

# Mobile Food Vendor Guidelines

<b>Responsible Directorate</b>	Community Services
<b>Responsible Branch</b>	Environmental Health
<b>Responsible Officer</b>	Manager Environmental Health and Statutory Building
<b>Affected Services</b>	Environmental Health Rangers and Security Recreation Services Parks and Gardens
<b>ECM Document Set ID</b>	

## Purpose

The purpose of these guidelines is to provide guidance on the requirements for the operation of mobile food vehicles and mobile food stalls on public land within the City of Bayswater.

## Guidelines Statement

1. The City of Bayswater encourages the use of parks and reserves for outdoor mobile food vehicles and mobile food stalls as a means of enhancing community activity that flows from this activation of our public spaces.
2. The City supports mobile food vendors which practice safe food handling in accordance with the *Food Act 2008* and consider the needs of all users of the area, including the safety of consumers and pedestrians.
3. The City encourages mobile food vendors to activate parks and reserves with appropriate food vending activities, and recognises that granted rights over the relevant public space do not exclude the general public from the public realm.
4. The City seeks mobile food vendors whose vehicle/stall presentation contributes to the character of the area.
5. The Guidelines outline the requirements for the operation of mobile food vehicles and mobile food stalls.

## Definitions

**Mobile food stall** means a stall used for preparing and dispensing food from on a one-off occasion.

**Mobile food vehicle** includes any:

- (a) Registered vehicle, caravan, trailer or any other method of transport from which food is sold; or
- (b) Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles.

**Mobile food vendor** means the person(s) operating a mobile food vehicle or mobile food stall.

**Same offerings** refers to food or beverages which are of a specialty nature and does not include products that are commonly sold by most food businesses (For example, bottled water or can of soft drink).

**Stall** means a movable or temporary fixed structure, stand, table, or the like, from which a person carries on trade or commerce in a public place.

## Requirements:

### 1. Certifications and Permits

- 1.1. Mobile food vendors operating in the City of Bayswater are required to:
  - a) Notify the City of Bayswater that they intend to operate within the City in writing by completing the City's [Notification/Registration Form](#);
  - b) Hold a current *Food Act 2008 Certificate of Registration* from a Western Australian Local Government; and
  - c) Obtain any other relevant approvals.
- 1.2. An 'Application Form – 16 Approved Locations permit to Operate a Mobile Food Vehicle' must be submitted to the City for assessment.
- 1.3. The City reserves the right to revoke a permit if found to be in breach of any provisions within these Guidelines.

### 2. Limitations

- 2.1. Mobile food vendors are only permitted to trade within the City of Bayswater if they meet the following conditions:
  - a) Hold a current *Food Act 2008 Certificate of Registration* from a Western Australian Local Government;
  - b) The vehicle or stall must not require an external power connection, unless otherwise agreed to by the City; and
  - c) Parking for towing vehicles is to be located in a safe and legitimate location.

### 3. Location and Siting

- 3.1. The City of Bayswater has approved the following locations within the City for mobile food vendors to operate at:
  - AP Hinds Reserve, Bayswater;
  - Bardon Park, Maylands;
  - Beaufort Park, Bedford;
  - Berringa Park (opposite side of East Street), Maylands;
  - Bert Wright Park, Bayswater;
  - Broun Park, Embleton;
  - Clarkson Reserve, Maylands;
  - Cloughton Reserve, Bayswater;
  - Crimea Park, Morley;
  - Lightning Park, Noranda;
  - Pat O'Hara Reserve, Morley;
  - Riverside Gardens, Bayswater;
  - Robert Thompson Park, Noranda;
  - Shearn Memorial Park, Maylands;
  - Upper Hillcrest Reserve, Bayswater;
  - Wotton Reserve, Embleton; and
  - Wymond Park, Bayswater.

Alternative locations may be considered if they meet the purpose of the guidelines. Requests to operate at an alternative location are to be made in writing to the City of Bayswater.

3.2. The following location and siting requirements apply to all mobile food vendors:

- Mobile food stalls are to obtain a valid stallholder's permit or trader's permit in accordance with the City's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020*;
- Any conflicts in Trading Zones (i.e. which mobile food vendor is to be at which location at which time) are to be resolved by the mobile food vendors;
- Mobile food vehicles or stalls trading in an approved location directly adjacent to a distributor road (i.e. Broun Avenue, Coode Street and Crimea Street) must be at least 350 metres from an established food or beverage business that is open for trade, with the same offerings. Mobile food vehicles or stalls other than those directly adjacent to a distributor road must be at least 200 metres from an established food or beverage business that is open for trade with the same offerings. The distance is measured from the closest edge of a mobile food vendor's vehicle or stall, to the closest edge of the actual premises of an established food or beverage business; not the edge of the overall building structure in which they are situated.
- Mobile food vehicles or stalls must be located so as not to obstruct pedestrian flow or vehicular traffic.

3.3. The following restrictions relate to the maximum number of mobile food vehicles permitted to trade at the same time and at the same location:

- No restriction on the number of mobile food vendors at Bardon Park and Riverside Gardens.
- A maximum of five mobile food vendors are allowed to operate at Crimea Park at any one time, and they must be parked within the marked designated zones.
- A maximum of three mobile food vendors are allowed to operate at all other approved locations, not expressed above.

3.4. All mobile food vehicles must be operational whilst parked within an approved trading location.

3.5. The City of Bayswater reserves the right to make any approved location unavailable for a set period of time for community events, (e.g. the autumn river festival), for works to be undertaken at or near the location or for any other reason the City deems necessary.

## **4. Maintenance and Cleaning**

4.1. The mobile food vendor is responsible for all maintenance aspects of the entire operation.

4.2. The mobile food vehicle/stall and fixtures must be kept in a safe and well-maintained condition at all times.

4.3. Mobile food vendors must ensure that the vehicle/stall and food handling activities comply at all times with the requirements of the *Food Act 2008 and Food Standards Australia and New Zealand (FSANZ) Food Standards Code*.

## **5. Waste Management**

5.1. The mobile food vendor is required to maintain the mobile food vehicle/stall and the surrounding area to a high standard and in accordance with the following requirements:

- When trading at an approved location the trade area is to be cleaned frequently.
- A holding tank for wastewater is to be located beneath the mobile food vehicle.
- Waste water, solid waste, litter or any other pollutant must not be placed on the site or allowed to enter the stormwater system.

- Mobile food vendors are to use fully compostable serving ware (certified as compostable according to Australian Standards), including all plates, bowls, food containers, cups straws and cutlery. Vendors are to display signage directing customers to dispose of all such compostable items in the appropriate waste bin.
- Mobile food vendors are encouraged to provide three bins (general waste, recycling and FOGO) for collection and storage of waste generated by their business. Vendors should ensure the area around their position is kept clear of rubbish and refuse at all times and all waste generated is to be collected by the vendor and is to be removed from site by the vendor. The City of Bayswater does not permit any commercial waste or waste generated by vendors to be disposed of in public rubbish or recycling bins.
- Single use plastic is to be limited to bottled drinks only. Recycling information is to be consistent with the recycling information provided by the City of Bayswater, and the vendor is to adjust their signage according to the City's Guidelines.

## 6. Fixtures

- 6.1. A mobile food vendor is permitted to have temporary fixtures such as tables, chairs and umbrellas in accordance with the following:
- The fixtures are to be of a temporary nature and removed from the site at the end of trade each day;
  - The mobile food vehicle/stall and temporary fixtures are to be kept in a safe and well-maintained condition at all times;
  - All temporary fixtures relating to the mobile food vehicle/stall should be sturdy and made of quality materials without sharp edges or other features likely to cause harm; and
  - Any temporary fixtures relating to mobile food vehicles/stalls must not obstruct pedestrian flow or vehicular traffic.

## 7. Noise

- 7.1. Background music may be played if the noise levels comply with the *Environmental Protection (Noise) Regulations 1997*. Should justified complaints be received regarding amplified music, the City of Bayswater reserves the right to prohibit the emission of music at the site.
- 7.2. Generators must not have a manufacturer specified operational volume greater than 75dB.
- 7.3. Notwithstanding the above, all mobile food vehicle noise (including the generator) is to comply with the assigned noise levels specified under the *Environmental Protection (Noise) Regulations 1997*.

## 8. Advertising and Signage

- 8.1. All advertising is to be fitted to the mobile food vehicle/stall with the exception of one temporary A-frame sign, advertising the business. An A-frame sign will be considered a temporary fixture and is to comply with the fixture requirements detailed above, in addition to the following:
- Is to be located within 75m of the location of the mobile food vehicle/stall;
  - Is not to exceed any dimension of 1m or an area of 1m<sup>2</sup> on any side;
  - Is to be secured in accordance with any requirements of the City of Bayswater; and
  - A-Frame signs are not permitted on footpaths and are to be positioned in a safe manner.
- 8.2. Where a permitted location is not on a main thoroughfare an additional A-frame sign will be permitted up to 500m away from the mobile food vehicle/stall whilst operating.
- 8.3. All mobile food vendors must provide an additional sign(s) to advise patrons of queuing lines and suitable areas to consume food/drinks.

8.4. No signage will be permitted on State controlled roads without the written comment from Main Roads Western Australia.

## **9. Public Risk Management**

9.1. The mobile food vendor is to, for the duration of their operations, maintain public and product liability insurance for at least twenty million dollars (\$20,000,000).

9.2. The mobile food vendor assumes responsibility for any acts of negligence arising from their activity.

9.3. The mobile food vendor assumes responsibility for any liability issues which may arise as a result of the operation of the mobile food vehicle or mobile food stall and any associated fixtures being at the location.

### **Related Legislation:**

- *Food Act 2008;*
- *Local Government Act 1995;*
- *City of Bayswater Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2020;*
- *Environmental Protection (Noise) Regulations 1997;*
- *Environmental Protection (Unauthorised Discharge) Regulations 2004; and*
- *Food Standards Australia and New Zealand (FSANZ) Food Safety Standards.*

### **Related Documentation:**

N/A