

	COUNCIL POLICY	POLICY NUMBER
	KERBSIDE VENDORS	C 034
RESPONSIBLE OFFICER	APPROVAL DATE	REVIEW DUE
General Manager	March 2017	March 2019

1.0 PURPOSE OF POLICY

The purpose of this policy is to establish guidelines that Council officers will use to assess applications for kerbside vendors, including mobile food vendors.

The policy aims to facilitate opportunities for mobile food vendors to trade within the Tasman Municipal area whilst ensuring that the viability of existing businesses is not unduly compromised. The policy also aims to provide guidance to members of the public and businesses who wish to sell goods or services on Council land or within Council's road reservations.

2.0 SCOPE

The policy applies to Council-owned land and Council-administered land, such as road reserves, and Council parks and reserves within the Tasman Municipal area. The policy excludes mobile food vendors operating on privately owned land, as this use would require planning approval and assessment under the planning scheme. This policy also excludes mobile food vendors operating during community events.

Mobile food vendors wishing to trade on Council property will not be able to trade within the designated areas specified at Clause 3.3.

Council will issue either a one-off licence or an annual licence (for a period not exceeding 12 months) for these kerbside vendors. The sale of liquor is strictly prohibited.

3.0 PROCESS

3.1 *Application Process*

All applicants must complete a Kerbside Vendors Licence Application form. 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; and
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) Public access in the area;
- d) The movement of vehicular and pedestrian traffic in the area;

- e) The manner of any proposed advertising;
- f) The nature, size, shape, extent and location of any proposed furniture;
- g) The availability of suitable parking for motor vehicles; and
- h) Disturbances of existing businesses or commercial activities.

3.2 Sale of Food

- The type of food to be sold must be approved by Council's Environmental Health Officer.
- The mobile food van must have a current food business registration in accordance with the *Food Act 2003*.
- The operator must ensure that the mobile food van is a registered vehicle that is well presented, clean and in road worthy condition at all times.

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

Food Stalls – Only acceptable at organised community events or for fundraising activities such as sausage sizzles.

Mobile Food Vans – Are only permissible if the proposed location is not within the designated areas as detailed in clause 3.3 of this policy.

Mobile food vans will generally not be approved if they are operating within 200m of an existing food business during the hours that the business is trading. All operators will be required to comply with the following conditions. Failure to comply with these conditions may result in the licence being cancelled:-

Health & Safety

- 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.

Waste

- Food vendors are expected to 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;
- 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.

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;
- No amplified music or public address systems are to be used.

3.3 Areas Not Suitable for Mobile Food Vendors

Venue
Jackson Park - 4058 Arthur Highway, Murdunna
"Judd Park" - Main Road, Nubeena
Council Road Reservation & Carpark Adjacent to Port Arthur Cemetery - Arthur Highway, Port Arthur

Disclaimer

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