

MOBILE FOOD VEHICLES POLICY



Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	-
Affected Business Unit/s	-

PURPOSE:

To:

- Provide guidance on the requirements for the operation of mobile food vehicles within the City of Bayswater;
- Encourage mobile food vehicles to operate in locations which support the activation of underutilised public spaces;
- Ensure mobile food vehicles operate in a way which complements existing food businesses in town centres;
- Ensure mobile food vehicles are of a temporary nature;
- Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and
- Ensure mobile food vehicle operators practise safe food handling in accordance with the *Food Act 2008*.

POLICY STATEMENT:

1. Application of Policy

1.1. This Policy applies only to mobile food vehicles operating in the City of Bayswater.

2. Permits

2.1. Mobile food vehicles operating in the City of Bayswater are required to:

- (a) Hold a valid City of Bayswater Mobile Food Vehicle Permit;
- (b) Hold a current *Food Act 2008* Certificate of Registration from a Western Australian Local Government; and
- (c) To obtain any other relevant approvals.

2.2. As a condition of being granted approval for a mobile food vehicle permit, permit holders must:

- (a) Display the permit on the dash or another prominent visible location of the approved vehicle at all operating times;
- (b) Comply with the conditions stipulated on the mobile food vehicle permit issued by the City of Bayswater; and
- (c) Comply with the requirements set out within this policy, unless approved otherwise by the City of Bayswater.

2.3. A mobile food vehicle permit is not required for the following:

- (a) Trading at a City of Bayswater approved community event (e.g. the Autumn River Festival);
- (b) Trading as an itinerant food vehicle;
- (c) Trading on privately owned land; and
- (d) Catering for a private event on public land.

Trading as detailed above may be subject to separate permits/approvals.

3. *Location and Siting*

3.1. The City of Bayswater has approved the following thirteen locations within the City for mobile food vehicles to operate at:

- AP Hinds Reserve, Bayswater;
- Bardon Park, Maylands;
- Beaufort Park, Bedford;
- Bert Wright Park, Bayswater;
- Broun Park, Embleton;
- Clarkson Reserve, Maylands;
- Claughton Reserve, Bayswater;
- Berringa Park (opposite side of East Street);
- Crimea Park, Morley;
- Riverside Gardens, Bayswater;
- Robert Thompson Park, Noranda;
- Shearn Memorial Park, Maylands; and
- Wymond Park, Bayswater.

3.2. Alternative locations may be considered if they meet the purpose of this policy.

3.3. The following location requirements apply to all applications for a mobile food vehicle permit:

- (a) Mobile food vehicle permit holders are only permitted to trade in an approved location, which is to be at least 50m from an established food or beverage business;
- (b) Mobile food vehicles are only permitted to trade at the locations detailed on their permits; and
- (c) Mobile food vehicles will be located so as not to obstruct pedestrian flow or vehicular traffic.

3.4. Payment of the application fee allows mobile food vans to operate at multiple locations within the City of Bayswater in accordance with the following:

- (a) Each location must be approved by the City prior to the commencement of trade; and
- (b) Each location a mobile food vehicle is permitted to operate is detailed on the permit.

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. *Management*

4.1. The permit holder is responsible for ensuring all conditions of the permit are met.

4.2. A change of vehicle or food business ownership is subject to assessment by the City of Bayswater and will require that the vehicle and food business owner comply

with all conditions of the permit and the relevant legislation under the *Food Act 2008* in order to facilitate a change in permit (holder).

- 4.3. Should a transfer of permit be requested, the request is subject to updated food business registration and insurance documents.

5. *Waste Management*

- 5.1. The mobile food vehicle operator is required to maintain the mobile food vehicle and the surrounding area to a high standard and in accordance with the following requirements:
 - (a) When trading at an approved location the trade area must be cleaned frequently;
 - (b) No waste or litter from the vehicle may be disposed of into City of Bayswater's rubbish bins. Mobile food vehicle operators must provide adequately sized bins for patrons use and remove all rubbish from the approved location at the end of trade;
 - (c) A holding tank for wastewater must be located beneath the vehicle; and
 - (d) Waste water, solid waste, litter or any other pollutant must not be placed on the site or allowed to enter the stormwater system.

6. *Fixtures*

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

7. *Noise*

- 7.1. The use of amplified noise is prohibited.
- 7.2. Generators must not have a manufacturer specified operational volume greater than 75dB.
- 7.3. Notwithstanding the above provision (clause 7.2) all mobile food vehicle noise (including the generator) must comply with the assigned noise levels specified under the *Environmental Protection (Noise) Regulations 1997*.

8. *Advertising*

- 8.1. All advertising is to be fitted to the mobile food vehicle with the exception of one temporary A-frame sign which:
 - (a) Shall be located within 75m of the location of the mobile food vehicle;
 - (b) Shall not exceed any dimension of 1m or an area of 1m² on any side;

- (c) Be secured in accordance with any requirements of the City of Bayswater; and
 - (d) An A-frame sign will be considered a temporary fixture and must comply with the requirements detail in section 6 of this policy.
- 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 whilst operating.
- 8.3. No signage will be permitted on State controlled roads without the written comment from Main Roads Western Australia.

9. Power

- 9.1. Mobile food vehicles need to be provided with their own power supply unless otherwise approved by Council.

10. Public Risk Management

- 10.1. The mobile food vehicle permit holder must, for the duration of the permit, maintain public and product liability insurance for at least ten million dollars (\$10,000,000).
- 10.2. The permit holder assumes responsibility for any acts of negligence arising from their activity.
- 10.3. The mobile food vehicle permit holder assumes responsibility for any liability issues which may arise as a result of the operation of the mobile food vehicle being at the location.

11. Approval Process

- 11.1. Applications for a mobile food vehicle permit can be submitted year round. The following information is required:
- (a) A completed City of Bayswater mobile food vehicle permit application form;
 - (b) A site plan detailing the proposed location(s) and the internal layout of the mobile food vehicle;
 - (c) A list of nominated locations to operate from;
 - (d) A current Certificate of Currency (Public Liability Insurance) for a minimum of \$10,000,000;
 - (e) A copy of the manufacturer's specifications for any generators to be used; and
 - (f) A copy of a current *Food Act 2008* Certificate of Registration issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.

12. Fees

- 12.1. The permit holder will be required to pay the fees and charges as prescribed in the City of Bayswater adopted Fees and Charges.
- 12.2. Only a single payment of the permit holder fee is required per permit period, regardless of the number of approved locations with the City of Bayswater.
- 12.3. Permits will not be issued until the required fee has been paid.

13. *Permit Renewal and Cancellation*

- 13.1. A mobile food vehicle permit may be cancelled or amended at the discretion of the City of Bayswater or if the permit holder fails to comply with the permit conditions. Where a mobile food vehicle permit holder seeks to renew the permit an application must be submitted at least one month prior to the expiry of the existing permit.
- 13.2. A renewal application is to include:
- (a) A complete City of Bayswater mobile food vehicle permit renewal form;
 - (b) A list of nominated locations to operate from;
 - (c) Details of any proposed changes to the mobile food vehicle or how it is operated;
 - (d) A copy of a current public liability insurance 'Certificate of Currency' for the amount of \$10,000,000; and
 - (e) A copy of a current *Food Act 2008* Certificate of Registration issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.
- 13.3. Renewal applications will be assessed on a case by case basis by the City of Bayswater.

DEFINITIONS:

Itinerant food vehicle means any vehicle selling food or drink from the roadway that travels from place to place to engage in trade, not staying in one location other than while executing a sale.

Mobile food vehicle includes any:

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

Permit holder means the person(s) whose name is written on the mobile food vehicle permit issued by the City of Bayswater.

RELATED LEGISLATION:

This policy is adopted under the City of Bayswater's *Town Planning and Development (Local Planning Schemes) Regulations 2015 - Town Planning Scheme and Deemed Provisions for Local Planning Schemes*.

Permits are granted under the City's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.

RELATED DOCUMENTATION:

N/A

Risk Evaluation		
Council Adoption	Date	21 June 2016
Reviewed / Modified	Date	7 November 2017
Reviewed / Modified	Date	12 April 2018
Reviewed / Modified	Date	

<i>Delegation</i> - Date Adopted Date Amended
