

## Mobile vending in rest areas

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### 1. Purpose and intended outcomes

The purpose of this policy is to provide clear direction for Roads & Maritime Services (RMS) on managing requests for individuals or businesses to carry out vending activities from mobile vehicles or registered trailers in rest areas.

### 2. Policy Statement

The carrying out of commercial or business activities by private individuals or businesses comprising the vending or provision of certain goods or services in rest areas is supported by RMS in rest areas designated as suitable for these operations. This specifically relates to operations that support the needs of the travelling public via the sale of refreshments such as coffee and light food, as outlined in the attached Guidelines for Mobile Vending in Rest Areas.

Persons carrying out mobile vending activities in rest areas from a vehicle or registered trailer should be informed that unless they have written co-approval from RMS and the appropriate local council they are carrying out an unauthorised activity and may be committing an offence under the *Roads Act 1993*. If no such approval is produced, the vendor should be requested to cease the vending activity.

Any formal or informal requests for approval to carry out vending activities within a rest area are to be considered.

### 3. Scope and coverage

This policy applies to rest areas constructed and maintained by RMS. It does not apply to non commercial *Driver Reviver* operations or requests to erect permanent structures in rest areas. Erection of structures, whether permanent or semi-permanent (as opposed to a vehicle or trailer), for vending purposes on a public road requires the consent of RMS. In general, these structures do not meet the attached guidelines, however, RMS is required to evaluate any submission prior to advising prospective vendors about their request.

Within Journey Management's management system this policy is referred to as PN 271. This policy supersedes PN 231.

### 4. Background

RMS has undertaken to provide regular rest area facilities on NSW roads to support road safety. Heavy vehicle rest areas, in particular, play an important role in enabling heavy vehicle drivers to observe statutory regulations for driving, take long rest breaks to counter the effects of fatigue, as well as to check their loads and fill in their log books.

RMS supports operations at rest areas that help drivers manage fatigue and enhance their travelling experience. Therefore, at rest areas deemed suitable for certain activities, RMS will work with councils to approve mobile vendors to sell light refreshments. These activities, as well as guidelines for safe and efficient vendor operations, are stipulated in the Guidelines for Mobile Vending in Rest Areas.

## 5. Responsibilities

Table 1 – Responsibilities

What	Who
Respond to formal requests for approval to operate, mobile vending businesses in rest areas.	RMS Local Councils

## 6. Evaluation

The effectiveness of this policy will be evaluated by way of bi-annual reviews and customer research. Specifically, any review should determine whether any vending requests have been granted and if so, whether the approved vendors are operating as per the consent.

## 7. Related information

### Reference documents:

- *Roads Act 1993*
- *Local Government Act 1993*

### Related policy issues

Camping or extended stays by caravans in rest areas.

**Effective date:** 13 December 2013

**Review date:** 3 years after the 'Effective date'

**Policy replaces:** PN 231



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### Further information:

[technical.directions.publication@rms.nsw.gov.au](mailto:technical.directions.publication@rms.nsw.gov.au)

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# Guidelines for Mobile Vending in Roadside Rest Areas

Roads and Maritime Services (RMS) aims to reduce fatigue-related crashes by developing a network of well placed rest areas across New South Wales. Rest areas provide opportunities for all road users to take rest breaks, in order to help them manage their fatigue.

In support of this road safety objective, local councils (council), with concurrence from RMS, may approve the operation of mobile traders such as food and drink vendors in rest areas, as a way of encouraging drivers to break their journey and rest. It is important, however, that vending in roadside rest areas does not adversely affect the function of the rest area or the number of parking spaces available.

Vendors will be required to obtain approval from their local council, with concurrence from RMS, permitting the use of the rest area within the road reserve. Initially vendors should contact RMS to ascertain the appropriateness of the rest area that they wish to trade at. If RMS confirms that the rest area is appropriate for vending, the vendor should then apply to the relevant local council for approval to trade at that rest area. Vendors must obtain all necessary approvals from their local council **before** trading can take place.

Applicants should also be aware that:

1. They should make their own assessment on whether the site will be financially viable for their business. RMS and council will not guarantee commercial viability.
2. The approval will be limited to the sale of refreshments, including light foods, snacks and drinks and excluding alcohol.
3. Approval to trade in rest areas is granted at the sole discretion of the local council (with concurrence from RMS). Council's decision is final.
4. Only the approved use is allowed, no additional services may be provided.
5. Approvals are not transferable to any other site or to any other person other than the applicant.
6. The applicant must be the operator (business partners must also be named).
7. Sub-letting of the rest area is not permitted.
8. Approvals must be displayed at the site during operating hours.
9. The applicant is responsible for the collection and removal of rubbish generated by their business.
10. RMS may provide the vendor with advance signage to be displayed on the road reserve approaches to the rest area. These signs must be operated by the vendor according to conditions that will be specified by RMS. No other signage may be utilised either within the rest area or on the road without the prior written consent from council or RMS.
11. No advertising or activity will be permitted outside of the rest area will be allowed, including pedestrian or vehicle movements by the applicant or workers to take or deliver orders. The applicant must not encourage trade from the opposite side of the road to the rest area.
12. Unless otherwise stipulated by council and RMS in writing, trading hours are restricted to between sunrise and sunset only.
13. The approval will include conditions on the location to be used by the vendor within the rest area, maintenance responsibilities for the rest area (eg. litter), the type of goods that will be permitted to be sold, any fees and charges, indemnity and public liability insurance requirements, approval termination conditions and approvals required for roadside signage.
14. Approvals for mobile vending in rest areas will be issued for a 12 month period with options to renew at council's discretion.
15. Council reserves the right to terminate a licence in accordance with the conditions as set out in the approval.