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WESTERN AUSTRALIA

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Policy and Procedure

Roadside Trading

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1 POLICY STATEMENT

Roadside trading will not be permitted:

- Within the Metropolitan Region;
- On freeways or control of access highways;
- Within a Special Environmental Area (SEA); or
- In locations where the local government does not support the application.
- Within proximity of a town or roadhouse where local established businesses may be impacted. (refer to section 6.1.2)
- Other roads, or sections of road, as detailed in Appendix 3 due to concerns about safety, traffic volumes and/or composition.

In other locations, it is Main Roads' policy to support roadside trading, provided that applicants can demonstrate that the proposed location:

- Is suitable for the proposed trading activity and will support fatigue management;
- Will not compromise the safety, capacity and efficiency of the road network;
- Will not have the potential to impact the environment; and
- Can meet the Conditions as listed in this document.

2 PURPOSE

This guideline assists Main Roads staff to assess requests to undertake roadside trading from mobile vehicles on the state road network. It is Main Roads' policy to remain committed to managing of requests by Mobile Vendors for Roadside Trading in an equitable manner.

2.1 Intent

Main Roads may support roadside trading in appropriate rural and non-urban locations, outside of the metropolitan region. Main Roads intends to manage all requests in a way to ensure that roadside trading does not compromise the safety, capacity and efficiency of the road network.

Each application will be reviewed as per the conditions and principles outlined in this document.

2.2 Principles

In conjunction with the requirements from federal, state and local agencies, Main Roads will consider the following factors during the review process.

- Traffic volumes, composition and crash history,
- Adequate space for parking and vehicle manoeuvres,
- Potential impact on the environment and maintenance works, and
- Proximity to established businesses and physical amenities

3 SCOPE

The Policy applies to:

- Locations on the state road network in non-metropolitan regions;
- Existing mobile roadside traders that do not have a formal arrangement with Main Roads; and
- New applications for roadside trading.

It is anticipated that applications for roadside trading would generally be for rural/regional locations, outside of towns.

In assessing an application to undertake roadside trading, Main Roads will give due regard to the principles stated in this document. Regional Offices will assess applications to undertake roadside trading and may include additional conditions on roadside traders within any permits issued in order to manage local conditions.

4 DEFINITIONS

Term	Definition
Roadside trading	The offering of goods and or services from within the road reserve. Unattended mobile roadside facilities and/or those offering goods and/or services free of charge also fall within this definition. This excludes so-called "roadside refresher" or "driver reviver" initiatives (free coffee for driver), endorsed by the WA Police and Main Roads and provided by volunteer groups in local communities.
Roadside trader / mobile roadside facility operator / applicant	All describe the person(s) undertaking the roadside trading.
Mobile roadside vehicle and / or facility	This is the vehicle and/or shelter that the roadside trading undertaken. The vehicle must be licensed (in the appropriate class) and capable of being driven or towed and must not be permanently left in place. Shelters shall be temporary and completely dismantled and removed daily at the end of trade. It does not include structures and facilities provided by Main Roads (or any other authority) such as toilet facilities, picnic shelters or hardstands.
State road network	All roads in Western Australia which are managed by Main Roads. These include the National Land Transport Network, highways and some main roads.
Regions	For administrative purposes, Main Roads divides Western Australia into eight geographical regions. The Metropolitan Region covers the Perth metropolitan area as defined in the Perth Metropolitan Region Scheme. The non-metropolitan regions are Goldfields-Esperance, Great Southern, Kimberley, Pilbara, Mid West - Gascoyne, South West and Wheatbelt.
Control of access roads	A road for through traffic to and from which access, via abutting properties, for vehicles and pedestrians is prevented by means of physical barriers or regulation. Provision for control of access roads is granted to Main Roads in s. 28 of the Main Roads Act 1930.
Freeway	A divided highway with no access for traffic between interchanges and with grade separation at all intersections.

Term	Definition
Clearing Vegetation	'Clearing' means any act that results in killing, destroying, removal or substantial damage to native vegetation.
Special Environmental Areas (SEAs)	Main Roads has statutory and corporate obligations to ensure adequate protection of particularly significant environmental and heritage areas that are located within its road reserves. This includes threatened flora, Threatened Ecological Communities, Aboriginal and non-Indigenous heritage sites and revegetation sites.

5 PERMIT TO OPERATE

5.1 Issuing of permits

Section 16(1) of the *Main Roads Act 1930* (the Act) provides the Commissioner with a very broad power to construct highways and do all things necessary or incidental to the proper management of highways. Provision of rest areas, and support for roadside traders offering goods or services to help drivers manage fatigue or enhance their travelling experience, can be regarded as incidental to the management of highways and main roads.

The Act also provides that any powers of a local government over a highway or main road, which includes powers to make local laws within its district, are not affected. Therefore, the mobile roadside trader will be obliged to comply with local government's local laws or by laws and requirements.

Main Roads is therefore able to provide mobile roadside traders with a permit to operate on Main Roads' land. This process cannot circumvent the planning processes or requirements of local government under by laws.

Roadside trading applicants should be aware that local government approval is required prior to seeking Main Roads' support for a proposed roadside operation.

Any permit issued by Main Roads covering the provision of mobile roadside facilities would have to be conditional on the mobile roadside trader obtaining all relevant approvals whether they are planning, health or other statutory requirements.

5.2 Application

The mobile roadside trader shall submit:

- A statement describing the goods or services that the business wishes to offer and how these will help drivers to manage fatigue
- Current copies of:
 - Food Act 2008 Certificate of Registration;
 - Business Registration; and
 - Public Liability Insurance Certificate.
- A diagram of the proposed trading location, which should include distances, showing:
 - adjacent road(s);
 - the mobile facility;
 - customer parking area(s);
 - entry and exits; and
 - location and details of advertising signs.

Main Roads will consider this submission including the additional factors:

- Operational Issues
 - Potential impact on future road construction and maintenance works.
- Safety Issues
 - Traffic volume, speed and composition;
 - Adequacy of parking;
 - Vehicle manoeuvres/turning movements;
 - Suitability of entry and exit points; and
 - Crash history and risk for the location.
- Amenity issues
 - Visual and community amenity;
 - Adequacy of physical amenities; and
 - Environmental impact on land and waterways.

5.3 Granting of Permit

- A mobile roadside trader seeking to operate from a site may be granted a permit subject to meeting Local Government requirements and the Operating Conditions.
- Main Roads may impose additional conditions for some sites, over and above those in the Operating Conditions, if needed to meet the intent of the Policy.
- The mobile roadside trader will also be responsible for liability should accidents or incidents occur when operating from the rest area or parking bay.

5.4 Term and Management of Permit

The Main Roads permit shall be valid for a period not exceeding Three (3) years.

Regions will be responsible for the management of permits issued and for the review and management of operational conditions. Application forms are to be submitted to the relevant region in which the proposed trading area lies.

Main Roads can withdraw its support for the roadside trading at any time as set out in the terms of permit.

5.5 Application Timeframes

Main Roads will endeavour to assess all applications within 20 business days.

This timeframe is only an approximated guide, and the applicant is responsible for providing sufficient timeframe for Main Roads to provide an assessment. Where this timeframe is likely to be exceeded or more information is required, the applicant will be notified.

5.6 Fee

Main Roads reserves the right to charge a fee to cover the costs incurred of processing and assessing all applications. This fee is not refundable should the application be refused

6 OPERATING CONDITIONS

Main Roads will generally consider issuing a permit for roadside trading if the following conditions are met. Meeting all the conditions does not automatically mean a permit will be granted and the issuing of permits is at Main Roads' absolute discretion.

6.1 Proposed Trading

6.1.1 Nature of Proposal

The nature of the proposed trading must meet the intent of the Policy Statement in section 2.1 of this document.

6.1.2 Proximity to Established Businesses

Consideration of the impact on local established businesses is important but not the primary objective, which is providing amenity for the travelling public including fatigue breaks. However, in providing this amenity, it is anticipated that mobile roadside facilities will generally be situated away from towns.

As a guide, mobile roadside trading would not be supported within 30 kilometres of a town or roadhouse. This distance may vary from region to region and is set at the discretion of the Regional Manager.

6.2 Parking and Access

6.2.1 Parking Areas

Adequate parking space must be maintained to accommodate general traffic utilising the parking area as a fatigue stop or to check conditions of loads etc. for safety and not intending to utilise the trader's services.

6.2.2 "No Stopping on Road or Verge" Signs

If the facility is on a single carriageway road that has an Average Annual Daily Traffic (AADT) volume of in excess of 2,000 vehicles per day (vpd) or that are subject to high levels of seasonal traffic then the applicant shall pay Main Roads to supply and install permanent "No Stopping on Road or Verge" signs.

These signs are to be installed on the side opposite to the roadside trading site, facing approaching drivers and located approximately 100 metres before, opposite and 100 metres after the trading site.

Main Roads shall be responsible for the ongoing maintenance and removal of these signs.

All signs are to be supplied, manufactured, installed and maintained in accordance with normal Main Roads practice.

6.2.3 Road Exit and Re-entry

Sight distance at proposed trading locations must comply with section 5.1.4 of Main Roads' Guide to Road Design – Driveways¹ (D12#57413).

All sight distances on the approach and downstream of the proposed facility must be sufficient to allow drivers of all types of vehicles to see and react to others entering or existing the trading area. This must be in context with speed limit for the area and types of vehicles that may utilise the route, for example Restricted Access Vehicles (RAV).

Entry and exit points to be kept clear of equipment to facilitate safe movement of vehicles entering or exiting the area (particularly heavy vehicles).

¹<https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>

6.3 Equipment and Ablutions

The roadside trading site, activities of the roadside traders and any associated signage shall not distract the driver's attention from the driving task.

If a mobile roadside trader seeks to establish in a designated rest area or parking bay that already has permanent ablution, Main Roads may seek a contribution for upkeep from the mobile roadside trader for access to these facilities.

All mobile roadside trading equipment, including advance advertising signage, but excluding the No Stopping Signs, shall not be installed before sunrise and shall be removed before sunset on each trading day.

All equipment must be approved in writing by Main Roads before erection on site.

Shade umbrellas, seating, and tables if used, shall be securely fastened such that they are not dislodged by natural wind forces or turbulence created by large vehicles.

6.4 Signage

All forms of signage associated with the mobile roadside trading shall be:

- Static without internal or external illumination or flashing lights i.e. no variable message signs;
- Not be erected on a footway;
- Not incorporate retro reflective materials; and
- Signs must not contain content or be of a design that distracts drivers from the driving task.

6.4.1 Temporary Advance Advertising Signs

Each roadside trading location is permitted a single sign on the same side of the road as the trading.

The applicant must consider the safety of employees tasked with placement of temporary advance advertising signs. Signs shall not be installed on crests or curves unless the recommended approach sight distance is achieved for that speed zone. If the safety risk to an employee stopping on a roadside to place or remove the signs is unacceptable and unable to be controlled, then the temporary advance warning advertising sign should not be installed for that trading location.

Where it is intended to install roadside signs, a detailed methodology should be included within the application. This methodology will form part of the permit.

The sign shall:

- Be static, non-reflective or fluorescent and non-illuminated;
- Not exceed 1.5m² in area and 1.2m in height;
- Indicate commodity/s sold by simple symbol and text, with text size being a minimum of 170mm in height. For example, "Coffee 200m", "Food 300m";
- Be designed and constructed in such a manner that the sign panel, supports and fixings will not cause injury or major damage if struck by a vehicle or becomes dislodged for any reason; and
- Not be of an 'A' frame type.

For installation, the advertising sign shall:

- Remain sturdy in windy conditions and shall not be weighted down with objects which may become a hazard if the sign is struck;
- Not be attached to an existing road sign, guidepost or any other roadside furniture;
- Be a minimum of 4.5m from the edge of the seal and minimum of 210m from the entry point of the trading location facing oncoming traffic on same roadside. Where the minimum distance from the edge of seal cannot be achieved the sign shall be placed as far from edge of seal as practical;
- Be placed at a minimum distance of 250m in advance of stopping place; and
- Not be located in an SEA or damage any vegetation.

6.4.2 Vehicle Mounted Signs

Vehicle-mounted business signs are not permitted. This restriction does not apply to vehicle decals or decorations.

6.5 Trading hours

Trading is permitted on any day between sunrise and sunset (refer to www.ga.gov.au for times) only within the dates prescribed in the permit.

6.6 Maintenance and Housekeeping

The mobile roadside trader will be responsible for all trading site facilities and equipment used by and specifically arranged for the trading site.

Roadside traders shall provide their own bins to collect waste generated by their operation and all waste, including wastewater, rubbish and any other deleterious matter, generated by the roadside trading shall be removed by the roadside trader and disposed of at a suitable waste-disposal facility, at its own cost.

Main Roads will continue to be responsible for the road and other pavement assets and verge areas within road reserve boundaries according to its funding and maintenance programs (with the exception of waste arising from the trading).

6.7 Environment

The roadside trader will consider all environmental factors such as noise and vibration when trading, and will not clear any vegetation or operate in a location that may affect a SEA (as defined in Section 5).

All mobile roadside trading vehicles entering and leaving the site shall be free of mud, vegetation and soil.

The mobile roadside trader shall reinstate any areas disturbed by its activities and physical amenities, such as seating, signage, ablutions, at its own cost.

Main Roads is required to report any unauthorised clearing to the Department of Water and Environmental Regulation for investigation and potential prosecution.

If the Main Roads assessing officer requires confirmation around whether the site is located within an SEA, they will need to contact the regional Environment Officer.

6.8 Availability

The issuing of a permit does not mean that any permittee will have exclusive use of a site although Main Roads reserve the right to limit the number of concurrent traders at any location.

Only a single defined area will be made available for trading and is to accommodate only a single trader at any given time. Any trader operating outside of this defined area may be found in breach of their permit.

The availability of the trading site may be withdrawn in line with provisions of the permit if the site, or access to the site, is required for the operational needs of Main Roads or a Utility Service Provider. This need can be either temporary or permanent in nature.

6.9 Local Government Conditions

Mobile roadside traders are required to meet all Local Government (LG) conditions.

For LGs with specific local laws requiring roadside traders to obtain a permit, the trader must have the relevant Local Government approvals to sell the goods from the trading site.

For LGs without specific local laws requiring roadside traders to obtain approvals, Main Roads will require a copy of a “letter of support” or “letter of no objection” regarding the proposed roadside trading including any special conditions.

6.10 Region Specific Conditions

The mobile roadside trader must adhere to any conditions imposed by the Region in the permit to manage local conditions.

6.11 Insurances

The mobile roadside trader shall have and maintain valid \$20 million Public Liability Insurance in the name of the trader with the Commissioner of Main Roads as an additionally insured party.

A certified copy shall be included in the application to Main Roads.

6.12 Roadside Trading Adjacent to Road Reserve

Roadside stalls on adjacent lands will not be permitted but will be assessed against the operating conditions detailed in this document to ensure that they do not negatively affect the safety, efficiency or capacity of the adjoining road and road reserve.

In situations where Main Roads determines that a roadside stall on adjacent land causes unsafe manoeuvres, adversely affects the flow of traffic and/or has any other negative affect on road user safety the Regional Manager shall notify the responsible Local Government for their review and action.

7 REFERENCES AND RELATED DOCUMENTS

Description
<i><u>D20#579701 Roadside Trading Permit Template</u></i>
<i>Main Roads Act 1930 at: https://www.legislation.wa.gov.au/</i>
<i>Road Traffic Code 2000 at: https://www.legislation.wa.gov.au/</i>

Description

<https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>

8 MAIN ROADS CONTACTS AND INFORMATION

Within the Metropolitan Region please direct all enquiries to the Customer Services Manager via the Main Roads Customer Information Centre on ☎ 138 138 or email to enquiries@mainroads.wa.gov.au

For regional offices please direct all enquiries to the contact details below or the Customer Information Centre.

Region	Email Address	Telephone
Metropolitan	enquiries@mainroads.wa.gov.au	138 138
South West	swreg@mainroads.wa.gov.au	(08) 9724 5600
Great Southern	gsreg@mainroads.wa.gov.au	(08) 9892 0555
Wheatbelt	wheatbelt@mainroads.wa.gov.au	(08) 9622 4777
Goldfields – Esperance	GEreg@mainroads.wa.gov.au	(08) 9080 1400
Mid West - Gascoyne	mwgreg@mainroads.wa.gov.au	(08) 9956 1200
Pilbara	pilbaranetworkmanagement@mainroads.wa.gov.au	(08) 9172 8877
Kimberley	enquiries@mainroads.wa.gov.au	(08) 9158 4333

Applicants are encouraged to use the Road Information Mapping System² to assist in confirming trading locations and the responsible region.

9 APPENDICES

Appendix	Title
Appendix 1:	Application Form for Roadside Trading
Appendix 2:	Assessment Checklist
Appendix 3:	Roads sections excluded from this policy

² <https://mrwebapps.mainroads.wa.gov.au/PublicMaps/RoadInformationMapping>

Appendix 1: Application Form for Roadside Trading

General Details			
Applicant Name		Contact Number	
Business Name		ABN	
Email			
Trading Description	Provide details regarding the nature and type of trade		

Specific Details	
Location	Describe the location/s the applicant is intending to operate its trade. Provide a map or detailed plan if necessary.
Time of Operation	Provide the hours and days the applicant is intending to operate.
Customers	Provide details of intended customers including anticipated numbers per hour.
Temporary Structures and/or Vehicles	Provide details and site plan of all proposed vehicles, marquees/shade, seating, ablutions, scaffolding, etc. (include photos if necessary)
Signage	Provide details of all proposed signage, banners, etc.
Food and Beverage	Provide details of food and beverage proposed, including catering and/or food stalls and vehicles, and relevant Permits.

Submission Checklist	
<input type="checkbox"/> Site Plan and Location Map	<input type="checkbox"/> Food Act 2008 Certificate of Registration
<input type="checkbox"/> LG approval	<input type="checkbox"/> Certified copy of Public Liability Insurance
<input type="checkbox"/> Food Handling & Food Safety Certificate	<input type="checkbox"/> Sign Installation Methodology

Form of Indemnity and Undertaking			
<p>I, _____, indemnify the Commissioner of Main Roads and it's personnel, agents and contractors (together the Indemnified Parties) against any liability, loss, damage, costs, demands, claims or expenses incurred or suffered or any claims made against the Indemnified Parties, which the Indemnified Parties may suffer or incur as a result of, in respect of, in connection with or in relation to the event contemplated by this application.</p> <p>The liability to indemnify the Indemnified Parties will be reduced proportionately to the extent that any wilful or negligent act of the Indemnified Parties caused the liability, loss, damage, cost, demand, claim or expense.</p> <p>The Indemnity does not lessen or otherwise affect other obligations arising out of its application to undertake roadside trading within Main Roads' land.</p>			
Signed			
Applicant Name		Date	
Witness Signature			
Name of Witness			

Declaration and Acknowledgement			
<p>I hereby certify that this application contains a true and accurate description of the trading proposal. Trading will be carried out in accordance with this information, legislative and statutory requirements and to any other conditions imposed by Main Roads and relevant authorities.</p> <p>I acknowledge I have read and accepted the Main Roads' Policy and Procedure - Roadside Trading.</p>			
Signed			
Applicant Name		Date	

Application forms are to be submitted to the relevant region using the contact information found above in Section 8

Appendix 2: Assessment Checklist

ASSESSMENT AND APPROVAL OF ROADSIDE TRADING APPLICATIONS (Internal Use)			
Name of Applicant:			
Proposed Trading Location			
Date Application Received:	/ / 20	TRIM File/Document Number:	
Section 1 – Assessing Officer’s Checklist (Tick ✓ applicable)			
Is the application form fully completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Comment:			
Have Local Government approval been provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required		
Has all required information been provided?			
• Location map/site plans	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required		
• Food safety/handling certificate	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required		
• Food Act 2008 Certificate of Registration	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required		
• Sign Installation Methodology	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required		
• Certified copy of Public Liability Insurance	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> To be provided post approval		
Any comments regarding application received?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Comment:			
Are there any special conditions to be met?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Comment:			
Has the site been inspected?	<input type="checkbox"/> Yes (Date / / 20) <input type="checkbox"/> No		
Is the application appropriate for approval?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:			

Section 2 – Recommendation, Endorsement and Approval			
Recommendation			
In accordance with the Roadside Trading - Policy and Procedure Document I recommend this application for proposed roadside trading be permitted during the period:			
/ /20 to / /20 Inclusive.			
Signed		Date	/ / 20
Name			
Title			
Endorsement			
I endorse that the above application be approved pursuant to the Roadside Trading - Policy and Procedure Document			
Signed		Date	/ / 20
Name			
Title			
Approval for Permit			
I approve issuing a Permit with the Applicant pursuant to the Roadside Trading - Policy and Procedure Document			
Signed		Date	/ / 20
Name			
Title	Regional Manager -		

Appendix 3: Roads sections excluded from this policy

South West Region

- Bussell Highway (between Bunbury and Vasse); and
- Forrest Highway (full extent)

Mid-West Gascoyne Region

- Indian Ocean Drive (full extent)