

# WARATAH-WYNYARD MOBILE FOOD VENDOR GUIDELINES



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## 1 Introduction

Waratah-Wynyard Council recognises that mobile food vending businesses can add to the vibrancy of the Local Government area however, Council is also aware that they need to manage the competing needs and interests of local business, residents, consumers and users of the public spaces. As the presence of mobile food vendors continue to increase and to manage these competing needs and interests, Council has developed the *Waratah-Wynyard Mobile Food Vendor Guidelines* (the Guidelines). The Guidelines provide a framework under which a permit may be granted to allow mobile food vending businesses to operate on council owned and/or managed land in the Waratah-Wynyard municipal area.

## 2 General Principles

These Guidelines have been developed to:

1. acknowledge mobile food vendors as a legitimate and emerging segment of the food industry in Tasmania and provide them an opportunity to make a positive contribution to the attraction and vitality of the Waratah-Wynyard municipal area
2. provide the community with a choice of food offerings to complement and not unreasonably compete with existing fixed address food businesses
3. deliver economic, social and cultural benefits to the community
4. assist mobile food vendors in applying for a permit for mobile vending and to comply with the requirements of that permit
5. establish consistent and equitable guidelines for the application, assessment, and approval process of mobile food vending business permits
6. provide benefit to public land users by enhancing and activating the public use of areas within the municipal area
7. ensure the issuing of permits will not have a material detrimental impact on residents, local business, or the community and is consistent with the zoning and/or purpose of that.
8. ensure appropriate standards are implemented to provide for the safe and hygienic operations of mobile food businesses.

## 3 Scope

The Guidelines apply to mobile food vending businesses operating in public places within the Waratah-Wynyard municipal area (including carparks).

The Guidelines do not apply to vendors who operate on private land or where an event permit has been issued under the Council's By-law.

### 3.1 Vendors Operating from Private Land

If a mobile food vendor chooses to operate from privately owned or managed land, the mobile food vendor must obtain consent from the property owner/ manager prior to operation. The mobile food vendor must also ensure that mobile food vending is allowable on the site in accordance with the Waratah-Wynyard Interim Planning Scheme. Planning advice should be

obtained prior to operation on private property, as a planning permit may be required depending on the proposed location(s) for mobile food vending.

## 4 Definitions

**Mobile Food Vendor (mobile vendor)** - means a person or persons trading from a mobile vending vehicle, equipped to a specified standard as a moveable kitchen from which to commercially cook and sell food in different locations. Food is served directly from the vehicle to the customers for immediate consumption, either in the vicinity or as take-away.

**Mobile Vending Vehicle (mobile vehicle)** - is any road registered vehicle, registered as a mobile food and beverage business within Tasmania under the Food Act 2003, that seeks to trade within any road, public place, or Council land. Only vehicles where trade is wholly from inside the vehicle can trade as a mobile vending vehicle and may include trucks, vans, caravans or enclosed trailers.

**Mobile Food Vending Permit (permit)** - means a permit issued by Waratah-Wynyard Council in accordance with these Guidelines, and *section 56C of the Vehicle and Traffic Act 1999* and any land subject to the provisions of the *Waratah-Wynyard Highway, Public Reserves, Parking Areas and Stormwater By-Law No. 1 of 2016*. The Permit gives the permit holder the right to trade at pre-approved locations in the Waratah-Wynyard municipal area only.

**Public Place** - Means, for the purpose of these Guidelines, any land or part of land, and includes car parks associated with reserves, parks, and foreshore environments, owned, controlled, managed, or maintained by the Council.



Image: Rob Burnett. Harvest Launceston Farmer's Market – The Good Food Float

## 5 Mobile Vending Permits

1. Mobile food vendors wishing to trade in any public place within the Waratah-Wynyard Local Government area must hold a 'Mobile Food Vending Permit' issued by the Waratah-Wynyard City Council. Permits must always be displayed when operating.
2. The Permit gives the permit holder the right to trade at pre-approved locations in the Waratah-Wynyard municipal area only. Vendors wishing to operate in other Local Government areas are required to contact each Council separately.
3. Mobile food vendor permits will only be issued to holders of a current Certificate of Registration of a Statewide Mobile Food Business
4. Mobile food vendor permits will only be issued to holders of current road vehicle registration for the mobile food vehicle a copy of which must be submitted with the application.
5. Valid Certificate of Currency for Public Liability and Public Liability Insurance to a minimum of \$20 million (Certificate must remain valid for the duration of the permit).
6. Mobile vending permits will be issued for a three (3) day, four (4) month or twelve (12) month period. The permit remains valid until the expiry date or until such time as the vendor ceases to operate or trade, or the permit is cancelled.
7. A fee will be payable by the mobile food vendor for a mobile vending permit, as determined by the Waratah-Wynyard Council and will be listed in Council's Annual Fees & Charges. The fees will be set by Council annually in accordance with *Section 205 of the Local Government Act 1993* and published as part of the annual fee schedule.
8. Mobile vending permits are only for the business identified on the permit and are non-transferable.
9. The permit holder is responsible to re-apply for a permit when their existing permit expires – permits are not automatically renewed.
10. Refunds will not be provided for any cancelled, inactive or superseded permit.
11. Mobile vending permits granted to mobile vendors are for one vehicle only. A vendor operating wanting to operate from more than one vehicle must apply for a separate permit for each vehicle. A non-motorised van/trailer coupled with a vehicle solely used to tow is defined as one vehicle.
12. A permit holder must produce the permit immediately when requested to do so by an authorised officer.

## 6 Permit Conditions

The mobile vending permit holder is responsible for ensuring:

1. Public access to parking, loading, taxi and bus zones, footpaths, roads, driveways and wheelchair access points is not hindered at any time by the permit holder or their customers.
2. Access to public infrastructure, including public seats, bike racks, rubbish bins, must not be restricted by the permit holder or their customers.
3. Mobile vendors are not to provide tables, trestles, tents, chairs, boxes, crates or other seating, dining or shelter infrastructure for customers to use without prior written approval by the General Manager.
4. Mobile vendors should attempt where possible to operate in a location where there is a sealed or hard gravel area for patrons to access the serving hatch.
5. Mobile vendors must place out for use while trading, 2 rubbish bins (minimum 50 litres each) adjacent to the serving hatch for refuse. One bin for general rubbish and one for recyclables. All rubbish must be disposed of responsibly. Council rubbish bins must not be used to dispose of the vendor's waste.
6. Wastewater and waste oil are not to be deposited into the stormwater system and must be contained within the vendor business and correctly disposed of as per according to environmental health standards.
7. Where Council is forced to undertake extra cleaning or rubbish removal as a direct result the vending activity, the permit holder will be required to reimburse Council for these costs.
8. The mobile vendor must, where possible, utilise power sources that generate low or inaudible noise emissions. The mobile vendor must also ensure that noise related to trade, including from customers, does not become a nuisance, and that amplified music or public address systems are not used.
9. Mobile vendors must comply with all relevant Food Act Regulations and Australian Standards that apply to operating from a mobile vending vehicle. The vehicle should be well presented and clean, and roadworthy, and is not to emit any unnecessary odour or fumes.
10. Mobile food vendors must not leave the vehicle from which they conduct their business parked unattended on a public road at a location specified on their permit for a period longer than 30 minutes.
11. The mobile food vending permit holder is responsible for remediating any damage caused to Council assets or infrastructure, in connection with their mobile vending activity. Any direct damage caused to Council infrastructure (such as bins, seats, trees, footpaths) by the mobile vendor, will result in the permit holder being charged for payment of Council's costs for repairing or replacing the damaged infrastructure.
12. Mobile vending permits will be cancelled by Council should the permit holder breach any of the permit conditions listed within the permit and these Guidelines.

## 7 Permit Fee

Permit fees will be determined by Council each year in accordance with Council's Fees and Charges Policy.

## 8 Selection of Pre-approved Trading Locations

The following were considered when identifying pre-approved trading locations:

1. Health and wellbeing
  - Activation of public use of the area
  - Enhancement of social, economic and cultural diversity opportunities
2. Safety
  - Public safety
  - Must not obstruct pedestrian flow (including disability access), vehicular traffic, driveways (including line of site for motorists), bicycle lanes, queuing and other waiting areas.
3. Existing business operations
  - Impact on existing businesses, including kiosk operations.
  - Distance from permanent establishments
  - Operating hours of existing business and proposed hours of mobile business
  - Potential for direct conflict with established events and markets.
4. Other
  - Permitted land use under the planning scheme
  - Seasonal impacts
  - Fit with environment and land use

## 9 Pre-Approved Trading Locations

- Once a vendor has received a mobile food vending permit, vendors may choose to trade from a range of pre-approved locations. These locations have been selected based on their suitability from a road safety and suitability perspective.
- Locations may be removed, or others added. Vendors must ensure they are familiar with the pre-approved locations displayed on Council's website and make a booking before operating.
- At Council's own discretions, permits may be capped to an overall number within the municipality at any one time, or within a location.
- Trading is permitted seven days a week, between the hours of 7am and 9pm, unless otherwise specified. A vendor may trade for a maximum of 6 hours continuously in any one location on any given day. Trading is only permitted from a mobile vending vehicle.
- A booking system is utilised to enable vendors to book locations, dates and times (subject to availability). The booking system enables all vendors have fair and equitable access to their preferred location/s and that one operator does not monopolise one location. The



booking system is accessible via Council's website. If it is found that vendors are making bookings that are not used, preventing other vendors from being able to book locations, then Council reserves the right to cancel the Mobile Vending Permit.

- Parking for towing vehicles is not permitted at the same site as the vendor. The mobile vending vehicle needs to be dropped off to the locations and a legitimate parking space found for the towing vehicle.
- The table below details the approved locations, addresses and the number of permitted vendors allowed to operate at any given location at a time. The following locations have been pre-approved for mobile food vendors:

LOCATION	ADDRESS	MAXIMUM NO. OF PERMITTED VENDORS
<b>Wynyard</b>		
Port Creek Carpark (Attachment 1)	Old Bass Highway, Wynyard	2
Nurses Retreat Carpark (Attachment 2)	Old Bass Highway, Wynyard	2
Cape Bridge Carpark (Attachment 3)	Saunders Street, Wynyard	2
Fossil Bluff Carpark (Attachment 4)	Freestone Crescent, Wynyard	2
Frederick Street Sports Precinct (Attachment 5)	Lowe Street, Wynyard	3
<b>Somerset</b>		
Somerset Foreshore Carpark 1 (Attachment 6)	Esplanade, Somerset	2
Somerset Foreshore Carpark 2 (Attachment 7)	Esplanade, Somerset	2
Cam River Foreshore Carpark 1 (Attachment 8)	Murchison Highway, Somerset	1
Cam River Foreshore Carpark 2 (Attachment 9)	Murchison Highway, Somerset	2
Fairlands Drive (Attachment 10)	Fairlands Drive, Somerset	2
<b>Table Cape</b>		



Table Cape Lighthouse Carpark (Attachment 11)	Lighthouse Road, Table Cape	1
<b>Sisters Beach</b>		
Sisters Beach Boat Ramp Carpark (Attachment 12)	Irby Boulevarde, Sisters Beach	2
Sisters Beach Carpark (Attachment 13)	East Boulevard, Sisters Beach	1
<b>Waratah</b>		
Waratah (carpark opposite Athaneum Hall) (Attachment 14)	Smith Street, Waratah	2
<b>Boat Harbour</b>		
Boat Harbour Reserve (Attachment 15)	Port Road, Boat Harbour	2

## 10 Mobile Vending at Endorsed Events

The mobile vending application process does not apply for vendors to operate from a public road, reserve or car park as part of a Council supported, endorsed, or managed event. Applications for this purpose can be made through Council's events application process.

## 11 Authority to Issue Permits

1. Mobile food vending on a public street - Section 56C of the Vehicle and Traffic Act 1999 states that a person requires a permit to set up or use a stall, stand or vehicle on a public street for the purposes of selling any goods, and that a permit for such activity may be issued by the General Manager. In assessing whether to grant a permit, the General Manager must consider relevant traffic conditions and the safety and convenience of the public.
2. Mobile vending on 'public reserve' - The Waratah-Wynyard General Manager is authorised to permit the selling of items in a public reserve under the *Waratah-Wynyard Highway, Public Reserves, Parking Areas and Stormwater By-Law No. 1 of 2016*.

## 12 Authority to Cancel Permits

A permit may be cancelled at any time if the permit holder breaches any conditions of the permit, including failure to pay the permit fee.

## 13 Frequently Asked Questions?

### 13.1 What information is required to apply for or renew a mobile vending permit?

The following information is required when applying to Council for a mobile vending permit:

- Completed mobile vending application form
- Valid Certificate of Registration of a Statewide Mobile Food Business
- Mobile Food Vending Fee
- Current road vehicle registration for the mobile food vehicle.
- Valid Certificate of Currency for Product Liability and Public Liability Insurance to a minimum of \$20 million (Certificate must remain valid for the duration of the permit).

### 13.2 How do I book a pre-approved location?

Once a mobile vendor has a Mobile Vending Permit (refer question 13.1) they will be able to book a pre-approved location through the booking system on Council's website.

### 13.3 What is the Assessment Process?

On receiving an application Council staff will:

- Check that all relevant information has been received.
- Check the application to ensure it meets the intent and requirements of the Mobile Vending Guidelines.
- Undertake an assessment of the application.
- Approve or refuse the application.
- Formally advise the applicant of Council's decision.

### 13.4 Where can I operate from?

Once you have been issued a mobile vending permit you will be able to book and operate from a selection of pre-approved locations. These locations can be found on Council's website.

### 13.5 What if I need to amend my permit?

Contact the Council to arrange for your permit to be amended.

### 13.6 What if I sell my business?

Permits are not transferable between businesses or if a business is sold. The new operator would need to apply to Council for a new permit.

Permit fees are non-refundable.

## 14 Attachments (Approved Locations)

Attachment 1 – Port Creek Car Park, Wynyard  
2 Mobile Food Vendors maximum



Attachment 2 – Nurses Retreat Carpark, Wynyard  
2 Mobile Food Vendors maximum





Attachment 3 – Cape Bridge Carpark, Wynyard

2 Mobile Food Vendors maximum



Attachment 4 – Fossil Bluff Carpark, Wynyard

2 Mobile Food Vendors maximum





Attachment 5 – Frederick Street Sports Precinct, Wynyard  
3 Mobile Food Vendors maximum

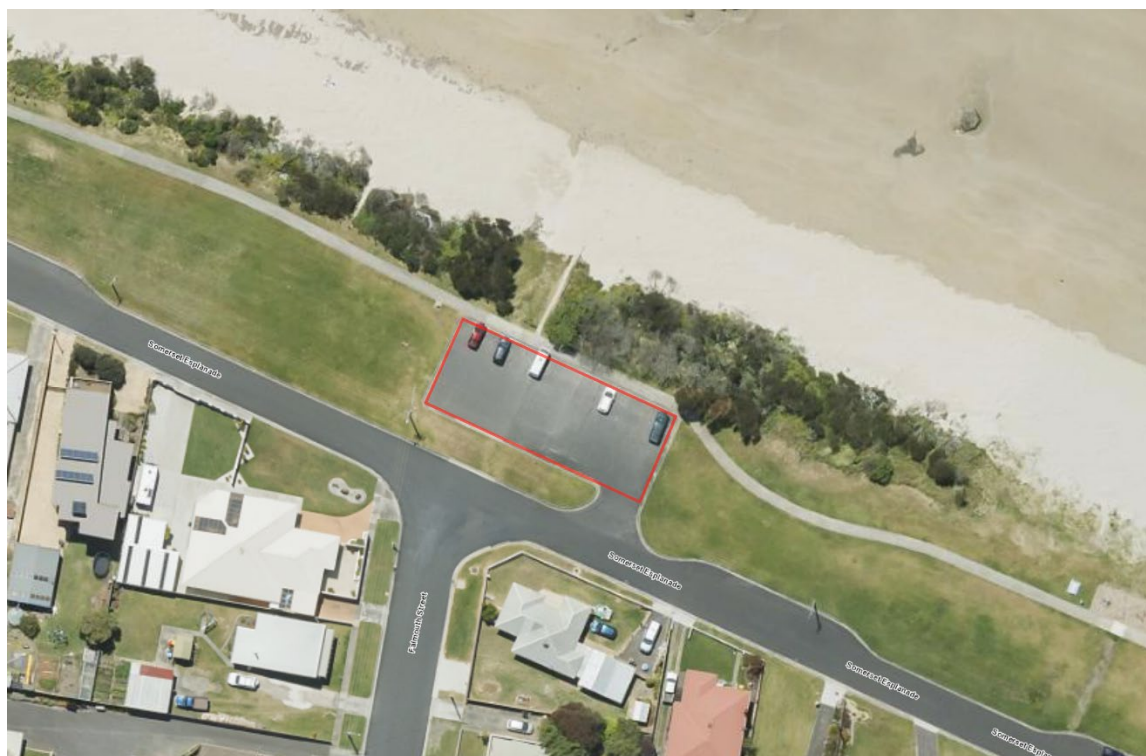


Attachment 6 – Somerset Foreshore Carpark (1), Somerset  
2 Mobile Food Vendors maximum





Attachment 7 – Somerset Foreshore Carpark (2), Somerset  
2 Mobile Food Vendors maximum



Attachment 8 – Cam River Foreshore Carpark (1), Somerset  
1 Mobile Food Vendor maximum





Attachment 9 – Cam River Foreshore Carpark (2), Somerset  
2 Mobile Food Vendors maximum



Attachment 10 – Fairlands Drive, Somerset  
2 Mobile Food Vendors maximum





Attachment 11 – Table Cape Lighthouse Carpark, Table Cape  
1 Mobile Food Vendor maximum



Attachment 12 – Sisters Beach Boat Ramp Carpark, Sisters Beach  
2 Mobile Food Vendors maximum





Attachment 13 – East Boulevard Carpark, Sisters Beach

1 Mobile Food Vendor maximum



Attachment 14 - Waratah (carpark opposite Athaneum Hall)

2 Mobile Food Vendors maximum



Attachment 15 – Boat Harbour Beach Reserve, Boat Harbour  
2 Mobile Food Vendors maximum

