



Mobile Food Vending Policy

(Policy Number – K-REGPOL001)
(Policy Type – Council)

1 Aim

This policy provides details of requirements for mobile food businesses who wish to operate on land and/or roads under Council control.

2 Policy Statement


Mobile food businesses undertaking any activities on Council land and/or roads will be controlled by a permit and associated permit conditions as detailed in this policy.

3 Policy Detail

Purpose	Description
Eligibility	<p>In assessing the eligibility of a mobile food business to operate on Council controlled land and/or roads, the Vehicle and Traffic Act 1999 requires the General Manager to consider the following:</p> <ul style="list-style-type: none">• traffic and pedestrian safety,• public convenience, and• any other relevant issue. <p>Mobile food businesses must also demonstrate:</p> <ul style="list-style-type: none">• current state-wide Food Business Registration or Notification Certificate, and• current vehicle registration, and• current Public Liability and Product Liability Insurance with a minimum cover of \$20 million. <p>For a permit to be approved the applicant will need to demonstrate they have indemnified Council under their liability insurance policy.</p>
Application Process	<p>All applications must be made by completing the approved Council form and be accompanied by, the application fee, and a copy the following documentation:</p> <ul style="list-style-type: none">• current state-wide Food Business Registration or Notification Certificate.



	<ul style="list-style-type: none">• current Public Liability Insurance and Product Liability Insurance Certificate.• current vehicle registration details including any trailers.• details of the type of food and beverages to be sold (i.e. menu).• signed 'Letter of Consent' from fixed food businesses within a 200m radius of the proposed food vending location (if applicable). <p>Council will generally assess each application within 28 days of receipt. If further information is required, Council will notify the applicant in writing.</p> <p>Council reserves the right to issue or refuse applications.</p>
Guidelines for Food Vending	<p>Mobile Food Vendors must comply with the following food vending guidelines and any Permit issued will contain conditions based on these guidelines:</p> <ul style="list-style-type: none">• food vending stalls must be located a minimum of 200 metres from any fixed food businesses operating in the locality.• if an applicant proposes to operate within 200 metres from a fixed business/s, a signed 'Letter of Consent' must be provided by any affected business/s.• food vending stalls are to operate only within the approved vending locations.• food vending stalls will only be permitted to operate between the hours of 6:00 am and 9:00 pm daily, or as prescribed in the permit conditions.• the applicant/vendor is responsible for obtaining any other relevant approvals.• the applicant/vendor is responsible for ensuring the food stall is located within the approved location/s.• the applicant/vendor is responsible for ensuring the food stall does not impede vehicle and/or pedestrian movement taking into considering ingress and egress from the food stall location, any applicable speed limits, and any other potential or identified risks.• the applicant/vendor must ensure they do not cause and safety risks and/or environmental nuisance.

	<ul style="list-style-type: none"> • the applicant/vendor must not alter or make changes to any approved vending location. • no alcohol is permitted to be made, sold, consumed or otherwise stored at any food vending stall. • Public Liability Insurance and Product Liability Insurance must be maintained at all times.
<p>Permits</p>	<p>Permits will be issued for a period of up to 12 months.</p> <p>Permits are not transferrable.</p> <p>Permits are not automatically renewed. An application will be required for each permit period.</p> <p>The permit grants the applicant/vendor to operate a mobile food business within the approved location/s in accordance with the permit conditions.</p> <p>Permit fees will be prescribed in Council’s schedule of fees and charges.</p> <p>Permits will not be issued unless the applicable permit fee/s is paid in advance.</p>
<p>Permitted Food Vending Locations</p>	<p>Location 1 – Dogs Hollow Road, Barrington</p> 

Location 2 – Main Street, Wilmot (Saturday PM & Sunday's only)



Location 3 – Lake Barrington Picnic Area, Wilmot



Exemptions

A Food Vending Permit is not required under the following circumstances:

- Food transport vehicles delivering pre-ordered product, or
- Operating within a pre-organised event or festival



4 Associated Documents and References

4.1 Other Legislation Reference

Section 56C of the *Vehicle and Traffic Act 1999* contains provisions for the General Manager of a Council to issue a permit for vehicles to operate from a public street.

Provisions of the *Food Act 2003* may also apply.

4.2 Strategic Plan Reference

Area	4	Development and Regulatory
Program	4.2	Environmental Health Services
Objective	4.2	To promote and maintain public health standards
Strategy	4.2.5	Undertake monitoring compliance, education, and licencing to ensure public health and environmental standards are maintained.

APPROVED BY COUNCIL: 18 July 2023 Minute: 12.1

EFFECTIVE DATE: 18 July 2023

ADMINISTERED BY: Manager Development and Regulatory Services

This policy will be reviewed periodically to ensure its relevance in terms of community needs and expectations and Council goals, targets, budget and statutory requirements.