



Roadside vendors in the state highway corridor

Planning Policy Manual

Waka Kotahi operational transport and land use planning guidance

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Document information

Purpose

This guidance forms part of the Planning Policy Manual (PPM) which provides a hub for operational transport and land use planning guidance to assist Waka Kotahi staff and external stakeholders to navigate through relevant planning processes. PPM guidance is grouped into three parts:

- **Part I** **Third party land use developments (LUDs)**
- Part II Operational responses to Waka Kotahi strategic planning policy direction
- Part III Planning the transport network

This guide is part of the PPM Part 1.

Availability

This document is held in electronic form by the Waka Kotahi Poutiaki Taiao Environmental Planning Group and on the Waka Kotahi internet (nzta.govt.nz)

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1 What this guide covers

This guide outlines the process and requirements for applications for roadside vendors and the operation of mobile shops within the state highway corridor in accordance with the [Bylaw Regulating Roadside Vendors on State Highways 1993](#)¹ (the Roadside Vendors Bylaw).

'Roadside vendors' are persons offering goods or services for sale or distribution by means of a mobile shop. 'Mobile shop' means any motor vehicle and/or connected trailer capable of moving under its own power from the area of operation².

Separate guidance is available on the Waka Kotahi website covering [land use activities or developments on private land](#) which may affect the state highway network and/or require access direct to the state highway.

2 Introduction

The operation of mobile shops on state highway road reserve is governed by the Roadside Vendors Bylaw, which Waka Kotahi NZ Transport Agency (Waka Kotahi) is responsible for administering. The Bylaw applies to sites situated within any state highway road reserve in all speed zones other than where a 50km per hour vehicle speed limit applies.

On state highways where the speed limit is less than 50km per hour, the Bylaw applies (and Waka Kotahi is responsible for administration).

The lawful operation of mobile shops within the state highway road reserve requires vendors to obtain a licence from Waka Kotahi under the Roadside Vendors Bylaw for areas covered by the Bylaw, or from the Territorial Authority (TA) where delegations are to the TA. No person other than a licenced roadside vendor may offer or expose for sale or distribution, any goods or services on a state highway.

When considering licence applications, Waka Kotahi seeks to ensure there are safe operating conditions for mobile shops and their customers and that the mobile shop will not compromise the safety or efficiency of the state highway network. Waka Kotahi may consult with other parties such as the NZ Police, and the relevant TA to assess a site's acceptability.

Note: Information summarised from the Bylaw may not be current or complete. Users of this Guideline should consult the latest version of the Bylaw to confirm specific requirements.

2.1 Adoption of the Bylaw by a territorial authority

A TA can elect to formally adopt the Bylaw for 50km zone areas of state highway. Where a TA has adopted the Bylaw, they also have responsibility for the administration and enforcement of vendor licences unless otherwise agreed with Waka Kotahi. The delegation to adopt the Bylaw must be approved by Waka Kotahi Board under Section 62(1) of the Government Roading Powers Act 1989 ("GRPA").

Waka Kotahi can also formally delegate enforcement of the Bylaw to a TA (with their agreement). Additionally, some TAs may have 'public places' bylaws which govern activities in their district, including on state highways, which may also apply.

¹ Under clause 28 of Schedule 2 of the Land Transport Management Amendment Act 2008 any references to Transit in bylaws are to be read as references to Waka Kotahi NZ Transport Agency.

² The terms 'roadside vendors' and 'mobile shop' are defined formally in the Roadside Vendors Bylaw.

3 Licence term and fees

In accordance with the Roadside Vendors Bylaw, the maximum period for a licence is 12 months. To accommodate local product seasonal trading, applications for 6-month licences are encouraged. Licences are not transferable.

All roadside vendors must pay a licensing fee on issue of the licence. In recognition that many vendors sell on a short term or seasonal basis, licence fees in the Roadside Vendors Bylaw provide for either 6 month or 12-month terms, levied as follows:

1. For a term up to 6 months, the fee for the first term is \$325 including GST and \$200 including GST for subsequent terms, or
2. For a term of over 6 months and up to 12 months, the fee for the first term is \$475 including GST and \$300 including GST for subsequent terms.

An invoice will be sent to the applicant once the licence is approved.

4 Applying for a licence

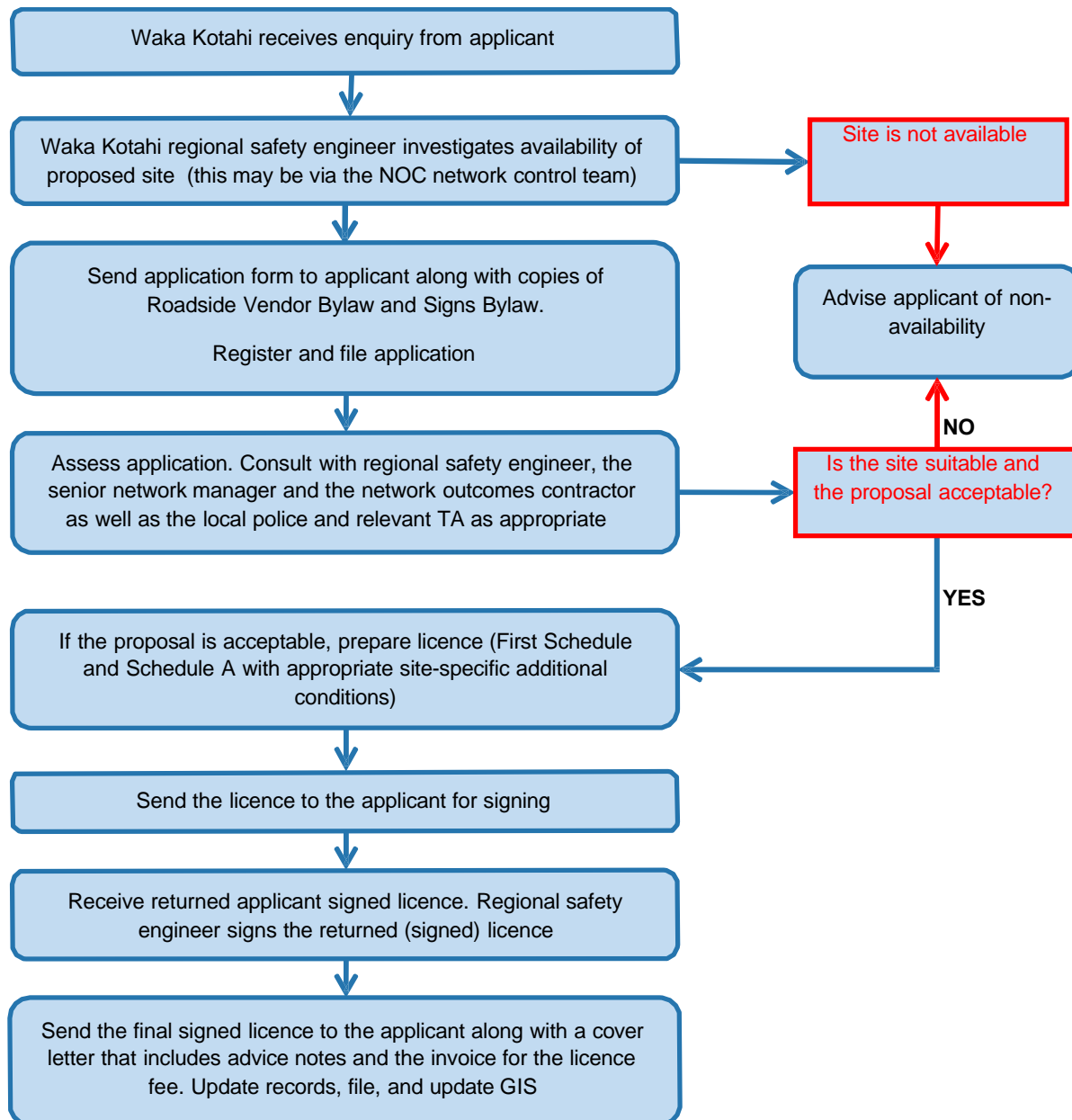
Potential applicants should contact the Waka Kotahi Contact Centre or Regional office in the first instance: <https://www.nzta.govt.nz/contact-us/feedback-or-comments/> or 0800 108 809

A link to a **licence application form** is included in *Section 15 References*.

5 Vendor licencing process flowchart

The flowchart in Figure 1 below outlines the process for Waka Kotahi assessing and approving roadside vendor licences. Where a TA has adopted the bylaw, they are responsible for its administration and will have their own licencing process.

Figure 1 Process for assessing and approving roadside vendor licences



6 Assessing site suitability

Certain types of sites are not suitable as roadside vendor sites (refer to section 6.1). Potentially suitable sites must meet a number of safety and environmental requirements (refer to sections 6.2 and 6.3). The speed environment is critical in determining the general safety risk. Sites located in higher speed zones will require more rigorous risk mitigation to be viable. Waka Kotahi will apply a risk-based approach to assess all roadside vendor proposals on a case-by-case basis.

6.1 Site type suitability

The following table provides an indication of general site suitability. Potentially suitable sites listed in the table below remain subject to the safety and environmental requirements outlined in sections 6.2 and 6.3.

Table 1 Site suitability

Site type		Comments
Potentially suitable sites	Rest areas and stopping places	These sites may be suitable for roadside vending providing there is sufficient separation from the carriageway ³ given the speed environment, and the site is acceptable in accordance with the safety and environmental matters. The primary function of the site must not be obstructed or compromised by the vendor's operation.
	Rest areas incorporating intermittently operating weighbridges	May be suitable, if the site is acceptable in accordance with the safety and environmental matters and subject to consultation with the Police. Police requirements at such sites may include conditions for prohibiting trading during those hours/periods when Police activities are in progress. However, applicants should be advised that advance notification of Police operational scheduling cannot be given.
Unsuitable sites	Stockpile sites	Being workplaces, these are generally not suitable for roadside trading purposes due to public safety risk and/or practicalities around use of the area for operational purposes. These sites may also be required at short notice for emergency events.
	Continuously operated weighbridge sites	Prohibited sites for roadside trading purposes.
	Sites situated alongside passing lanes	Not acceptable because of the potential for traffic movement conflicts.

6.2 Safety considerations

Improving road safety is a priority for Waka Kotahi and safety is a key consideration in deciding whether to grant a vendor licence.

The Roadside Vendors Bylaw directs Waka Kotahi to consider whether the operation of the mobile shop is likely to detrimentally affect public safety in a 'material way'. The Road to Zero and Safe System approach underpins our safety assessment for any roadside vendor proposal. The Road to Zero aims to reduce deaths and serious injuries on New Zealand's roads, cycleways and footpaths. State highway system management is one of the five key Road to Zero focus areas. The Road to Zero in turn is guided by the *Safe System* approach which seeks to create a safe and forgiving road system that makes the safety of people a priority.

Roadside vendor applications require a site inspection and full site safety review unless the Waka Kotahi safety engineer has pre-approved a particular site for roadside vendor trading. The Waka Kotahi network management representative will conduct a safety assessment and advise the safety engineer of the suitability of the proposed site. The assessment will ensure that site activities, including customer access, parking and egress can be conducted without compromising the safety of road users and the efficient operation of the state highway.

³ the part of the road set aside for use by wheeled traffic.

The safety assessment will consider the matters outlined below.

6.2.1 Speed zones

Speed zones of 70km/h or less are more suitable than higher speed zones as vendor sites. This is due to the increased likelihood of adverse consequences of an accident for vehicles pulling on and off the state highway at higher speeds. Higher speed areas will have more rigorous risk mitigation requirements.

In speed zones above 70km/h, vendor sites must be physically separated from the live lane in a manner that ensures the vendor site is protected from the risk of collision from any loss of control vehicles traveling on the state highway. This may be via a road safety barrier, suitable vegetation, vertical separation, and/or sufficient lateral distance.

Where the speed limit is 50 km/h, the Roadside Vendor's Bylaw requires that Waka Kotahi rely on a TA that has adopted this bylaw to ensure a mobile shop will not compromise the safety or efficiency of the state highway network.

In speed zones below 50km/h there is likely to be significantly more site flexibility than for the higher speed zones. As these speed zone areas are more likely to occur in urban areas Waka Kotahi will work with the relevant TA to confirm site suitability.

6.2.2 KiwiRAP Risk rating

The New Zealand Road Assessment Programme, KiwiRAP, analyses the road safety of the state highway network so that safety efforts and safety investment can be better targeted to risk. KiwiRAP looks at both collective and personal risk to arrive at an overall risk rating for a particular section of state highway. The road, the vehicle, the speed and the driver/rider each contribute to risk.

The safety assessment will consider the existing KiwiRAP risk score of the stretch of state highway the proposed site is located on.

6.2.3 AADT and road classification/function

Mobile shop sites located on high volume roads may pose increased safety risks for road users and those accessing the mobile shop. The safety assessment will consider the AADT (annual average daily traffic) and the road classification/function under the One Network Framework associated with the proposed site.

6.2.4 Sight distance

Road users and those entering or exiting the site must have clear visibility in both directions to maintain adequate road safety standards.

Roadside vendors should not be located near curves or crests where the sight distance along the road is restricted or at locations where road users will not have a clear view of approaching traffic when entering or leaving the selling place.

Assessment and approval of locations will be undertaken in accordance with the [Austroads Guide to Road Design Part 4a – Unsignalised and signalised intersections' guidelines](#).

6.2.5 Set-back from the road

A site should have sufficient width to safely accommodate the vendor and road users stopping to purchase products from the vendor. The vendor site should also be visible to road users sufficiently in advance of the pull off to enable them to safely turn in.

The placement of the mobile shop within the site should be as far as possible (in the lateral direction) from the nearest state highway state highway carriageway or in a location specified that best suits its safe operation. The mobile shop must also be well clear of site entry/exit points and located so that sight distances for safe user exits are not obstructed.

With these factors in mind, the allowable minimum setback distance for a particular site will be determined after a safety assessment and consideration of annual average daily traffic (AADT).

6.2.6 Customer/user parking

There needs to be sufficient space for customer parking and movement. This must be on the same side of the state highway as the mobile shop for safety reasons.

6.2.7 Mobile shop specifications

It is important that the vehicle and any trailer can be safely parked clear of the carriageway, enable safe customer parking and not hinder public access to any stopping places. The vendor's mobile shop must also be able to turn within the pull off area so it can re-enter the traffic stream facing forward.

6.3 Site condition and environmental considerations

The Waka Kotahi network management representative should inspect the proposed trading site to confirm its suitability. The trading site must not adversely impact on the ability to undertake state highway maintenance activities. The general layout, surface condition and/or state of drainage must also be suitable.

Previous trading activities may have resulted in unhygienic conditions, health and safety concerns, vehicle damage due to site hazards or environmental contamination. Past adverse outcomes connected with trading activity at a particular site could be factors influencing the Waka Kotahi network management support for a new licence application.

The Waka Kotahi network management representative should check with the TA to identify whether there are any other matters requiring consideration.

6.4 Number of traders per site

Waka Kotahi will exercise discretion in determining the trading area available to ensure that public parking is not obstructed.

The number of traders at any one location depends on the area of the area used, but will generally be limited to no more than three at any one time. Space limitations at the site due to the number of existing licenced vendor operations may preclude the licensing of additional vendors.

7 Vendor responsibilities

Roadside vendors also have other responsibilities and statutory obligations including under the Health and Safety at Work Act 2015 (HSWA), New Zealand's workplace health and safety law for people's health and safety at work. This legislation requires roadside vendors to ensure, as far as reasonably practicable, the health and safety of workers, as well other people who could be put at risk (e.g. customers). This responsibility also extends to other people who could be put at risk by its work, including customers, or the public.

The HSWA requires the proactive identification and management of health and safety risks. For more information on these obligations refer to the Worksafe website: www.worksafe.govt.nz/

Mobile shops selling food must comply with the requirements set out in the Food Hygiene Regulations 1974 and need to have staff trained in food hygiene. Vendors should also contact the relevant TA to check for other obligations (e.g. food safety).

8 Signs

Vendors must comply with the New Zealand Transport Agency ([Signs on State Highways](#)) Bylaw 2010.

Signs associated with mobile shops should preferably be attached to the approved trading vehicle or trailer. Additional free-standing advance signs and their proposed placement within the state highway corridor require approval from the Waka Kotahi Safety Engineer. For sites that have only left-in entrances and left-out exits, signs must not face traffic approaching from the opposite direction.

Signs on private property that are visible from the state highway are regulated by the TA through the relevant district plan and/or any applicable local bylaws.

9 Trading limitations

While Waka Kotahi can impose conditions of licence, it does not have the authority to impose trading limitations (except by restricting sales to those specific products listed in existing vendor licences) or approve applications for exclusive use of a site for fair trading reasons.

Where an application includes the sale of a product for which there is already an existing licence at the requested site, or within 5km of the site or within 500m of an established retail outlet, Waka Kotahi will ask applicants to enquire with the Council as to any trading limitations imposed by Council and to provide a copy of the Council's written response. Where such an application is granted, Waka Kotahi accepts no responsibility for interceding in any subsequent sales disputes.

Reservation of specific operating or parking spaces within the site will not be granted due to the potentially onerous resourcing implications.

10 Waka Kotahi responsibilities and delegations

The Waka Kotahi safety engineer has formal delegated authority to approve roadside vendor licences under the Roadside Vendors Bylaw (unless this has been delegated to the TA).

The safety engineer should consult the Waka Kotahi network management representative as part of the assessment and approval process. The local police and relevant TA should also be consulted as appropriate.

The Waka Kotahi network outcomes contractor (NOC) may be required to assist Waka Kotahi staff with roadside vendor approval processing and in coordinating, reviewing and managing vendor activities⁴.

The NOC is responsible for monitoring roadside vendors and reporting on unauthorised or non-compliant roadside vendors or any factors that may adversely affect the safety, efficiency or sustainability of the network.

Waka Kotahi can also formally delegate enforcement of the Bylaw to a TA (with their agreement).

11 Territorial authority regulations and bylaws

TA's may formally adopt the Roadside Vendors Bylaw for sections of state highway with a 50km/h speed limit subject to Waka Kotahi Chief Executive approval. TAs may also have their own additional bylaws to regulate roadside stalls for mobile shops and hawkers, or street trading on Council controlled roads.

In addition to the roadside vendors licence required from Waka Kotahi, some TAs require applicants to apply for a Resource Consent under their district plan for any retail activity within their district.

Some TAs may also have the authority under a Council regulation or bylaw to impose trading limitations where an existing retail business nearby is already selling the same product. Applicants should contact their district or city council to see if any such regulations/bylaws apply.

⁴ NOC responsibilities are specified in regional Network Outcomes Contracts or the Motorway Alliance Agreement for the Auckland state highway network.

12 Site specific licence details and conditions

Site-specific details are included in *Schedule A* of the Licence.

Licences are subject to a number of standard conditions. These are outlined under 'conditions of licence' under the [Roadside Vendors Bylaw](#) First Schedule. *Section E of Schedule A* also enables the inclusion of additional conditions, deemed necessary for ensuring public safety, transport route efficiency, and for upholding appropriate hygiene and environmental standards. Any additional conditions are at the discretion of the safety engineer and on advice from the Waka Kotahi network management representative.

Possible additional conditions include (but are not limited to) the following:

1. Any vehicle parked on site must have current registration and Warrant of Fitness.
2. The mobile shop (trailer) is to be positioned at leastm from the edge line of the State highway or in a specified safe location and well clear of the site entrance/exit.
3. The licence must be displayed on the vehicle/trailer alongside any other approval or registration certificate including exemptions.
4. The licence holder shall ensure their operations do not result in litter and detritus at the site. All litter associated with the business must be removed from site daily.
5. The licence holder shall not discharge any liquid waste onto the area used and shall ensure their operations do not result in any contaminated discharges into sumps or waterways.
6. The licence holder shall provide toilet facilities for staff and/or customers.
7. The following signs are permitted:
 - a. X signs displayed on the vehicle and/or trailer; AND/OR
 - b. X advance signs (subject to approval by the safety engineer) state location and distance from the vehicle. The signs shall be free standing and must be removed at the end of each trading day. The advance sign/s must not cause traffic obstruction or be attached to existing road signs or street furniture (lights/safety barrier/fence line).
8. Waka Kotahi reserves the right to close vendor operations at this site if serious environmental concerns or safety concerns are raised or if damage is caused to the site.
9. Any instruction from Waka Kotahi staff, their agents or Police to relocate the shop within the site or to cease trading and leave the site, must be complied with.
10. This licence holder does not have exclusive rights in relation to the use of the approved site.

13 Amending or terminating licences

Waka Kotahi may terminate any licence, or amend, or add or delete conditions under *Section E Additional Conditions* of the licence if the operation of the mobile shop is likely to detrimentally affect public safety and /or the efficiency of that part of the State highway on which the mobile shop is located.

14 Licence and cover letter template

The licence template is set out in the *Roadside Vendors Bylaw First Schedule*. A link to the licence template and cover letter for Waka Kotahi use is available below.

15 Reference documents

Links to relevant reference documents are provided below.

- **The Roadside Vendors Bylaw**
<https://nzta.govt.nz/assets/resources/Bylaws-state-highway/Bylaw-1993-2-Road-Side-Vendors.pdf>

- **Vendor Licence Application Form**
<https://www.nzta.govt.nz/assets/resources/roadside-vendors-in-the-state-highway-corridor/roadside-vendor-licence-application-form.docx>

- **Austrroads Guide to Road Design Part 4a – Unsignalised and signalised intersections’ guidelines**
<https://austrroads.com.au/publications/road-design/agrd04a>

- **Worksafe**
<https://www.worksafe.govt.nz>

- **Links for Waka Kotahi use:**
 - [Cover letter to applicant template](#)
 - [Licence to operate a mobile shop on a state highway template](#)
 - [Waka Kotahi Guide on the delegation of state highway powers to councils](#)