



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

MOBILE FOOD VENDORS

Originated Date: 11 December 2017 - Min. Ref. 390/17

Amended Date/s: 21 October 2019 - Min. Ref 337/19
Reviewed 18 August 2022
16 September 2024 – Min. Ref 24/0308
9 December 2024 – Min. Ref 24/0407

Applicable Legislation: *Vehicle & Traffic Act 1999*

Objective To identify guidelines by which Mobile Food Vendors may operate in the Northern Midlands.

Administration: Community and Development

Review Cycle/Date: Every 4 years. Next review 2028.

1. PURPOSE

The purpose of this policy is to identify guidelines by which Mobile Food Vendors may operate in the Northern Midlands.

2. APPLICABLE LEGISLATION

Section 56C of the *Vehicle & Traffic Act 1999* states a person must not set up or use a stall, stand or vehicle on a public street for the purpose of selling goods without a permit. Permits may be issued by the General Manager of the Council in which the public street is located.

3. DEFINITIONS

Mobile food vendor a take away food vendor operating from a mobile vehicle or trailer for the purpose of selling food and drinks for immediate consumption.

Local highway means a local highway as defined in the *Local Government (Highways) Act 1982*, Section 4.

4. CONDITIONS OF OPERATION

The following conditions of operation must be met by Mobile Food Vendors who operate in the Northern Midlands.

4.1 APPLICATION FORM AND FEE

All Mobile Food Vendors intending to operate in the Northern Midlands must complete an Application for Permit and pay the required fee, as set per Council's fee schedule.

Copies of the following documents must be completed and submitted together with the application of the permit:

- a) Current certificate of registration of a Statewide Mobile Food Business;
- b) Current Public Liability and Product Liability Insurance Certification (minimum \$20million cover); and
- c) Current road vehicle registration.

4.2 PERMIT

A Mobile Food Vendor must not operate on a local highway in the Northern Midlands without a valid permit.

A Mobile Food Vendor may apply for an annual permit, or a six-month permit.

Annual permits are valid from 1 August to 31 July.

Special event permits are valid for the duration of the event as specified in the application form.

Permit fees are in accordance with Council's Fees Schedule.

A Mobile Food Vendor is only permitted to operate on a local highway in the Northern Midlands once a permit



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

has been issued.

Permits are issued to one vehicle only and are not transferrable. Permits are not automatically renewed.

A Mobile Food Vendor must be able to produce a copy of their permit on request. All conditions of the permit must be complied with at all times of operation.

4.3 RUBBISH REMOVAL

Mobile Food Vendors must provide rubbish collection receptacles at the site and ensure all rubbish generated from their use at the site is removed and disposed of responsibly.

Whilst trading to the public, a mobile food vendor must provide, at least one bin to accept waste and one bin for recyclable materials. The bins must be at least fifty litres.

4.4 DEPARTMENT OF STATE GROWTH ROADS

Council cannot issue a permit for a state-owned road. Mobile Food Vendors are not permitted to operate on a state-owned road, unless with approval issued by the Department of State Growth.

4.5 SAFETY AND COMPLIANCE

Mobile Food Vendors must:

- Have in place current Public Liability Insurance to operate;
- Have in place a current Certificate of Registration for business selling food;
- Ensure they have approval to erect any signs or furniture associated with their business, in accordance with Council's Footpath Trading By-Law No. 1 of 2022, if applicable.
- Mobile food vehicles must not be left unattended whilst operating on a public street or on Council owned or managed property.
- Food or beverage preparation, cooking or serving equipment or structures are not to be installed or erected outside the vehicle to display, prepare or serve food.
- Customers must be served from the footpath side of the vehicle only, and not queue across footpaths, into roadways, driveways or other pedestrian or trafficked accesses.
- The installation, maintenance and operation of gas and/or electrical appliances within the vehicle must comply with the relevant Australian Standards.
- Safety of people is not to be compromised in any way by the location or operation of the mobile food vehicle.
- Mobile food vehicles must not set up prior to 3.30pm and must vacate the site by 9.30pm

4.6 ACCESS TO POWER

Council only has power available to Mobile Food Vendors at the following locations:

- Longford Village Green

If Mobile Food Vendors wish to access power they must pay for power usage in accordance with Council's fee schedule.

Payment for power must be made upon collection of the power box key from the Council offices.

5. LOCATIONS AND TIMES

5.1 DESIGNATED MOBILE FOOD VENDOR LOCATIONS

Council has identified the following locations as designated locations to park within the Northern Midlands municipality.

Applications to park outside of these designated locations will be considered, however, may be refused if not



NORTHERN MIDLANDS COUNCIL

POLICY MANUAL

considered suitable.

- Avoca – Blenheim Street, adjacent to Boucher Park
- Campbell Town – Franklin Street, adjacent to Blackburn Park
- Cressy – Church Street, adjacent to the Trout Park
- Evandale – Rogers Lane or Russell Street, adjacent to Harry Murray Memorial
- Longford – Archer and Lyttleton Streets, adjacent to Victoria Square (Village Green)
- Perth – Little Mulgrave Street, adjacent to the Train Park
- Ross – Church Street, adjacent to the Village Green (33 Church Street)

5.2 TIME RESTRICTIONS

Mobile Food Vendors are only permitted to operate between the hours of 4:00pm and 9:00pm on any given day, except in the circumstances the Mobile Food Vendor is operating at a pre-organised event.

Mobile Food Vendors are not to operate on public roads within 100m (measured by travel distance of a pedestrian) of a residential dwelling.

5.3 EXCEPTION: AVOCA ONLY

Mobile food vehicles are not permitted to operate within two hundred (200) metres of an established permanently fixed food premises unless the proprietor of the established fixed food premises has clearly expressed in writing a tolerance for mobile food vehicles operating within that distance.

Operating hours restricted to the hours between 7.00am and 2.00pm.

6. EXCLUSIVE USE NOT GUARANTEED

A permit issued by Council does not guarantee availability or exclusive use of the site.

7. EXEMPTIONS

Mobile Food Vendors parking for a period of less than 15 minutes are not required to obtain a permit pursuant to this policy.

8. ENFORCEMENT

In accordance with Section 56C(5) of the *Vehicle and Traffic Act 1999 (the Act)*, monetary penalties will apply to Mobile Food Vendors contravening *the Act* and this Policy, penalties may include the revocation of the Mobile Food Vendor permit.

9. REVIEW

This Policy is to be reviewed every four years.