

## 1. PURPOSE

The purpose of this procedure is to set out the objectives of Mobile Food and Beverage Trading (MFBT), the location rules for the purpose of MFBT permits, the process of applying for a MFBT permit and the procedure for MFBT to comply with when trading within the Horsham Rural City Council.

The procedures outlined encourage the use of the public space for outdoor mobile food and beverage trading because it adds value to the city for all who use it, creating opportunities for entrepreneurs and established fixed food business to activate the riverside precincts. It also allows for a range of food and beverage availability over busy holiday periods.

## 2. INTRODUCTION

The MFBT procedure aims to cement Horsham Rural City Council as a creative and vibrant area by supporting new ventures; activating public places with input from business, community, and entrepreneurs; supporting vibrant streets and public places as a part of daily life throughout the year; incubating and developing new and creative ideas; providing tourism experiences and enriching the life of the streets, riverfront and parklands.

The valuable contribution street activity can make to the local culture and economy is widely recognised. Elements of street activity in the form of special events and markets, street trading and busking can add to the richness of a vibrant street and riverside environment and contribute to an innate sense of safety and security of locals and tourists visiting the area.

## 3. SCOPE

The MFBT procedure extends to all individuals and businesses seeking to utilise car parks, parklands or any Council land for commercial or other purposes within the Horsham municipality.

MFBT vehicles may include a specially purposed food van, food truck or other fully contained vehicle with wheels. It is not intended to permit street stalls.

## 4. ACTIONS

### 4.1 Permit Application Process

#### 4.1.1 Who can apply for a MFBT Permit?

- Mobile food and/or beverage traders already trading at events and markets.
- Mobile fresh produce traders already trading at events and markets.
- New entrepreneurs applying for the first time.
- Fixed food business operators wanting to explore new opportunities.

## 4.1.2 Applying for a MFBT Permit

MFBT's interested in using Council land for a commercial activity must read BOTH the Mobile Food and Beverage Trading Policy and the Mobile Food and Beverage Trading Procedure. When applying for and/or renewing a MFBT permit, consideration must be given to the type of activity you intend to carry out.

MFBT permits are limited to a certain amount of locations per permit type per year. This is to balance the interests of pedestrian safety, community amenity and other fixed food and beverage traders. Council has one approved location which is detailed below. Any application for a site other than this will be considered on a case by case basis.

All applications for a MFBT permit shall be in writing on the prescribed form. All applications must include photographs of the food van, a copy of your \$20million public liability insurance and Streatrader Food Act registration number.

All Council fees and charges, including MFBT fees, are subject to an annual review as part of Council's fees and charges review process. Fees are outlined on the application form and discounted rates will be available to charities and not for profit organisations. Proof must be provided of charitable or not for profit status with the application form.

## 4.1.3 Council Decision Making

Applicants will be assessed on their merit, pending the availability of permits in specific locations/sections of Council.

Authority to assess and determine applications for mobile food and beverage trading permits is delegated to the Co-ordinator Community Safety Unit.

Where MFBT permits are issued:

- They are valid for optional durations from one weekend to 12 month periods.
- Permits are non-transferable unless written permission is granted from Council.
- The permit is to be carried at all times while trading and produced upon request by an authorised Council Officer or Police Officer.
- Council can condition, modify or revoke a MFBT permit at any time.

Council will not permit any activity where it could compromise pedestrian or traffic safety or cause detriment to the amenity of the area. Relevant local conditions include the width of the footpath, proximity to major roads, disabled parking bays, loading zones, clearways, trees, parking meters, location of residences and other factors.

Council has the right to approve an application as submitted or with modifications and with or without conditions as set out in the permit. Council has the right to refuse or reject an application, modify the conditions of an existing permit or withdraw a permit if:

- Any conditions contained within the MFBT policy and procedure are not met.
- The sight and access of drivers, cyclists and pedestrians is interfered with so as to cause a hazardous situation.
- Permit requirements have not been previously met and there is a continuing failure to comply with directions.
- The permit holder fails to maintain public liability insurance.
- Under any circumstances likely to cause detriment to the amenity of the area.

#### 4.1.4 Refusal of a Permit

Council can refuse an application if the proposed vehicle dimensions would unduly restrict the use of public roads and impact on shared trading locations.

Additionally, any disqualification from another Council or outstanding fees with another Council may result in a permit not being issued.

#### 4.1.5 Fees

Permit fees will be set annually as part of Council's budget process.

- Annual permits will be issued with a common expiry date (31 December) each year. A pro-rata permit fee may be issued based on the number of days remaining in the year.
- Short term permits will be available with a set fee for six monthly, weekend (peak season) and weekend (off season) rates.
- Annual and six monthly permits will only be permitted to trade for four consecutive days in the same location. There must be a gap of at least three days before returning to that location to trade again.

NOTE – This may be negotiated with Council at a location other than the approved location if appropriate to the area.

- Permit fees are non-refundable
- Permits are non transferrable. A new permit must be obtained where there is a transfer of proprietorship.
- A permit may be cancelled if the permit holder ceases to maintain public liability insurance or to meet the condition of the permit or the MFBT policy.

## 4.2 Specific Requirements for MFBT Activities

### 4.2.1 Access and Design Requirements

MFBT vehicles are encouraged in locations that enhance the amenity of the existing area and activate the public space. Design and access considerations include road type, existing street furniture, footpath widths, safety and public amenity.

Although MFBT vehicles operate from the street area, they are accessed by customers from the footpath area. Therefore, the interface between the street and footpath areas need to be considered when making and assessing an application for mobile food and beverage vans.

## Objectives:

- To protect and improve the amenity of the streetscape whilst providing a regulatory framework for mobile food vans to operate.
- To ensure the location and operation of MFBT vehicles do not impact the use of open space, including transport corridors and pathways by the public.

## Performance Requirements:

- The location of the MFBT vehicle must provide clear, continuous access for all pedestrians along nearby footpath areas and ensure no obstruction occurs to surrounding car parking and users of the road such as cyclists.
- Trees and other significant streetscape elements such as public art, benches, rubbish bins and bus shelters must not be obstructed, covered, removed, damaged, relocated or modified.
- The MFBT vehicle must not obstruct sightlines, traffic signals or road signage. MFBT vehicles must not be parked within 10 meters of a bus or taxi parking zone.
- The food and beverage van must not impede existing traffic conditions and sightlines for both drivers and pedestrians.
- The site of the MFBT vehicle is to be monitored at all times by the operator to provide a safe, clean and pleasant space for people to use.
- The MFBT vehicle must be fully self-sufficient and not require external power or water connections.
- Amenity of nearby neighbours should not be compromised by the operation of the MFBT vehicle, noise, odour, lighting and disposal of litter.
- A 2 metre clearance from existing street infrastructure, such as electrical boxes, fire hydrants, litter bins, public seats, payphones, bicycle stands, post boxes and parking meters is required at all times.
- A user agreement does not grant exclusivity of the designated area. The area must remain accessible to the general public at all times.
- Pedestrian safety considerations will be referred to the Coordinator Engineering.

### 4.2.2 Amenity and Appearance

A MFBT area must protect and enhance the appearance and character of the area.

A MFBT vehicle may be a van, truck, cart or bike. Temporary food stalls and marquees are not acceptable. The MFBT vehicle must be able to be parked within a car park and safely serve the public standing on a footpath or Council land.

The MFBT vehicle must be well maintained, with a high level of cleanliness of interior and exterior surfaces and clean or all dirt and debris. The exterior must not contain any offensive or political advertisements. The exterior of the MFBT vehicle must not contain rust, flaking paint, or be damaged in any way.

## Maintenance, Cleaning and Waste

The permit holder is required to comply with all maintenance aspects of the MFBT operation. Specific requirements are:

- The MFBT area (including food preparation areas) must be regularly cleaned during all hours of operation.
- No trade waste or litter may be disposed of in Council public place bins.
- The MFBT must provide their own bins for use by their customers and ensure the area around their position is kept clear of rubbish at all times.
- All rubbish and litter must be removed by the operator at the completion of trading.
- Where Council must undertake cleaning and/or tidying of the area, the permit holder will be liable to reimburse Council for all costs incurred by in relation to the cleaning and/or tidying of the area.
- All liquid waste (including waste water and waste oil) must be contained and removed or disposed of appropriately at the end of trading.
- No waste or other material is to be deposited into the storm water system.
- No hosing down of trading areas or mobile food and beverage vans is to take place onsite.
- Where practical, the MFBT should choose power sources which generate low or no noise and air pollution.

### 4.2.3 Hours of Access

Access to Council reserve and public open spaces is limited to the approved permit conditions and must be specified in your application.

Applications for annual or six month permits must liaise with the Business Development Team prior to submitting an application to ensure their proposed days and times are suitable at the approved location eg. There is not going to be multiple vans selling the same thing.

Council will not consider applications for “blanket bookings”, for example, Monday to Friday 9am to 6pm) unless negotiated with Council at a location other than the approved location if appropriate to the area.

### 4.2.4 Noise Emission

The permit holder must take all necessary steps to ensure that no noise or other disturbance emanates from the footpath activity which causes a nuisance to others or causes detriment to the amenity of the neighbourhood. Music and speaker systems with amplified sound are to be kept at a low level.

### 4.2.5 Excluded Activities for all MFBTs

- No heavy vehicles on grass areas.
- No tent pegs, spikes or steel posts are permitted on any parkland/ovals with irrigation systems in place (sand bags or water weights are to be used). No driving over irrigation solenoid boxes.
- No sharp turning, twisting or spinning of wheels, where vehicle access is permitted.
- No wet weather access for any vehicle on any park/oval.

- No water or wastewater to be allowed to empty onto the land.

## 4.3 MFBT Zones

- Roaming MFBTs must remain at least 100 meters from the relevant town's CAD zone (Appendix 1 – CAD zone maps).
- MFBT permits will not be permitted within 100 metres of any fixed food business.
- MFBT locations in other zones not outlined in this procedure will be assessed on a case-by-case basis.

### 4.3.1 Approved Location

MFBT approved location is identified below. A range of other locations may also be available upon request, however may be subject to DEECA licensing on Crown land. Council reserves the right to change or remove this location at any time. Available times for operation have been based on the EPA Noise Regulations and potential impact on residential houses, as well as impact on local fixed food and beverage traders. The location of this site has been based on available space and community safety.

Horsham:

Riverfront Meeting Place at the river end of Firebrace St. This purpose built area has three sites with access to power, water and a drainage pit. Available times for operation: 6.00am to 9.00pm.

## 5. COMMUNICATION

This procedure document will be available on the Horsham Rural City Council website and intranet. It will also be provided to all businesses enquiring about MFBT.

## 6. RESPONSIBILITY

**Responsible Owner:** Coordinator Investment & Business Development

This Policy will be reviewed every 3 years or earlier as required by changed circumstances including changes to legislation and plans, strategies or policies of HRCC.

## 7. DEFINITIONS

Term	Meaning
Advertising Sign	Flag, board, notice, banner or similar device used for the purposes of soliciting sales, notifying people where goods and services may be obtained, advising or directing people to an event or festival or promoting elections or political campaigns.
Amenity	Desirable or useful feature or facility of a building or place.
Authorised Officer	Council officer appointed under section 47 of the <i>Local Government Act 2020</i> .
Council	Means Horsham Rural City Council.
Council Land	Land owned, occupied, or vested in the Council or in respect of which Council has the care and management and includes roadsides, parks and reserves and footpaths within Horsham Rural City Council.
Footpath zones	Pedestrian zone, trading zone and kerbside zone as defined in this Procedure document
Mobile food and beverage vehicle	Any vehicle, caravan, trailer or other similar structure used for the purpose of selling or offering food and or drink.
Permit	In relation to a use or activity, means a permit issued under the Local Law which authorises that use or activity.

# Mobile Food and Beverage Trading Procedure

Public place	A reserve, public highway, mall, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare, notwithstanding that it may be formed on private property and any other place to which the public may resort.
Road	Has the same meaning as the <i>Local Government Act 2020</i> and applies to roads for which the Council has responsibility under the <i>Road Management Act 2004</i> but does not include a State road under the Road Management Act unless a provision in the Local Law is expressly applied to a State road.
Walkway zone	The area of the footpath that is measured from the property boundary and is for the exclusive use of pedestrians.

## 8. SUPPORTING DOCUMENTS

Document	Location
Community Local Law 2021	Website/Intranet
Mobile Food and Beverage Trading Policy	Website/Intranet

## 9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	19 October 2021	EMT	<ul style="list-style-type: none"><li>New Policy</li></ul>	19 October 2024
1.1	March 2023	n/a	<ul style="list-style-type: none"><li>New logo</li></ul>	19 October 2024
2.0	15 October 2024	EMT	<ul style="list-style-type: none"><li>Scheduled review</li></ul>	15 October 2027

*It is recognised that from time-to-time circumstances may change leading to the need for minor administrative changes to Council and Administrative Policies. Where an update does not materially alter a Policy, such a change may be made administratively, without the need for formal adoption by EMT or Council. Examples include a change to the name of a Council Department/Position Title, a change to the name of a Federal or State Government Department, and a minor update to legislation which does not have a material impact. However, all changes will be noted in the document control section and version number updated.*



## Appendix 1 – CAD Zone Map

