

1. PURPOSE

The purpose of the policy is to address the circumstances and conditions under which the Southern Midlands Council will permit mobile food vendors to trade from land owned or managed by the Council or community.

2. OBJECTIVE

The objectives of this Policy are to:

- 2.1 Provide a clear permit process and permit conditions for mobile food vendor trading on Council or community land.
- 2.2 Acknowledge that mobile food vendors can make positive contributions to the attraction and vitality of the Southern Midlands municipality and provide economic, social and cultural benefit to the community.
- 2.3 Accommodate mobile food vendor trading on Council or community land in a reasonable manner which will:
 - a) complement and not unreasonably compete with existing fixed address food businesses;
 - b) provide the community and visitors with additional diversity and choice;
 - c) provide for locations that are safe and convenient in terms of access, facilities, and attraction, and which do not unreasonably interfere with the purpose and security of other public assets or inconvenience the function or amenity of other users and the environment; and
 - d) Provide all mobile food vendors with an equal opportunity to trade from Council or community land.

3. SCOPE

- 3.1 This Policy applies to Council land within the Southern Midlands municipal area and some specific sites managed by community groups.
- 3.2 This policy does not apply to Crown land or private land. Mobile food vendors may operate on private land under a permit granted under the *Land Use Planning and Approvals Act 1993*.
- 3.3 This policy does not apply to mobile food vendors involved in events such as markets, fairs or festivals.

4. DEFINITION OF TERMS

In this policy:

Council - means the Southern Midlands Council.



Council Policy
MOBILE FOOD VENDORS POLICY

Approved by: Council
Approved date: 24th June 2020
Review date: June 2021

Council land - means any land owned, managed by, or under the control of the Council, but does not generally include a road or local highway under the control and management of the Council.

Community land - means any land owned, managed by, or under the control of a community group.

Mobile food vendor - means a commercial operator trading from a mobile structure that is registered as a mobile food and beverage business within Tasmania under the *Food Act 2003*. This includes both registered vehicles such as vans, caravans and trailers; and non-registered vehicles such as coffee carts or hotdog carts.

Mobile food vendor permit - means a permit issued in accordance with this policy.

5. POLICY

5.1 General

Mobile food vendors must obtain and display a Mobile food vendor permit to operate on Council or community land in the Southern Midlands municipality.

Council will apply for and hold a permit under the *Land Use Planning and Approvals Act 1993* for each of the approved Trading Locations (identified below).

5.2 Mobile Food Vendor Permit Applications

Applications for a Mobile Food Vendor Permit are to be made by completing the approved Council form and paying the applicable fee as set by Council.

Applicants must indemnify Council against any liability that may arise as a direct result of the mobile food vendor trading within an approved location.

Mobile Food Vendor Applications must include the following information:

- a) Specify the intended trading locations, frequency and times;
- b) Current mobile food business registration under the *Food Act 2003*;
- c) If the business is to operate from a vehicle, the current registration under the *Vehicle and Traffic Act 1999*;
- d) Current ABN or ACN; and
- e) Public liability insurance policy with cover of not less than \$20 million.

5.3 Trading Locations

Mobile food vendors holding a valid Mobile Food Vendor Permit may trade from the following approved locations only:



- **Bagdad** – Quarrytown Road
- **Broadmarsh** – Broadmarsh Hall
- **Campania** – Campania Recreation Ground or car park at the corner of Climie Street and Reeve Street
- **Colebrook** – Colebrook Hall or Colebrook History Room/Park
- **Kempton** – Kempton Recreation Ground or Station Park
- **Mangalore** – Mangalore Oval or Council reserve at the corner of Blackbrush Road/Midland Highway
- **Oatlands** – Callington Park or Esplanade car park
- **Parattah** – Recreation Ground
- **Tunnack** – Tunnack Recreation Ground
- **Tunbridge** – Tunbridge Hall

Approved locations are identified by maps in Appendix 1 below.

Council may consider adding additional trading locations if suitable sites are identified by applicants or the public.

5.4 Prohibited Locations

Mobile food vendors are prohibited from operating in the following locations:

- a) State roads or highways, including rest stops such as St Peters Pass, and roadside truck stops.

This Policy does not apply to occasional initiatives run by a suitable organisation, such as ‘Driver Reviver’ stops.

- b) Council will not permit a mobile food vendor to trade from any road area under the management of the Council, unless specifically identified in the approved trading locations.

Vendors may operate from a Council road as part of an organised event exempt from this Policy under clause 3.3.

5.5 Trading Restrictions

The following trading restrictions apply to mobile food vendors operating under this Policy:

- a) Trade within any one approved trading location no more than three days per calendar week;
- b) Trade for no more than 4 hours within one day at a single location;
- c) Trade within the following approved times:

Monday to Friday	7am – 10p
Saturday	9am – 10pm
Sunday and Public Holidays	10am – 8pm

- d) A maximum of three (3) mobile food vendors may operate in an approved trading location at the same time.

5.6 Fees

A fee will apply for a Mobile food vendor permit application. An application may be for an annual permit or a three month permit.

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.

Permits will not automatically be renewed. Operators will be required to apply for a new permit when their existing permit expires.

5.7 Conditions of Operation

The following conditions will apply to all mobile food vendors operating under this Policy:

- a) Mobile Food Vendor Permits are issued for one vehicle only and are not able to be shared or transferred.
- b) Mobile Food Vendor Permits will be issued subject to conditions.
- c) Mobile food vendors must display their valid Mobile Food Vendor Permit when operating.
- d) Mobile food vendors must ensure they are legally parked at all times.
- e) Mobile food vendors must not obstruct or restrict the use of roads, driveways, footpaths, walkways or parking areas by other users in any way.
- f) Mobile food vendors are expected to provide their own power, water and rubbish disposal.
- g) Mobile food vendors are responsible for ensuring that rubbish is removed from the site and surrounds at the conclusion of trading and ensuring that no waste water or other contaminants discharge from the vehicle.
- h) Council strongly encourages Mobile Food Vendors to provide containers and utensils that are made from compostable and recyclable materials.
- i) Mobile food vendors must trade wholly from within their vehicle.
- j) Mobile food vendors must not leave vehicles unattended in an approved trading location.
- k) Noise from generators and other sources is kept to a minimum.
- l) Mobile food vendors must follow any and all instructions issued by a duly authorised officer of the Council.
- m) Council reserves the right to suspend or cancel a Mobile Food Vendor Permit at any time if the trading restrictions or conditions of operation are not followed or trade contravenes any regulatory requirement or condition of the Permit.
- n) Mobile food vendors operating without a Mobile Food Vendor Permit in accordance with this Policy, or other permission from Council, may be subject to enforcement action including fines under the *Land Use Planning and Approvals Act 1993*.



6. LEGISLATION

The relevant legislation is:

- *Local Government Act 1993;*
- *Food Act 2003;* and
- *Land Use Planning and Approvals Act 1993*

7. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed after one year of adoption and every two years after that, or as directed by the General Manager.

This document is Version 1.0 effective 24th June 2020. The document is maintained by Development and Environmental Services, for the Southern Midlands Council.

APPENDIX 1 – APPROVED LOCATION MAPS

Approved locations are marked in yellow on the maps below:

BAGDAD



Area 1: Quarrytown Road – road reserve; Quarrytown Road, Bagdad

BROADMARSH



Area 2: Broadmarsh Hall – Car park; 1218 Broadmarsh Road, Broadmarsh

CAMPANIA



Area 3: Campania Recreation Ground – Car park; 30-34 Reeve Street, Campania



Area 4: Car park; Corner of Climie Street and Reeve Street, Campania

COLEBROOK



Area 5: Colebrook Hall; 45 Richmond Street, Colebrook



Area 6: In front of Colebrook History Room and Park; 14 Richmond Street, Colebrook

KEMPTON



Area 7: Kempton Recreation Ground; 130 Main Street, Kempton



Area 8: Station Park – Car Park; Main Street, Kempton (opposite 87 Main Street, Kempton)

MANGALORE



Area 9: Mangalore Oval; 22 Blackbrush Road, Mangalore



Area 10: Council Reserve; Corner of Blackbrush Road and Midland Highway

OATLANDS



Area 11: Callington Park; 20-28 Esplanade, Oatlands



Area 12: Esplanade Car parks; 19 Esplanade, Oatlands

PARATTAH



Area 13: Parattah Recreation Ground; 645 Tunnack Road, Parattah

TUNNACK



Area 14: Tunnack Recreation Ground; 27 Scotts Road, Tunnack

TUNBRIDGE



Area 15: Tunbridge Hall; 99 Main Road, Tunbridge