

## MOBILE VENDORS ON SHIRE OWNED / MANAGED LAND POLICY 2.30

<b>Responsible Directorate</b>	Place and Community	
<b>Responsible Service Area</b>	Health Services	
<b>Resolution</b>	September 2025	SC10-9-2025
<b>Procedure Ref</b>	N/A	

### 1. PURPOSE

To provide a consistent and transparent framework for the operation of mobile vendors on land owned or managed by the Shire of Mundaring. This policy outlines the approval process, site use, operational requirements, and sustainability standards. It supports local economic development while protecting community amenity, public safety, and fair outcomes for fixed food businesses.

### 2. SCOPE

This policy applies to mobile vendors operating on any land owned or managed by the Shire of Mundaring. The commercial viability or competitiveness of proposals is outside the scope of this policy.

This policy does not apply to:

- Mobile vendors participating in community events (which are managed through the Shire's event permit process).
- Vendors attending private events where Shire land or facilities have been booked for exclusive use.
- Vendors trading from private land or land managed by other government authorities.

### 3. DEFINITIONS

<b>Amenity</b>	The qualities and characteristics of a locality that contribute to the community's enjoyment of it, including health, safety, and well-being.
<b>Approved Location</b>	A specific site on Shire land that has been assessed by the Shire as suitable for mobile vendor trading.
<b>Authorised Officer</b>	An employee of the Shire of Mundaring authorised to administer and enforce relevant provisions of the <i>Local Government Act 1995</i> , the <i>Food Act 2008</i> , and associated Local Laws and Policies.

<b>Containers For Change WA</b>	The Container Deposit Scheme (CDS) administered under the Waste Avoidance and Resource Recovery Act 2007.
<b>Designated Trading Location</b>	A site within the Shire's jurisdiction designated as suitable for mobile vendor trading.
<b>Fixed Food Business</b>	A commercial enterprise whose primary purpose is the retail sale of food or beverages to the public from a permanent, non-relocatable building or premises.
<b>FOGO</b>	The Food Organics Garden Organics waste stream for commercial composting.
<b>Mobile Vendor</b>	A registered and licensed vehicle, trailer, cart, or relocatable stall used for the sale of food, beverages, or other goods and services to the public, which is capable of being moved on a daily basis. For the purposes of this policy, this includes but is not limited to food trucks, coffee vans, and ice cream vans.
<b>Permit</b>	A written approval issued by the Shire authorising a mobile vendor's operation at a specified location and time.
<b>Permit Holder</b>	The person or legal entity to whom a Permit is granted.
<b>Setback Requirement</b>	The requirement that the footprint of a mobile vendor, including all structures and fixtures, must not block pedestrian access. A minimum 1.5-metre-wide pedestrian access way and clearance from other mobile vendors must be maintained at all times.
<b>Shire Land</b>	Any land owned, controlled, or managed by the Shire of Mundaring, including freehold land, road reserves, carpark, parks, and other public spaces.
<b>Similar Goods</b>	Food or beverage products that are of the same general type and are likely to be in direct competition. For example, barista-made coffee from a mobile van and a café, or gourmet burgers from a food truck and a takeaway shop. The determination of whether goods are similar rests with the Shire.

All other definitions have the meaning as prescribed in the Shire's *Activity on Thoroughfares and Public Places and Trading Local Law*.

## 4. POLICY

The following provisions outline the operational requirements, approval conditions, and responsibilities for mobile vendors operating on land owned or managed by the Shire of Mundaring.

Specifically, this policy seeks to:

- a) Facilitate safe, well-managed mobile vending that supports community vibrancy and activates public spaces.
- b) Encourage diverse and accessible food and retail options responsive to community needs.
- c) Promote sustainable practices, including waste minimisation and responsible resource use, embedding participation in Containers for Change and FOGO programs.
- d) Support growth of small business and entrepreneurial opportunities within the Shire.
- e) Ensure fair and equitable trading conditions that protect existing businesses from undue competition.
- f) Maintain and enhance neighbourhood amenity, balancing commercial activity with community wellbeing.
- g) Provide clear guidance on permit assessment, trading locations, operational standards, and compliance requirements.

### 4.1 Permit Requirement

4.1.1 A valid permit issued by the Shire is mandatory for all mobile vendor operations on Shire land.

4.1.2 Permit categories:

- a. Standard Permit: Maximum 12-month term, renewable.
- b. Trial Permit: One-off permit up to 30 days to assess suitability.
- c. Seasonal Permit: Valid for specific periods up to six months (e.g., summer months) to accommodate seasonal demand.

4.1.3 Permits are location-specific and non-transferable. Trading without a valid permit is prohibited.

### 4.2 Application Requirements

Applicants must submit:

- 4.2.1 Completed application form.
- 4.2.2 Proof of current Public Liability Insurance.
- 4.2.3 Valid *Food Act 2008* registration certificate.
- 4.2.4 Site plan indicating proposed trading location.

Permit fees are outlined in the Shire's Fees and Charges Schedule.

### 4.3 Site Selection and Operating Conditions

4.3.1 Designated trading locations will be reviewed periodically, and new sites will be assessed against the standards outlined in this Policy. The Shire reserves the right to amend the list of approved trading locations at any time to manage issues, such

as noise, odours, disturbances, complaints, maintenance activities, safety hazards, or as part of scheduled policy review.

- 4.3.2 Mobile vendors must maintain a minimum distance of 100 metres from any existing fixed food business selling similar goods, unless that business provides written consent.
- 4.3.3 A mobile vendor permit does not authorise trading within the boundaries of any separate Shire-approved market or event. Trading at such locations during events requires explicit approval from the event organiser. Without this approval, the permit is not valid for event trading activities.
- 4.3.4 Multiple mobile vendors may operate concurrently at designated locations provided their offerings complement each other and each vendor complies with setback requirements to maintain adequate space for customer flow, safety, and overall site functionality and aesthetics.
- 4.3.5 The designated trading location must not obstruct pedestrian flow, vehicular traffic/parking, queuing, and other waiting areas; or pose an unmitigated risk to the safety of the community.
- 4.3.6 Mobile vendors must comply at all times with applicable parking restrictions.

#### **4.4 Hours of Operation**

- 4.4.1 Trading is permitted between 6:00 am and 9:00 pm Monday to Saturday, and 6:30 am to 7:00 pm Sundays and public holidays unless otherwise approved.
- 4.4.2 Trading outside these hours is prohibited to protect community amenity.

#### **4.5 Operational Requirements**

- 4.5.1 Food businesses must hold a current registration under the *Food Act 2008* (or its replacement) with an authorised local government.
- 4.5.2 The preparation, handling, and serving of food and drinks are to be conducted in accordance with the requirements of the *Food Act 2008* and associated regulations and codes.
- 4.5.3 Compliance with *the Environmental Protection (Noise) Regulations 1997* is mandatory.
- 4.5.4 Amplified music or other disruptive noise is not permitted without prior approval from the Shire.
- 4.5.5 Mobile vendors must hold current public liability insurance.
- 4.5.6 Any advertising is to be fitted to the vehicle unless additional approval is obtained from the Shire of Mundaring.
- 4.5.7 Mobile vendors can only trade from the location for which they have Shire approval.
- 4.5.8 Mobile vendor vehicles are to be licensed by the Department of Transport.
- 4.5.9 Trees and other significant streetscape elements such as benches, rubbish bins and bus shelters must not be obstructed, covered, removed, relocated or modified.
- 4.5.10 Any temporary fixtures (such as umbrellas, bins, stools) are to be safe to use and removed at the end of trading. The location of these fixtures must be approved by the Shire.
- 4.5.11 Permanent fixtures are not permitted.

- 4.5.12 Vendors must provide their own power supply unless otherwise agreed by the Shire.
- 4.5.13 Mobile vendor vehicles are to be removed at the end of trading each day.
- 4.5.14 LPG cylinders, electrical leads and generators must meet relevant Australian Standards and be inspected as required.
- 4.5.15 A first-aid kit and fire extinguisher must be carried in all food vehicles.

#### **4.6 Waste Management**

- 4.6.1 Vendors are responsible for removing all waste generated from the site. A compliant three-bin system - including Recycling (for Containers for Change eligible items), FOGO (food scraps and compostables), and General Waste (landfill), must be provided to service patrons, unless an alternative arrangement has been approved in writing by the Shire of Mundaring.
- 4.6.2 Vendors shall use compostable or recyclable service ware and display signage guiding customers on correct bin use.
- 4.6.3 Single-use plastic straws, cutlery, and bags are prohibited in line with WA Plastic Ban regulations.
- 4.6.4 Litter is to be cleared at all times from in and around the mobile vendor site by the operator.
- 4.6.5 All waste-water is to be stored within a holding tank and disposed of at drains to a sewer, septic tank, or other disposal system.
- 4.6.6 Discharge onto Shire land, stormwater drains, or public spaces is strictly prohibited.

#### **4.7 Compliance, Monitoring & Enforcement**

- a) Authorised officers may undertake inspections at any time.
- b) Non-compliance may result in improvement notices, infringement notices, suspension or cancellation of Permits, or prosecution.
- c) Repeated breaches may disqualify an operator from future Permit applications for up to two years.
- d) If a permit is issued but not utilised at least once a fortnight, the Shire reserves the right to revoke the permit in order to allow another vendor to operate. No fees will be refunded.

#### **4.8 Grounds for Refusal of Application**

An application for a mobile vendor permit may be refused where one or more of the following apply:

- a) The applicant has not provided the requested additional information during the assessment process.
- b) The applicant has not paid all outstanding fees at least three business days before the intended trading date.
- c) The applicant has breached the Shire's *Local Laws 2003*, the *Food Act 2008*, or any other legislation relevant to their business operation.

- d) The proposed site location is not an approved trading site designated by the Shire.
- e) The mobile vendor does not comply with prescribed setback limitations required for the site.

#### **4.9 Appeals**

An applicant or permit holder may request an internal review within 21 days of a decision, in accordance with the Shire's appeal process.

#### **4.10 Related Legislation**

*Environmental Protection (Noise) Regulations 1997*

*Environmental Protection (Unauthorised Discharge) Regulations 2004*

*Food Act 2008*

*Food Standards Australia and New Zealand (FSANZ) Food Safety Standards*

*Health Local Law 2023*

*Local Government Act 1995*

*Shire of Mundaring Activities on Thoroughfares and Trading in Thoroughfares and Public Places*