

Gold Coast City Council



Subordinate Local Law No. 11.3 (Roadside Vending) 2008

It is hereby certified that this is a true and correct copy of
Subordinate Local Law No. 11.3 (Roadside Vending) 2008 made, in accordance with the *Local Government Act 1993*,
by the Council of the City of Gold Coast
Joe McCabe
Acting Chief Executive Officer

Gold Coast City Council Subordinate Local Law No. 11.3 (Roadside Vending) 2008

Summary of Provisions

Part 1	Preliminary	1
	1 Short title.....	1
	2 Authorising local law.....	1
	3 Object	1
	4 Definitions—the dictionary.....	1
Part 2	Stationary roadside vending	1
	5 Application for a permit.....	1
	6 Grant of a permit.....	2
	7 Conditions of a permit.....	3
Part 3	Mobile roadside vending	9
	8 Application for a permit.....	9
	9 Grant of a permit.....	10
	10 Conditions of a permit.....	11
Part 4	Enforcement	16
	11 Records to be kept	16
Schedule	Dictionary	17

Gold Coast City Council Subordinate Local Law No. 11.3 (Roadside Vending) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 11.3 (Roadside Vending) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 11 (Roads and Malls) 2008*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 11 (Roads and Malls) 2008* by ensuring that the operation of roadside vending does not result in personal injury or property damage or detrimentally affect the amenity of the area in which it is conducted.

4 Definitions—the dictionary

The dictionary in the Schedule (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Stationary roadside vending

5 Application for a permit

For the purposes of section 12(1)(c)(iv) (Application for a permit) of *Local Law No. 11 (Roads and Malls) 2008*, an application for the operation of a prescribed activity being stationary roadside vending must (unless otherwise required by the local government) be accompanied by—

- (a) the name, street address, telephone number, facsimile number and email address of the person to be operating the stationary roadside vending; and
- (b) the trading name, street address, telephone number, facsimile number and email address, registered business name and Australian Company name of the business under which the stationary roadside vending is to be operated; and
- (c) a copy of the current registration certificate of any vehicle used in the operation of stationary roadside vending; and

- (d) details of the operation of stationary roadside vending including—
 - (i) the nature of the goods or services to be supplied; and
 - (ii) the area within the local government area where it is proposed to erect or place the stationary roadside vending structure, vehicle or equipment; and
 - (iii) the times at which the goods or services will be supplied; and
 - (iv) the method of sale of goods or services to be supplied; and
 - (v) all public liability or vehicle insurance policies relating to the operation of the stationary roadside vending; and
 - (vi) the management of wastes (including waste disposal and collection); and
 - (vii) the proposed term of the permit; and
- (e) a site plan to scale of the operation of stationary roadside vending showing relevant areas in which the operation of stationary roadside vending is to be undertaken (including any roads or other premises); and
- (f) specifications of any stall or vehicle used in the operation of the stationary roadside vending; and
- (g) a cash bond as specified by the local government to secure compliance with the conditions of the permit.

6 Grant of a permit

- (1) For the purposes of section 13(1)(g) (Grant of a permit) of *Local Law No. 11 (Roads and Malls) 2008*, the local government is to, in assessing an application for the grant of a permit for the operation of a prescribed activity being stationary roadside vending, have regard to the following assessment criteria—
 - (a) whether the matters which are the subject of the conditions specified in section 7 (Conditions of a permit) of this subordinate local law which are relevant to the operation of stationary roadside vending can be adequately addressed by the imposition of those conditions; and
 - (b) whether the goods or services proposed to be sold as part of the operation of stationary roadside vending, or goods or other services of a similar type, are available for sale from a retail shop or other commercial premises near the location of the proposed stationary roadside vending; and
 - (c) if food of any description is sold, whether the food is likely to be contaminated or spoiled from any source or cause whatsoever; and

- (d) objections from any person whose property adjoins or is adjacent to the location of the proposed stationary roadside vending activity; and
 - (e) the suitability of the location of the proposed stationary roadside vending activity having regard to the distance from any carriageway and entry and exit to the proposed location; and
 - (f) the type of goods to be sold or services to be provided.
- (2) However the local government may grant a permit for the operation of a prescribed activity under subsection (1), even if the operation of the stationary roadside vending does not comply with the assessment criteria specified in subsection (1), if the operation of stationary roadside vending will substantially increase the commercial activity or the amenity of the area in which the operation of the stationary roadside vending is to be located.

7 Conditions of a permit

For the purposes of section 15(3) (Conditions of a permit) of *Local Law No. 11 (Roads and Malls) 2008*, the local government may impose all or any of the following conditions on a permit for the operation of a prescribed activity being stationary roadside vending¹—

- (a) The stationary roadside vending permit number issued by the local government, the local government issuing the permit and the prescribed activity must be prominently and permanently displayed in letters and numbers not less than 50mm in height to enable it to be viewed by members of the public eg. *GCCC – Roadside Vending [insert permit number]*.
- (b) The trading name and telephone number of the holder of the permit must be prominently and permanently displayed in letters and numbers not less than 75mm in height to enable it to be viewed by members of the public.
- (c) The location of the operation of stationary roadside vending must—
 - (i) be limited to the locations specified in the permit; and
 - (ii) not be within a 5 kilometre radius of a retail shop or other commercial premises which sells or provides the same or similar products or services or within five kilometres of the operation of another prescribed activity being stationary roadside vending.

¹ This section specifies, for the purposes of section 15(3) (Conditions of a permit) of *Local Law No. 11 (Roads and Malls) 2008*, the conditions that will ordinarily be imposed on a permit. However, the local government may, pursuant to section 15(1) (Conditions of a permit) of *Local Law No. 11 (Roads and Malls) 2008*, grant a permit on any conditions the local government considers appropriate.

- (d) The operation of stationary roadside vending must not—
 - (i) create a traffic problem; or
 - (ii) increase an existing traffic problem; or
 - (iii) detrimentally affect the efficiency of the existing road network.
- (e) The operation of stationary roadside vending must not detrimentally affect the amenity of the neighbourhood.
- (f) The operation of stationary roadside vending must not constitute a risk to road safety.
- (g) The hours of operation of stationary roadside vending must not detrimentally affect the amenity of the neighbourhood.
- (h) The operation of stationary roadside vending must not be conducted—
 - (i) on Christmas Day or Good Friday; and
 - (ii) unless approved by an authorised person or specified in the permit, outside the hours of—
 - (A) 8.00am to 8.00pm Monday to Saturday; and
 - (B) 9.00am to 8.00pm Sunday; and
 - (C) 10.00am to 6.00pm Public Holidays (other than Christmas Day and Good Friday).
- (i) The operation of stationary roadside vending including all vehicles, facilities or equipment used in the operation of the stationary roadside vending must be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
- (j) All maintenance of a vehicle, facility or equipment used in the operation of stationary roadside vending must be performed safely in accordance with all relevant laws.
- (k) A vehicle used in the operation of stationary roadside vending must—
 - (i) be kept in accordance with the local government’s planning scheme; and

- (ii) not be repaired or maintained on any premises other than in accordance with the planning scheme; and
 - (iii) be stored in a manner that does not cause a nuisance to adjoining premises; and
 - (iv) be removed from the road after the close of business each day, unless otherwise specified by the local government.
- (l) The operation of stationary roadside vending must comply with all relevant laws, including—
- (i) the *Environmental Protection Act 1994*; and
 - (ii) the *Environmental Protection (Water) Policy 1997*; and
 - (iii) the *Environmental Protection (Noise) Policy 1997*; and
 - (iv) the *Environmental Protection (Air) Policy 1997*; and
 - (v) the *Environmental Protection (Waste Management) Regulation 2000*; and
 - (vi) the *Food Act 2006*.
- (m) The operation of stationary roadside vending must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (n) No sign advertising the products to be sold or the services to be supplied by the operation of stationary roadside vending is to be displayed on any road or on any land under the control of the local government unless approved under *Local Law No. 16 (Licensing) 2008* and the local government's planning scheme.
- (o) No animal is allowed within the operation of stationary roadside vending unless approved by an authorised person.
- (p) Customers must be served from the non-traffic or kerbside side of a vehicle used in the operation of stationary roadside vending.
- (q) Water intended for use as part of the operation of stationary roadside vending must—
- (i) if intended for use for domestic purposes, be from an approved water source; and
 - (ii) be of an appropriate quality to be used for that purpose.

- (r) All hazardous materials used as part of the operation of stationary roadside vending must be stored and used in a safe manner.
- (s) Trade waste from the operation of stationary roadside vending must be disposed of in accordance with an approval under the *Water Act 2000*.
- (t) All waste (including waste water) generated as part of the operation of the stationary roadside vending—
 - (i) must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994*, *Environmental Protection (Waste Management) Regulation 2000* and the *Water Act 2000*; and
 - (ii) must be disposed of in a manner which maintains the operation of stationary roadside vending and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (iii) including a spillage of a waste, contaminant or other material must—
 - (A) be cleaned up immediately; and
 - (B) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or waters; and
 - (iv) must be kept so as not to attract pests; and
 - (v) must not be disposed of into waters or a watercourse.
- (u) All waste water generated during or from the operation of stationary roadside vending must be discharged safely to the sewerage system or an on-site sewerage facility.
- (v) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of stationary roadside vending must be—
 - (i) provided in the manner and locations specified by the local government; and
 - (ii) regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and
 - (iii) designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.

- (w) Human wastes from the operation of stationary roadside vending must be disposed of at a dedicated sanitary facility, sewerage system or on-site sewerage system.
- (x) The operation of stationary roadside vending must—
 - (i) be maintained in a clean and sanitary condition at all times; and
 - (ii) not attract fly breeding or vermin infestation; and
 - (iii) be kept free of pests and conditions offering harbourage for pests.
- (y) A motor vehicle used in the operation of stationary roadside vending for the preparation and sale of food must comply with the following standards—
 - (i) the motor vehicle must be internally lined and sealed to a smooth impervious finish approved by the local government; and
 - (ii) the floor and all wall/floor joints must be covered and finished with a smooth impervious material approved by the local government; and
 - (iii) all bench tops, counters and working surfaces must be finished with a smooth impervious material (such as stainless steel or laminate) approved by the local government; and
 - (iv) if fixtures (such as benches and basins) abut walls they must be flushed thereto with a smooth impervious material approved by the local government to a minimum height of 300mm; and
 - (v) a wash hand basin with a constant supply of clean water under pressure must be provided and drained to a waste water tank with a minimum capacity of 90 litres; and
 - (vi) nail brush, liquid soap and disposable paper towels must be provided to a wash hand basin at all times; and
 - (vii) an adequate number of refuse storage bins must be provided within the motor vehicle so that there is at least one for the operator and one for the use of the public; and
 - (viii) the motor vehicle must be capable of being effectively closed against contamination by dust, insects and vermin; and
 - (ix) the ceiling height within the motor vehicle must not be less than 2 metres; and

- (x) a double bowl stainless steel sink of minimum dimensions of 300mm x 305mm x 150mm for each bowl must be provided; and
 - (xi) a fresh water storage tank of at least 90 litres capacity must be provided and the water supply must be reticulated to the sink and the basin; and
 - (xii) an effective and adequate hot water system must provide a minimum hot water temperature of 75 degrees celsius; and
 - (xiii) if waste water facilities are not immediately available, a waste water tank must be provided on the motor vehicle which has a capacity equal to the fresh water storage tank; and
 - (xiv) enclosed storage facilities must be provided for all food stuffs and packaging materials required from day to day by means of vermin proof cupboards; and
 - (xv) enclosed storage facilities must be provided for all prepared food to protect the food from contamination; and
 - (xvi) if cooking is carried out, a system of mechanical exhaust ventilation must be provided; and
 - (xvii) adequate refrigeration must be provided to comply with standards for the storage of perishable goods; and
 - (xviii) the driving area of the motor vehicle must be separate and effectively sealed off from the food area of the motor vehicle.
- (z) Any premises, building, structure, vehicle, facility or equipment which is part of the operation of stationary roadside vending the subject of the permit, must not be changed in any respect without the prior notification of the local government and the approval of an authorised person.
- (aa) The operation of stationary roadside vending must be adequately managed to ensure compliance with *Local Law No. 11 (Roads and Malls) 2008*, this subordinate local law and the permit conditions.
- (ab) The operation of stationary roadside vending must not breach a provision of a local law or a subordinate local law.
- (ac) The person operating the stationary roadside vending must hold a public liability insurance policy for at least \$10 million or another amount specified by the local government in respect of the operation of the stationary roadside vending, which notes the local government's interest as an insured party.

- (ad) The person operating the stationary roadside vending must ensure that any vehicles used as part of the stationary roadside vending are insured in respect of third party property damage for a minimum of \$10 million or another amount specified by the local government.

Part 3 Mobile roadside vending

8 Application for a permit

For the purposes of section 12(1)(c)(iv) (Application for a permit) of *Local Law No. 11 (Roads and Malls) 2008*, an application for the operation of a prescribed activity being mobile roadside vending must (unless otherwise required by the local government) be accompanied by—

- (a) the name, street address, telephone number, facsimile number and email address of the person to be operating the mobile roadside vending; and
- (b) the trading name, street address, telephone number, facsimile number and email address, registered business name and Australian Company name of the business under which the mobile roadside vending is to be operated; and
- (c) a copy of the current registration certificate of any vehicle used in the operation of mobile roadside vending; and
- (d) details of the operation of mobile roadside vending including—
 - (i) the nature of the goods or services to be supplied; and
 - (ii) the area within the local government area in which it is proposed to conduct the mobile roadside vending; and
 - (iii) plans and specifications of the vehicle from which the mobile roadside vending is to be conducted; and
 - (iv) the times at which the goods or services will be supplied; and
 - (v) the method of sale of goods or services to be supplied; and
 - (vi) all public liability or vehicle insurance policies relating to the operation of the mobile roadside vending; and
 - (vii) the management of wastes (including waste disposal and collection); and
 - (viii) the proposed term of the permit; and
- (e) a site plan to scale of the operation of mobile roadside vending showing relevant areas in which the operation of mobile roadside vending is to be undertaken (including any roads or other premises); and

- (f) a cash bond as specified by the local government to secure compliance with the conditions of the permit.

9 Grant of a permit

- (1) For the purposes of section 13(1)(g) (Grant of a permit) of *Local Law No. 11 (Roads and Malls) 2008*, the local government is to, in assessing an application for the grant of a permit for the operation of a prescribed activity being mobile roadside vending, have regard to the following criteria—
 - (a) whether the matters which are the subject of the conditions specified in section 10 (Conditions of a permit) of this subordinate local law which are relevant to the operation of mobile roadside vending can be adequately addressed by the imposition of those conditions; and
 - (b) whether the vehicle used in the operation of the mobile roadside vending is a car or a commercial vehicle; and
 - (c) if food of any description is sold, whether the food is likely to be contaminated or spoiled from any source or cause whatsoever; and
 - (d) the impact on the availability of regulated parking for other road users; and
 - (e) whether adequate warning will be given to other road users of the presence of children; and
 - (f) the suitability of the proposed mobile roadside vending activity having regard to the distance from any carriageway and entry and exit to the proposed location; and
 - (g) the type of goods to be sold or services to be provided.
- (2) However the local government may grant a permit for the operation of the prescribed activity under subsection (1), even if the operation of the mobile roadside vending does not comply with the assessment criteria specified in subsection (1), if operation of the mobile roadside vending will substantially increase the commercial activity or the amenity of the area in which the mobile roadside vending is to be located.

10 Conditions of a permit

For the purposes of section 15(3) (Conditions of a permit) of *Local Law No. 11 (Roads and Malls) 2008*, the local government may impose all or any of the following conditions on a permit for the operation of a prescribed activity being mobile roadside vending²—

- (a) The mobile roadside vending permit number issued by the local government, the local government issuing the permit and the prescribed activity must be prominently and permanently displayed on the rear of the vehicle in letters and numbers not less than 50mm in height to enable it to be viewed by members of the public eg. *GCCC – Mobile roadside vending [insert permit number]*.
- (b) The trading name and telephone number of the holder of the permit must be prominently and permanently displayed on the vehicle involved in the operation of mobile roadside vending to enable it to be viewed by members of the public.
- (c) The location of the operation, and any activity associated with the operation, of mobile roadside vending must—
 - (i) be limited to the locations specified in the permit; and
 - (ii) not be within a 500 metre radius of a retail shop or other commercial premises which sells or provides the same or similar products or services.
- (d) The operation of the mobile roadside vending must not involve a vehicle other than a car or a commercial vehicle.
- (e) A vehicle used in the operation of mobile roadside vending may only remain stationary for the duration of the sale of goods or the provision of services to customers.
- (f) Customers must be served from the non-traffic or kerbside side of a vehicle used in the operation of mobile roadside vending.
- (g) The operation of mobile roadside vending must not—
 - (i) create a traffic problem; or
 - (ii) increase an existing traffic problem; or

² This section prescribes, for the purposes of section 15(3) (Conditions of a permit) of *Local Law No. 11 (Roads and Malls) 2008*, the conditions that will ordinarily be imposed on a permit. However, the local government may, pursuant to section 15(1) (Conditions of a permit) of *Local Law No. 11 (Roads and Malls) 2008*, grant a permit on any conditions the local government considers appropriate.

- (iii) detrimentally affect the efficiency of the existing road network.
- (h) The operation of mobile roadside vending must not constitute a risk to road safety.
- (i) The operation of mobile roadside vending must not, unless otherwise specified in the permit, be conducted—
 - (i) on Christmas Day or Good Friday; and
 - (ii) unless approved by an authorised person outside the hours of—
 - (A) 8.00am to 8.00pm Monday to Saturday; and
 - (B) 9.00am to 8.00pm Sunday; and
 - (C) 10.00am to 6.00pm Public Holidays (other than Christmas Day and Good Friday).
- (j) The operation of mobile roadside vending including all vehicles, facilities or equipment used in the operation of the mobile roadside vending must be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
- (k) All maintenance of a vehicle, facility or equipment used in the operation of mobile roadside vending must be performed safely in accordance with all relevant laws.
- (l) A vehicle used in mobile roadside vending must—
 - (i) be kept in accordance with the local government’s planning scheme; and
 - (ii) not be repaired or maintained on any premises other than in accordance with the planning scheme; and
 - (iii) be stored in a manner that does not cause a nuisance to adjoining premises.
- (m) The operation of mobile roadside vending must comply with all relevant laws, including—
 - (i) the *Environmental Protection Act 1994*; and
 - (ii) the *Environmental Protection (Water) Policy 1997*; and

- (iii) the *Environmental Protection (Noise) Policy 1997*; and
 - (iv) the *Environmental Protection (Air) Policy 1997*; and
 - (v) the *Environmental Protection (Waste Management) Regulation 2000*; and
 - (vi) the *Food Act 2006*.
- (n) The operation of mobile roadside vending must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (o) No sign advertising the products to be sold or the services to be provided by the operation of mobile roadside vending is to be displayed in any road or on any land under the control of the local government unless approved under *Local Law No. 16 (Licensing) 2008* and the local government's planning scheme.
- (p) No animal is allowed within the operation of mobile roadside vending unless approved by an authorised person.
- (q) Water intended for use as part of the operation of mobile roadside vending must—
- (i) if intended for use for domestic purposes, be from an approved water source; and
 - (ii) be of an appropriate quality to be used for that purpose.
- (r) All hazardous materials used as part of the operation of mobile roadside vending must be stored and used in a safe manner.
- (s) Trade waste from the operation of mobile roadside vending must be disposed of in accordance with an approval under the *Water Act 2000*.
- (t) All waste (including waste water) generated as part of the operation of the mobile roadside vending—
- (i) must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994*, *Environmental Protection (Waste Management) Regulation 2000* and the *Water Act 2000*; and
 - (ii) must be disposed of in a manner which maintains the operation of mobile roadside vending and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (iii) including a spillage of a waste, contaminant or other material must—

- (A) be cleaned up immediately; and
- (B) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or waters; and
- (iv) be kept so as not to attract pests; and
- (v) not be disposed of into waters or a watercourse.
- (u) All waste water generated during or from the operation of mobile roadside vending must be discharged safely to the sewerage system or an on-site sewerage facility.
- (v) Human wastes from the operation of mobile roadside vending must be disposed of at a dedicated sanitary facility, sewerage system or on-site sewerage system.
- (w) The operation of mobile roadside vending must—
 - (i) be maintained in a clean and sanitary condition at all times; and
 - (ii) not attract fly breeding or vermin infestation; and
 - (iii) be kept free of pests and conditions offering harbourage for pests.
- (x) A motor vehicle used in the operation of mobile roadside vending for the preparation and sale of food must comply with the following standards—
 - (i) the motor vehicle must be internally lined and sealed to a smooth impervious finish approved by the local government; and
 - (ii) the floor and all wall/floor joints must be covered and finished with a smooth impervious material approved by the local government; and
 - (iii) all bench tops, counters and working surfaces must be finished with a smooth impervious material (such as stainless steel or laminate) approved by the local government; and
 - (iv) if fixtures (such as benches and basins) abut walls they must be flushed thereto with a smooth impervious material approved by the local government to a minimum height of 300mm; and
 - (v) a wash hand basin with a constant supply of clean water under pressure must be provided and drained to a waste water tank with a minimum capacity 90 litres; and

- (vi) nail brush, liquid soap and disposable paper towels must be provided to a wash hand basin at all times; and
 - (vii) an adequate number of refuse storage bins must be provided within the motor vehicle so that there is at least one for the operator and one for the use of the public; and
 - (viii) the motor vehicle must be capable of being effectively closed against contamination by dust, insects and vermin; and
 - (ix) the ceiling height within the motor vehicle must not be less than 2 metres; and
 - (x) a double bowl stainless steel sink of minimum dimensions of 300mm x 305mm x 150mm for each bowl must be provided; and
 - (xi) a fresh water storage tank of at least 90 litres capacity must be provided and the water supply must be reticulated to the sink and the basin; and
 - (xii) an effective and adequate hot water system must provide a minimum hot water temperature of 75 degrees celsius; and
 - (xiii) if waste water facilities are not immediately available, a waste water tank must be provided on the motor vehicle which has a capacity equal to the fresh water storage tank; and
 - (xiv) enclosed storage facilities must be provided for all food stuffs and packaging materials required from day to day by means of vermin proof cupboards; and
 - (xv) enclosed storage facilities must be provided for all prepared food to protect the food from contamination; and
 - (xvi) if cooking is carried out a system of mechanical exhaust ventilation must be provided; and
 - (xvii) adequate refrigeration must be provided to comply with standards for the storage of perishable goods; and
 - (xviii) the driving area of the motor vehicle must be separate and effectively sealed off from the food area of the motor vehicle.
- (y) Any premises, building, structure, vehicle, facility or equipment which is part of the operation of mobile roadside vending the subject of the permit, must not be changed in any respect without the prior notification of the local government and the approval of an authorised person.

- (z) The person operating the mobile roadside vending must hold a public liability insurance policy for at least \$10 million or another amount specified by the local government in respect of the operation of the mobile roadside vending, which notes the local government's interest as an insured party.
- (aa) The person operating the mobile roadside vending must ensure that any vehicles used as part of the mobile roadside vending are insured in respect of third party property damage for a minimum of \$10 million or another amount specified by the local government.
- (ab) The operation of mobile roadside vending must be adequately managed to ensure compliance with *Local Law No. 11 (Roads and Malls) 2008*, this subordinate local law and the permit conditions.
- (ac) The operation of mobile roadside vending must not breach a provision of a local law or a subordinate local law.

Part 4 Enforcement

11 Records to be kept

For the purposes of section 25(2)(b) (Inspection of a prescribed activity) of *Local Law No. 11 (Roads and Malls) 2008*—

- (a) records must be kept by the person operating stationary roadside vending or mobile roadside vending; and
- (b) the records must contain details of—
 - (i) the persons engaged in the operation of stationary roadside vending or mobile roadside vending; and
 - (ii) the goods and services available to be supplied; and
 - (iii) the time, date and places at which the goods and services were supplied; and
 - (iv) the disposal of wastes; and
 - (v) any public liability insurance policies or vehicle insurance policies relating to the operation of stationary roadside vending or mobile roadside vending; and
- (c) the records must be kept for a period of 7 years.

Schedule Dictionary

section 4

animal has the meaning given in *Local Law No. 12 (Keeping and Control of Animals) Law*.

approved water source means a potable water source approved by the local government and may include a nominated reticulated water delivery point and a recognised water source.

car has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

carriageway means a road or that portion of a road formed, prepared or set aside for the use of vehicles, and is not intended to exclude the use of such a road or such a portion of a road by pedestrians when necessary.

commercial vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

contaminant has the meaning given in the *Environmental Protection Act 1994*.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

hazardous material means a substance which—

- (a) because of its chemical, biochemical, microbiological or radiological properties, temperature or state of compression could in sufficient concentration cause—
 - (i) harm to human health and safety or personal injury; or
 - (ii) property damage; or
 - (iii) environmental harm or environmental nuisance; and
- (b) includes—
 - (i) a hazardous substance; and
 - (ii) a dangerous good; and

(iii) a scheduled poison.

hazardous substance has the meaning given in the *Workplace Health and Safety Regulation 1997*.

human waste means urine and faeces from human beings.

mobile roadside vending means roadside vending which involves travelling from place to place on a road and the waving down of the person operating the roadside vending by a customer.

nuisance has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

pest includes vermin and insects.

potable water means water that is acceptable for human consumption.

recognised water source means a source of water recognised in writing by the local government as—

- (a) complying with the Australian Drinking Water Guidelines prepared by the National Health and Medical Research Council and the Agricultural Resources Management Council of Australia and New Zealand; or
- (b) being suitable for domestic purposes.

sale includes—

- (a) to sell; or
- (b) sell for resale; or
- (c) intend for sale; or
- (d) offer, or expose for sale; or
- (e) agree or attempt to sell; or
- (f) receive, keep or have in possession for sale; or
- (g) cause or licence to be sold or offered or exposed for sale; or
- (h) send, forward for sale or deliver for sale; or
- (i) provide a sample; or
- (j) barter; or

- (k) supply or have available for supply; or
- (l) already sold or supplied; or
- (m) provide for analysis; or
- (n) authorise, direct, cause, suffer or licence any of the above acts.

scheduled poison has the meaning given in the *Standard for the Uniform Scheduling of Drugs and Poisons*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

stationary roadside vending means roadside vending which is established in one place.

stormwater system has the meaning given in *Subordinate Local Law No. 7.5 (Business on Public Places other than Council Facilities) 2008*.

traffic includes the use by any person of any road or off-street regulated parking area, or the presence therein or thereon of any person, vehicle, tram, train, animal, or other movable article or thing.

vermin means rats, mice, guinea pigs and other rodents capable of carrying or transmitting a notifiable disease, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

waste has the meaning given in the *Environmental Protection Act 1994*.

waste water means a liquid waste.

watercourse has the meaning given in the *Water Act 2000*.

water source means the source from which water is obtained.