Statutory Approvals

19. A vehicle permitted under this policy shall comply with all relevant Acts, Regulations and Council Policies and nothing herein shall be taken as the granting of consent under the Environmental Planning and Assessment Act 1979.

### Public Liability

20. The proprietor must provide Council with a copy of their current Public Liability Policy for not less than \$10 million dollars indemnifying Hay Shire Council against any claims that arise from the operation of the vending vehicle.

### Cancellation

21. The permission to operate a vending vehicle may at any time be cancelled by Council.

### **Definitions**

Vending vehicle: Includes any mobile or stationary vehicle and any adjacent area reasonably used for the purpose of displaying and selling commodities; but excludes service vehicles such as mechanics, carpet cleaning services, gardening services and also excludes the delivery of pre-ordered commodities such as pre ordered meals.

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