

	<b>COUNCIL POLICY</b>	<b>POLICY NUMBER</b>
	KERBSIDE VENDOR & MOBILE FOOD VENDOR POLICY	C 034
<b>RESPONSIBLE OFFICER</b>	<b>APPROVAL DATE</b>	<b>REVIEW DUE</b>
General Manager	March 2017	October 2022

## 1.0 PURPOSE OF POLICY

The purpose of this policy is provide a framework for Council staff and operators with regard to obtaining a permit to operate as a kerbside vendor or mobile food vendor within the Tasman Municipal area. The policy aims to provide a transparent, equitable and accountable process for the issuing of kerbside vendor and mobile food vendor licences.

The policy aims to facilitate opportunities for kerbside vendors and mobile food vendors to trade within the Tasman Municipal area whilst ensuring that the viability of existing businesses is not unduly compromised.

Tasman Council is committed to supporting and enhancing local business and creating vibrant and active spaces within the community by identifying appropriate sites where kerbside vendors and mobile food vendors can operate.

Council recognises that kerbside vendors, including mobile food vendors, can add to the vitality of the region through the creation of a diverse range of food options, particularly in areas where permanent food outlets are not operating in the immediate area.

## 2.0 SCOPE

The policy applies to Council-owned land and Council-administered land, such as Council parks, public reserves and road reserves within the Tasman Municipal area.

It is important to acknowledge that any commercial use of public space, is a privilege, not a right. A Vendor Permit issued by Council does not guarantee availability or exclusive use of a site. A Mobile Food Vendor must not operate on Council land without a valid Permit.

Council has a commitment to the wellbeing of the region; economically, socially and environmentally; and seeks to support activities that do not have a detrimental impact on surrounding residences, businesses or public property.

The sale or consumption of food on Council land from a food business may involve the following activities:-

**Mobile Food Business**– is any means of transport designed to be moveable and used for the preparation or sale of food and beverages fit for human consumption, but does not include a temporary food stall.

**Temporary Food Stall** – Includes a stall, tent or BBQ stand that is used to sell food at an occasional event, and is usually dismantled after the event.

**Standing Stall** – means any stall, whether mobile or not, on a road or land under the control of Council where goods are sold including street stalls and raffle sales but does not include street furniture being used.

**Itinerant Mobile Food Business**– means a person selling food, from public streets and lands, making brief and intermittent stops to serve customers ie ice cream van.

A temporary food stall, standing stall, pop-up stall or kerbside vendor, inclusive of the sale of fresh fruit, vegetables and fish, may apply for a licence to operate for the same period of time as listed for mobile food business.

Tasman Council encourages mobile food or itinerant mobile food businesses to use locally sourced or produced goods wherever possible. The type of food to be sold must be of a high quality and a sample menu must be approved by Council. The sale of liquor or cigarettes is strictly prohibited.

Council will issue either a three (3), six (6) month licence or an annual licence to kerbside vendors or mobile food vendors.

Permits are non-transferrable without the written consent of Council. If the business is sold, the new operator must contact Council to arrange for a transfer of the approval and submit to Council a copy of current Public Liability Insurance cover.

## **2.1 Exclusions**

***The policy excludes the following:-***

- Mobile food businesses operating on privately owned land, as this use is regulated by the planning system;
- Mobile food businesses operating during Council approved community events and/or markets;
- Land managed by The Crown ie Department of State Growth, Parks and Wildlife Service. Council cannot issue a permit for a state owned road or managed land. Mobile Food Vendors are not permitted to operate on a state-owned road or managed land unless approval has been granted by the relevant land manager.

## **3.0 PROCESS**

### **3.1 Application Requirements**

An Application for a Vendor Permit must be obtained from Council prior to commencing operation. The following information must be submitted to Council with the Application:-

- Completed Application for Vendor Permit;
- Photographs and floor plan of the Mobile Food Van;
- Example menu of food to be offered
- Copy of Public Liability Insurance
- Evidence of registration as a Food Business Licence in accordance with the *Food Act 2003*

### **3.2 Application Considerations**

Section 56C of the *Vehicle & Traffic Act 1999* states that Council must undertake the following when assessing an application:-

1. Consult the police officer in charge of the police district in which the public street is located;
2. Have regard to relevant traffic conditions and the safety and convenience of the public; and
3. Have regard to such other considerations as appear relevant in the circumstances.

In addition, the following matters will be taken into consideration before issuing a permit:-

- a) The potential for damage to Council infrastructure or land;
- b) Public nuisance, amenity and safety;
- c) Disturbance of people living in the vicinity;
- d) Public access in the area;
- e) The movement of vehicular and pedestrian traffic in the area;
- f) The manner of any proposed advertising;
- g) The nature, size, shape, extent and location of any proposed furniture;
- h) The availability of suitable parking for motor vehicles;
- i) Disturbances of existing businesses or commercial activities;
- j) Whether the business offers a unique culinary experience in an innovative way that increases the diversity of mobile food options;
- k) Sustainable practices including the use of locally grown or produced products and the use of compostable packaging and utensils; and
- l) Presentation / quality of the van

### **3.3 Permit Eligibility**

To be eligible for a mobile food vendor permit, operators need to meet the basic standards for the operation of a business of this nature, including:-

- Australian Business Registration;
- Registration as a Mobile Food Business in accordance with the *Food Act 2003*
- Current Vehicle Registration
- Public Liability insurance (not less than \$10 million)

Evidence of the above must be submitted with the application for Vendor Permit.

### **3.4 Location Requirements**

In considering the options that are available for potential sites, it is important to acknowledge that any commercial use of public space, is a privilege, not a right.

Council has a commitment to the wellbeing of the region; economically, socially and environmentally, and seeks to support activities which do not have a detrimental impact on surrounding residences, businesses or public property.

Only one (1) mobile food vendor may operate from any one site at the same time, unless otherwise approved by Council.

Council reserves the right to change or limit the time, duration, frequency and location that Mobile Food Vendor trading may take place, taking into account weather conditions, conditions of roads, footpaths, public reserves and parks and any repairs and maintenance that may be required.

### 3.5 Areas NOT Suitable for Mobile Food Vendors

Council has identified the following locations as not being suitable to operate within the Tasman Municipal area. Mobile food vendors wishing to trade on Council property **will not** be able to trade within the areas designated below:-

LOCATION
Jackson Park - 4058 Arthur Highway, Murdunna
Judd Park - Main Road, Nubeena
Council Road Reservation & Carpark Adjacent to Port Arthur Cemetery - Arthur Highway, Port Arthur
Upper Carpark adjacent to Nubeena Jetty – Main Road, Nubeena

### 3.6 Preferred Mobile Food Vendor Locations

Council has identified the following locations as preferred locations to operate within the Tasman Municipal area. Mobile food vendors wishing to trade on Council property **will** be able to trade within the designated areas specified below:-

LOCATION
Taranna Community Centre – Amy Street, Taranna
Saltwater River Hall – 600 Saltwater River Road, Saltwater River
Council Road Reservation & Carpark Adjacent to Tourist Information Board at White Beach Road and Nubeena Road intersection
Council road reservation at the intersection of Batchelor Street and White Beach Road, White Beach
Council road reservation on the western side of White Beach Road (opposite number 223)
Council road reservation on the western side of White Beach Road (opposite White Beach Villas)
Council road reservation on the western side of White Beach Road (opposite number 325)
Carpark adjacent to White Beach Public Toilets – White Beach Road, White Beach
Tasman Council Chambers Carpark – 1713 Main Road, Nubeena <i>(Weekends &amp; Public Holidays Only)</i>

Council encourages mobile food vendors to operate in identified areas in order to cater for demand. Alternative trading locations may be considered if the site meets the objectives of this Policy, including, but not limited to the requirements below:-

- Must **not** be located where the speed limit is 60km/hr or higher, unless safety and efficiency of road use by vehicles and pedestrians is not compromised;
- Must **not** be located on a hill or bend where sight distance is limited;

- Must **not** be located in front of driveways or entrances to properties;
- Must have sufficient safe parking near the site;
- Must provide sufficient traffic warning signs in advance (signs should only be placed during hours of selling activity); and
- Must not obstruct vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities
- **Vendor Permits will not be issued to operate within 1km of an existing food business (or other store that sells grocery lines or produce), without a written agreement from the relevant business/es.**

#### 4. ONGOING OBLIGATIONS

##### 4.1 *Hours of Operation*

The Permit Holder may operate in any of the designated areas identified in Clause 3.6 of this Policy. Operators may trade in these locations between the hours of 8.00am and 8.00pm seven (7) days per week.

Only one (1) mobile food vendor may operate from any one site at the same time, unless otherwise approved by Council.

Mobile Food Vendors are required to move on from the trading spot within one (1) hour of ceasing trading.

##### 4.2 *Health & Safety*

The safety of all members of the community, including pedestrians, motorists, cyclists and other footpath or road users must be protected at all times. Vendor Permit holders are required to comply with all of the following:-

- The location of a mobile food van must provide clear, continuous access for all pedestrians along nearby footpaths and ensure no obstruction occurs to nearby road users at all times;
- The location of a mobile food van must not cause an obstruction or danger to existing traffic conditions and sightlines;
- The operator must ensure that customers do not queue onto the roadway, driveways or other trafficked accesses;
- Install barriers where necessary to ensure safety for pedestrian traffic;
- Any furniture, signage or lighting displays must be approved as part of the Permit and must not add unnecessary clutter that detracts from the image of a particular area and/or create a hazard;
- Any other State or Federal legislation and / or restrictions; and
- The Permit holder and all employees are required to undertake Council's online induction prior to operating on Council managed land.

### **4.3 Waste Management**

The Vendor Permit holder is required to comply with the following with regard to waste management:-

- Provide their own water, power and rubbish disposal. Rubbish generated by the business (and customers) **must not** be disposed of in Council rubbish bins;
- The business must provide rubbish bins for use by patrons, and ensure that the site is kept clear of rubbish at all times; and
- Ensure that wastewater and oil are contained in accordance with the requirements of Council's Environmental Health Officer, and removed from the site after each trading session and disposed of appropriately.

### **4.4 Sustainability**

Taman Council encourages mobile food or itinerant mobile food businesses to:-

- Use locally sourced or produced goods; and
- Use 100% compostable packaging including plates, cups etc, and provide bins for organics.

### **4.5 Noise**

- Where possible use power sources that generate low or no noise and/or air pollution (include maximum limits in DB/distance and pollutant levels);
- Ensure that all noise associated with the trading of the mobile food vendor, including customer activity, is kept to a minimum; and
- No amplified music or public address systems are to be used.

### **4.6 Signage**

- All advertising material must be fixed to the mobile food vendor vehicle and not encroach on the road or footpath;
- One (1) A-frame sandwich board style sign with suitable anchoring is permitted. The sign may not be any greater than 1m<sup>2</sup> in size. The sign must be removed at the end of trade each day;
- Signage must not have any balloons, flags, streamers or other items attached to them, and must not contain flashing parts; and
- Businesses that are operating away from a through road will be permitted to place one (1) A-frame sandwich board sign on the relevant junction during operating hours in pre-defined locations and with suitable anchoring. The sign may not be any greater than 1m<sup>2</sup> in size. The sign must be removed at the end of trade each day.

**REFERENCES:**

- Regulatory Services Bylaw No. 1/2018
- Vehicle & Traffic Act 1999

This Policy has been reviewed and adopted by resolution number 27/10.2020/C on 28 October 2020.



**Kim Hossack**  
**GENERAL MANAGER**

Policy Approved – March 2017  
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**Disclaimer**

That this policy be read in conjunction with any or all other Council and/or Management Policies.