

[Act 1996 No 8]



New South Wales

# Roads Amendment (Street Vending) Bill 1995

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The objects of this Bill are to enable payments in the nature of rent to be charged for certain structures on public roads used for street vending, to regulate the circumstances when payments may be charged and to make consequential amendments to provisions applying generally to consents to structures on public roads.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides that the proposed Act will commence on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to the *Roads Act 1993*.

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## **Schedule 1     Amendments**

**Schedule 1 [ 1 ]** makes it clear that an obstruction of a public road previously authorised by or under the Act or any other Act will give rise to an offence when that authorisation ends.

**Schedule 1 [2]** defines *street vending consent*.

**Schedule 1 [3]** makes it clear that a consent to the erection of a structure on a public road may permit or prohibit its use for a specified purpose or purposes.

**Schedule 1 [4]** inserts proposed sections 139A–139F.

Proposed section 139A enables a roads authority to permit the use of a structure for the purpose of selling any article or service when it permits its erection in, on or over a public road in a built-up area (a street vending consent). A condition as to payments in the nature of rent may be imposed but the term of the consent must not exceed 7 years.

Proposed section 139B makes it clear that the application of the *Environmental Planning and Assessment Act 1979* is not displaced by the granting of a street vending consent.

Proposed section 139C sets out the circumstances in which a roads authority may revoke a street vending consent.

Proposed section 139D enables a roads authority to extend the term of a street vending consent and also to transfer such a consent and other consents to structures.

Proposed section 139E enables a fresh consent to be granted for the continued erection and use of a structure on a public road if a consent is revoked, expires or lapses for any other reason.

Proposed section 139F requires a roads authority to comply with guidelines relating to street vending issued by the RTA and the Department of Local Government when granting, extending or transferring a street vending consent. It also prevents such a consent from being granted if part of the space occupied by the structure is the subject of a lease from the roads authority.

**Schedule 1 [5]** amends section 140 as a consequence of the insertion of proposed section 139C.

**Schedule 1 [6] and [7]** make amendments consequent on the provisions enabling the transfer of consents.

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**Schedule 1 [8] and [9]** amend the provisions relating to evidence to enable proof of the grant, extension or transfer of street vending consents and other consents.

**Schedule 1 [10] and [11]** insert savings and transitional provisions consequent on the enactment of the proposed Act.