

1 PURPOSE

The purpose of the policy is to address the circumstances and conditions in which the Burnie City Council will permit mobile food vendors to trade from land owned or managed by the Council.

2 OBJECTIVE

Objectives of the Policy are to:

- a) Acknowledge mobile food vendors as a legitimate and emerging element of the food industry in Tasmania;
- b) Recognise mobile food vendors provide an opportunity to make positive contribution to the attraction and vitality of a Burnie and to provide economic, social and cultural benefit to the community;
- c) Accommodate trading by mobile food vendors on land owned or management by the Burnie City Council in a manner which will:
 - i. complement established fixed address food establishments;
 - ii. provide the community and visitors with additional diversity and choice in food and beverage options;
 - iii. provide sites which are safe and convenient in terms of access, facilities, and attraction, and which do not unreasonably interfere with the purpose and security of other public assets or inconvenience the function or amenity of other uses and the environment; and
 - iv. provide all mobile food vendors with an equal opportunity to trade from Council land.

3 SCOPE

This Policy applies to any land owned by or under the care, control and management of the Burnie City Council including –

- a) any land or building subject to the provisions of the Burnie City Council Public Reserves and Public Buildings By-law No 1 of 2011; and
- b) any land subject to the provisions of the Burnie City Council Highways By-Law No.3 of 2013.

4 DEFINITION OF TERMS

In this Policy:

Mobile food vendor means a person or persons trading from a truck or trailer equipped to a specified standard as a moveable kitchen from which to commercially cook and sell food in a variety of locations. Food is served directly from the van, typically in disposable containers, to customers for immediate consumption either in the vicinity or as take-away.

5 POLICY

5.1 Council Reserves

Council will permit trading by a mobile food vendor from the following reserves:

- a) Hilder Parade Waterfront at West Beach;
- b) Burnie Park car park and Fire Track;
- c) Camdale Beach Car Park, Cooe;
- d) Camdale Point, Camdale;
- e) South Burnie Foreshore Reserve;
- f) Romaine Reserve Car Park off Amanda Court, Romaine.

5.2 Council Roads

Council will not permit a mobile food vendor to trade from any road area under the care, control or management of the Council.

A mobile food vendor may only otherwise trade from a Council road if a nominated and integral part of an organised event for which the Council has granted a separate permit.

5.3 Permits

5.3.1. Land Use Planning

The Council will apply for and hold a permit under the *Land Use Planning and Approvals Act 1993* for each of the reserves to which this Policy applies as an approved mobile food vending site.

The permit will allow a mobile food vendor who holds a current permit issued under the Burnie City Council Public Reserves and Public Buildings By-law No 1 of 2011 to trade from any of the approved mobile food vending sites

5.3.2. Mobile Food Vendors Permit Scheme

Council will operate and enforce a Mobile Food Vendors Permit Scheme.

Each mobile food vendor seeking to trade from one or more of the approved mobile food vending sites on Council land must apply for and be granted a permit under the Burnie City Council Public Reserves and Public Buildings By-law No 1 of 2011.

A permit is not required for a mobile food vendor if the vendor is a nominated to trade as an integral part of an organised community or special event on Council land for which the Council has granted a separate permit.

5.4 Fees and Charges

A fee will apply for a Mobile Food Vendor Permit.

Council will set the fee annually in accordance with section 205 *Local Government Act 1993*.

A mobile food vendor will be required to make payment for any connection and use of energy form an electrical energy source provided by the Council.

5.5 Guidelines

The Burnie City Council may issue guidelines which set out eligibility criteria for a Mobile food Vendor Permit, application requirements, and terms and conditions for a mobile food vendor to trade from Council land.

6 LEGISLATION

The relevant legislation is –

Land Use Planning and Approvals Act 1993 in relation to the use and development of land for mobile food vending

Food Act 2003 in relation to arrangements for the safe handling and sale of food

Local Government Act 1993 in relation to the management of Council land and the setting of fees for a Mobile Food Vendors Permit.

7 RELATED DOCUMENTS

Burnie City Council Highways By-law No 3 of 2013

Burnie City Council Public Reserves and Public Buildings By-law No 1 of 2011

Burnie City Council Guidelines for Mobile Food Vendor Permit (GL-LES-COMP-001)

Policy Endorsement	
Responsibility:	It is the responsibility of the Director Land and Environmental Services to implement and manage this policy. It is the responsibility of the Governance Unit to maintain this policy in the Corporate Document Framework.
Minute Reference:	AO070-18 on 20 March 2018 - Endorsed for the purpose of consultation AO157-18 on 19 June 2018 - Policy approved with amendments
Council Meeting Date:	19 June 2018
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This is the first version of this policy.
Date of Commencement:	20 June 2018
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website (www.burnie.net)