

# **Traders Guidelines**

## **Fixed Food Traders Permits**

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## **Introduction**

The purpose of these guidelines is to provide prospective applicants information as to the requirements of obtaining a Permit for conducting commercial food sale activities in a public place, and to provide a procedure for the management of these Permits.

## **The Local Law**

A Permit is required to operate a commercial business on a public place. The Permit is issued under the City of Rockingham's *Public Places and Local Government Property Local Law 2018*. A copy of this local law can be found on the City of Rockingham website at [Local laws, Council policies and delegations - City of Rockingham](#)

A public place is defined City's *Public Places and Local Government Property Local Law 2018* as being:

- (a) A street;
- (b) Any local government property; or
- (c) A place to which the public have access.

## **Who Needs A Permit?**

Food vehicles add vibrancy to an area, provide alternative food options for consumers, and play an important role in overall community activation. The City needs to ensure that there is a balance between mobile food traders and established food businesses, and careful consideration is taken in assessing applications for mobile food trade.

Anyone conducting a commercial business on a public place must have a Permit to do so. It is important that the City is aware of who is operating a business from public places in order to:

- manage competing uses of public open space;
- provide protection to established food businesses on private land;
- manage the impact on the asset (e.g. wear and tear of the reserve);
- ensure there is adequate public liability insurance and risk management processes in place; and
- ensure that the activation of the space is in the best interests of the City and the community.

You do not need a Permit under these local laws if you are conducting your business on private land, or have a current lease over Council land and the activity is in line with the core function of your lease. Please note that other approvals for activities in these locations may be required.

## **Application Process**

The Permit application will be assessed in accordance with the City's Local Law. Please allow a minimum of 21 days for the application to be assessed once all the required paper work has been received. Please read the following information carefully to ensure you complete your application and submit with all the requirements.

### **1. Assessment of Permit Applications for activities on public places**

In determining an application the following considerations are deemed to be essential:

- (a) the preservation of the amenity of the locality;
- (b) the protection of established food businesses;
- (c) the preservation of public safety;
- (d) where the public place is Crown land:

- (i) the purpose, if any, for which the land is reserved under the Land Administration Act 1997; and
- (ii) the purpose for which the land is designed, developed and used;
- (e) the protection, management and control of the local government property and assets on the local government property;
- (f) the conservation, protection and proper management of flora and fauna on the local government property;
- (g) the impact of the proposed activity on the use of the local government property by existing users (Permit Holders and bookings), and by the public; and
- (h) the experience and qualifications of the applicant in relation to the activity and the applicant's past performance in undertaking or managing the proposed activity or similar activities.

Once the application has been received with all the required information, the application will be assessed by City Officers to determine an outcome.

Any controversial or significant applications may be deferred to Council and a report will be developed and submitted for elected members to determine the outcome of the application.

## **2. Application Requirements - what must be included in the application?**

All applications must provide the following information to the City before the assessment process can take place:

- Submission of the completed Permit application form;
- Certificate of Registration of a Food Business from the Local Government
- List of foods being sold from the food vehicle;
- Detailed layout of the food vehicle: and
- Copy of Public Liability Insurance cover for no less than 10 million.

In addition to this information, specific activities are required to provide additional information to the City before the assessment process. If this is applicable to your application, you will notified by the City's Permits Officer for further information or documentation.

## **3. Conditions of Approval**

In approving an application for a Permit, the City may impose any conditions as it sees relevant to the application.

Approval to operate will be for a maximum period of twelve months from the date of issue, or less dependent on the applicant's request.

The Permit Holder is required to respond to any substantiated complaints received in relation to the activity (to the satisfaction of the City).

In addition to the conditions attached to a Permit, Permit Holders are to ensure compliance with other Local Laws within the City of Rockingham. These include such laws relating to the *Food Act 2008* and subsidiary food legislation, signage approval, parking limitations, noise complaints and commercial litter removal.

Failure to comply with any condition stated in the Permit issued or continual non-compliances against the City's Local Laws will result with infringements being issued and any Permits being revoked. Any future Permit applications to the City will not be supported.

#### **4. Policing Conditions Applied to the Permit Holder**

Onsite routine inspections will be undertaken to determine if the Permit Holder is complying with the conditions of their Permit.

If non-compliances with the permit are observed, Permit Holders will be advised formally of their obligations to comply with the conditions of approval. An infringement may be issued, approval to operate may be withdrawn or Permit conditions may be varied.

Additionally, inspections of the permitted locations will be completed to determine if the operation has had a detrimental environmental impact on the land. Should degradation of the site be evident due to the permitted activity, the Permit Holder will be required to undertake necessary repairs, and consideration will be given to altering the location of the site or withdrawing permission for the continued use of the reserve by the operator.

Any substantiated complaints received will be forwarded to the Permit Holder for their attention. Should the Permit Holder be unable or unwilling to satisfactorily address such complaints, then the City will give consideration to either varying the conditions of use, altering the location of the site or withdrawing permission for the continued use of the site.

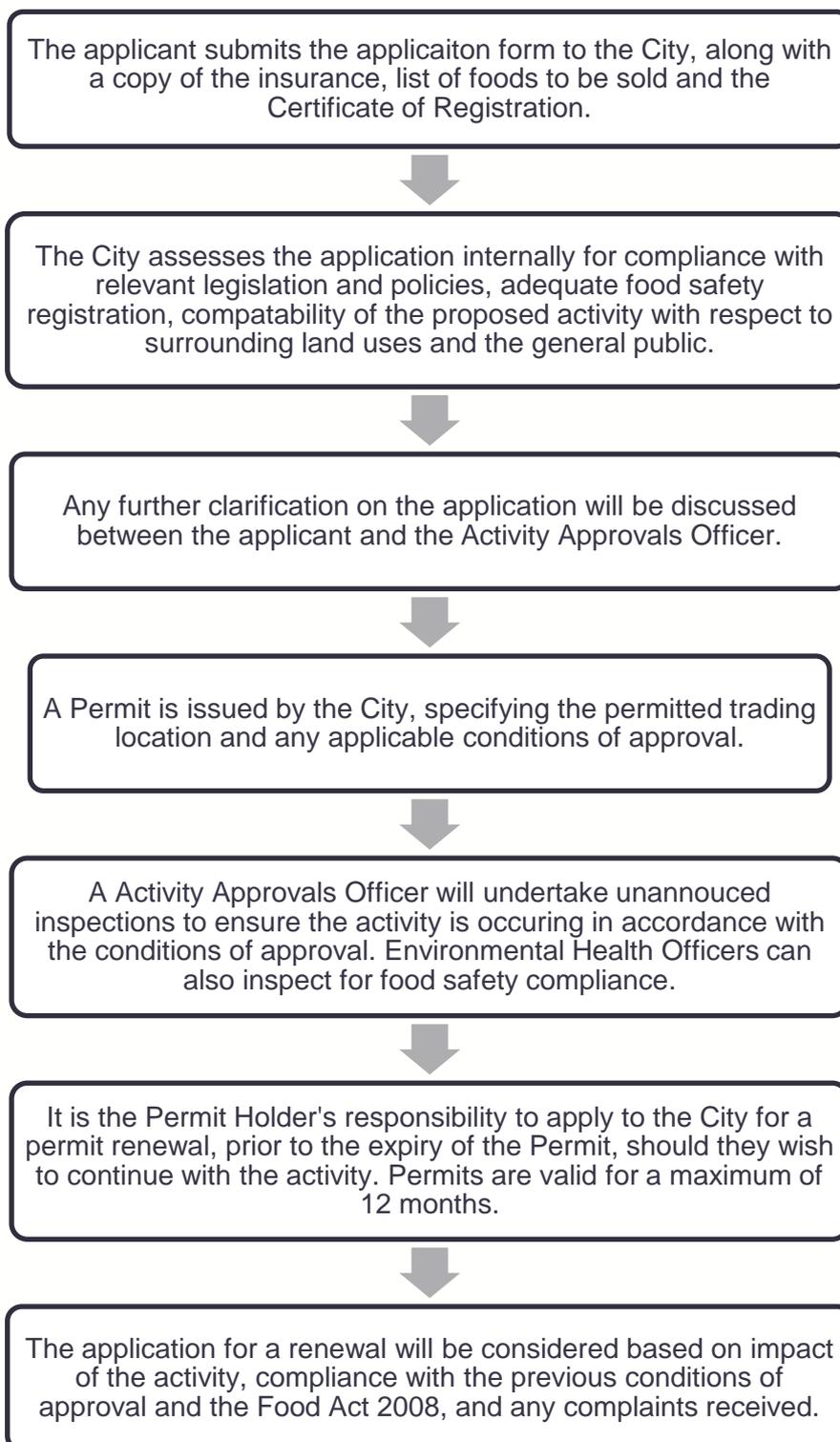
In addition to inspections for compliance with the Permit conditions, food vehicles will be periodically inspected by the City's Environmental Health Officers for compliance with the *Food Act 2008*. Food safety is highly important in the City of Rockingham, and non-compliances with the food legislation can result in infringements being issued, the Permit being revoked, or further applications to trade not being granted. The City's Environmental Health Officers are able to assist with advice on complying with the *Food Act 2008*, and there is free online food safety training on the City's website to also assist food retailers.

Permit Holders seeking renewal of their Permit who have not satisfactorily addressed concerns by the City or complaints received, will not have their Permit renewed.

#### **Permit Application Assistance**

The City's Activity Approvals Officers are available to assist applicants in completing and submitting an application, and successfully gaining the relevant approvals from the City. The Activity Approvals Team can be contacted directly on 9528 0315.

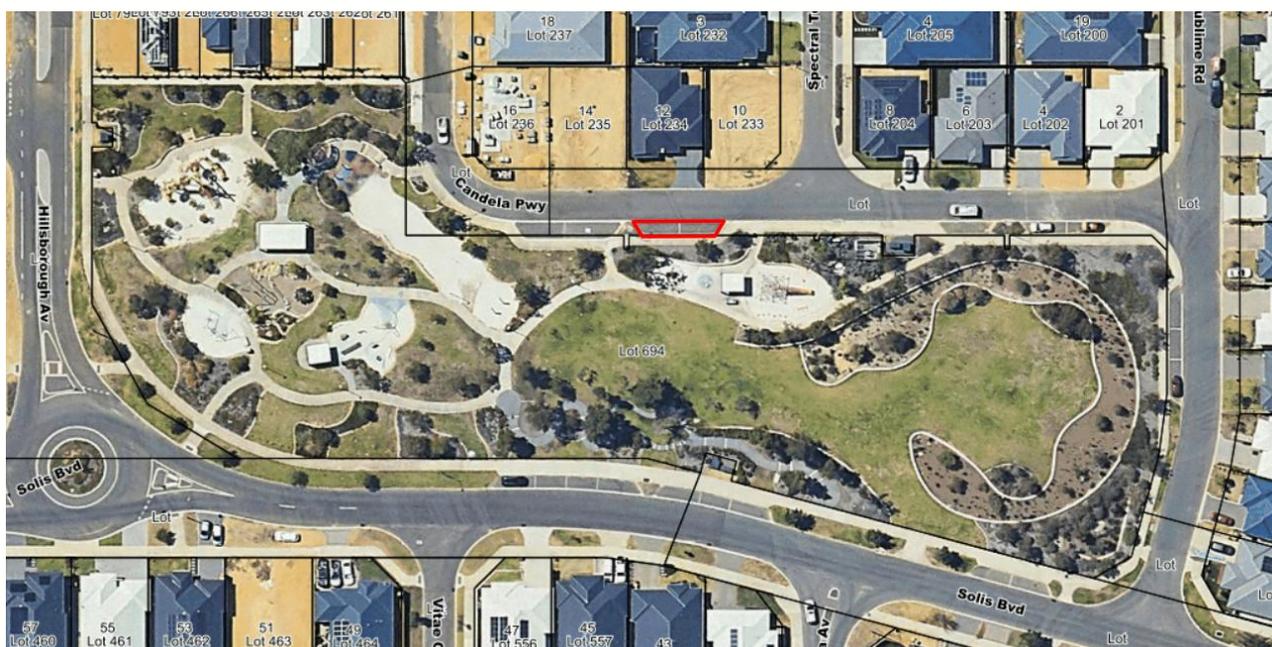
## APPROVAL PROCESS



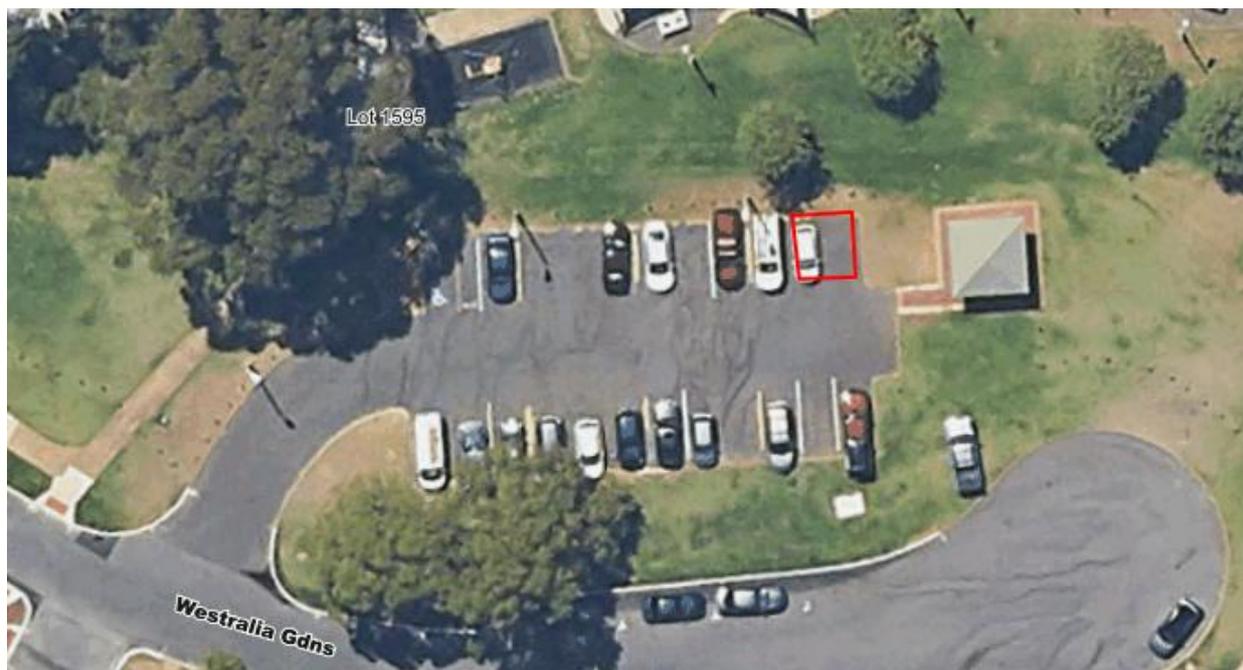
## Fixed Food Vehicles Trading Permits

Certain locations have been identified as being conducive to longer mobile food vehicle trading. These locations have been selected taking into account the distance to established food premises, pedestrian access and safety, vehicle access and traffic safety, public parking requirements, lighting, toilets and current food industry servicing.

As such, Fixed Food Vehicles Trading Permits will be issued on a nominated daily basis for a mobile food vehicle to trade at each of the following locations (indicated in red):



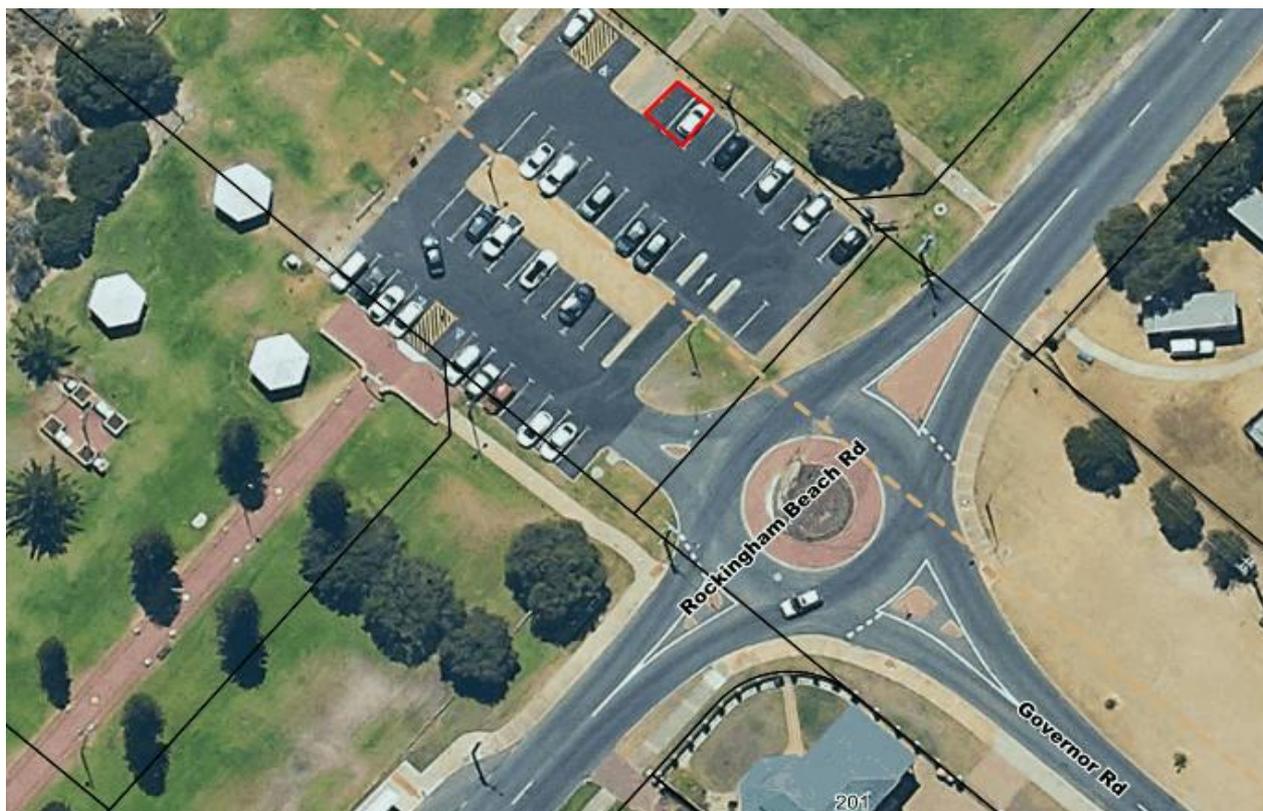
Name:	Solis Reserve
Also Referred to:	<i>Baldivis Adventure Park</i>
Address:	Solis Boulevard BALDIVIS WA 6171
Coordinates:	-32.35896061475437, 115.82540071725892
Coastal/Non-Coastal:	Non-Coastal



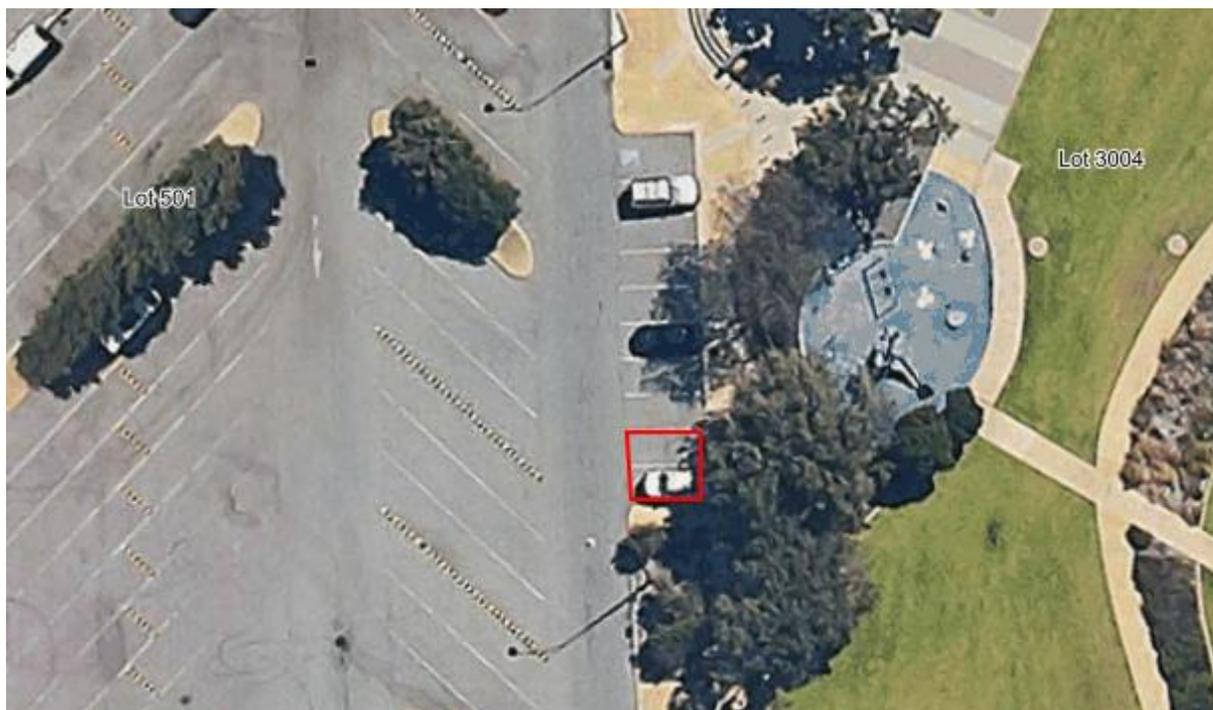
Name:	City Park
Also Referred to:	-
Address:	Success Drive ROCKINGHAM WA 6168
Coordinates:	-32.284831920178874, 115.74319786529445
Coastal/Non-Coastal:	Non-Coastal



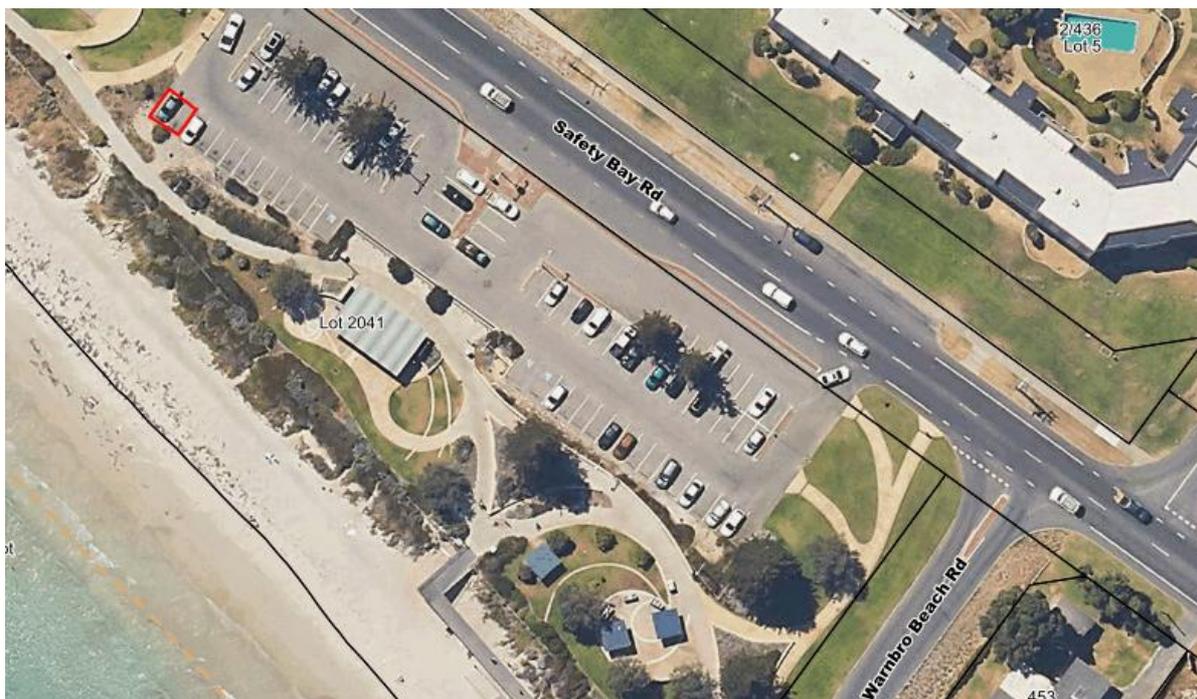
Name:	Fantasy Park
Also Referred to:	<i>Rand Avenue Reserve</i>
Address:	Rand Avenue WAIKIKI WA 6169
Coordinates:	-32.320287307538834, 115.75053866927236
Coastal/Non-Coastal:	Non-Coastal
Additional Considerations:	Trading is not permitted at this location during food vehicle events.



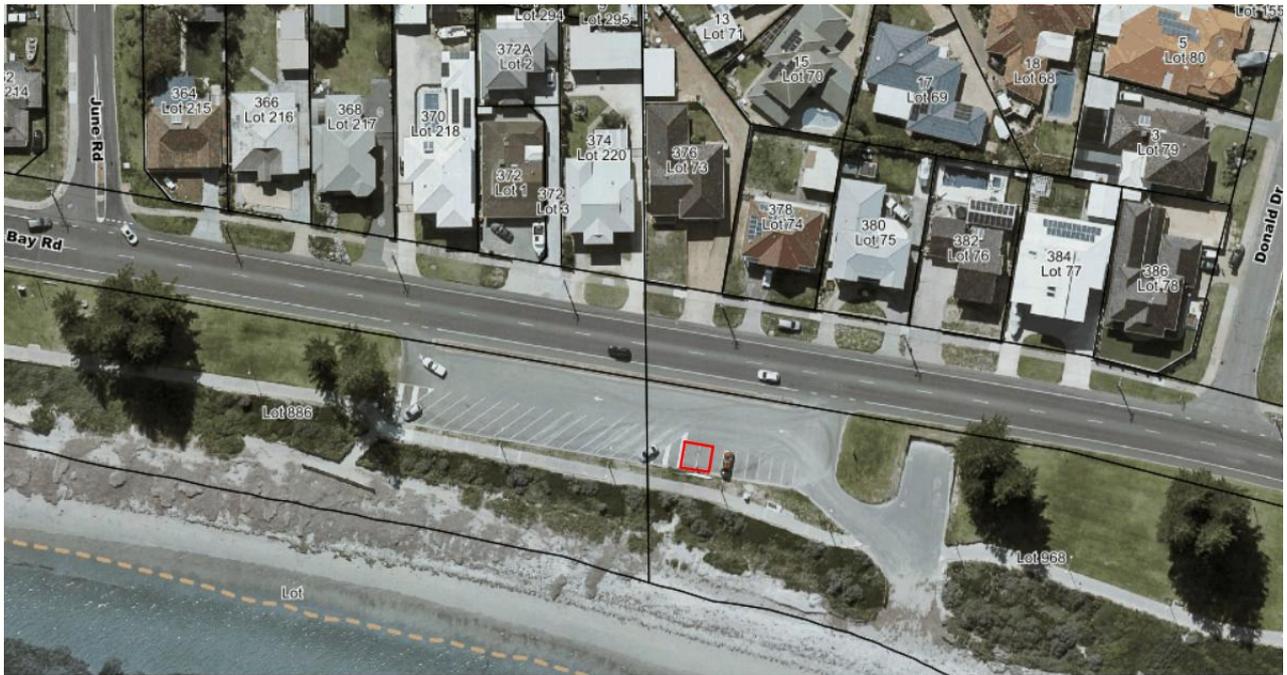
Name:	Governor Reserve
Also Referred to:	<i>Governor Road Reserve</i>
Address:	Rockingham Beach Road ROCKINGHAM WA 6168
Coordinates:	-32.26172616659947, 115.7469921477578
Coastal/Non-Coastal:	Coastal
Additional Considerations:	Location to be revoked from trade upon the opening of a brick-and-mortar food business within 300m of permitted location.



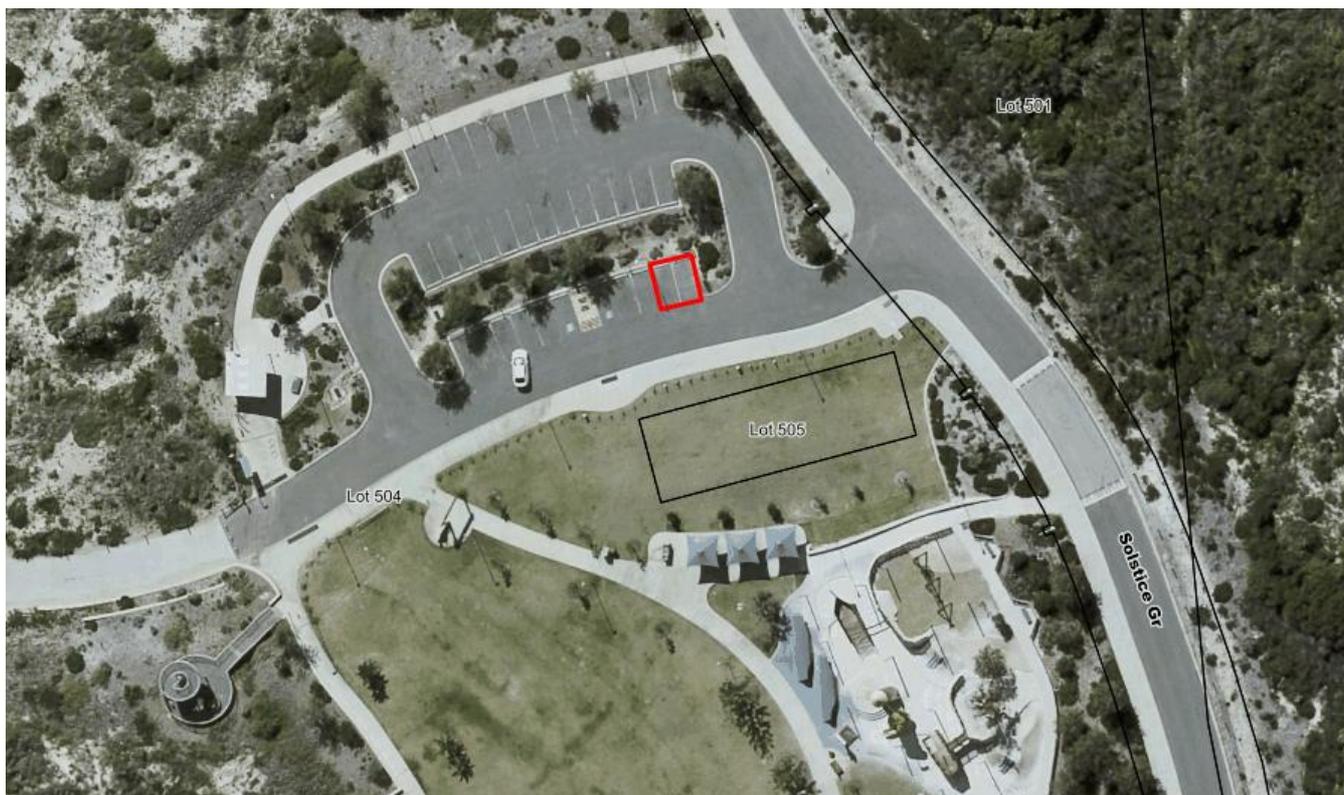
Name:	Long Point Foreshore
Also Referred to:	<i>Port Kennedy Boat Ramp</i>
Address:	Bridport Point PORT KENNEDY WA 6172
Coordinates:	-32.366163002065115, 115.72908927897986
Coastal/Non-Coastal:	Coastal
Additional Considerations:	Location to be revoked from trade upon the opening of a brick-and-mortar food business within 300m of permitted location.



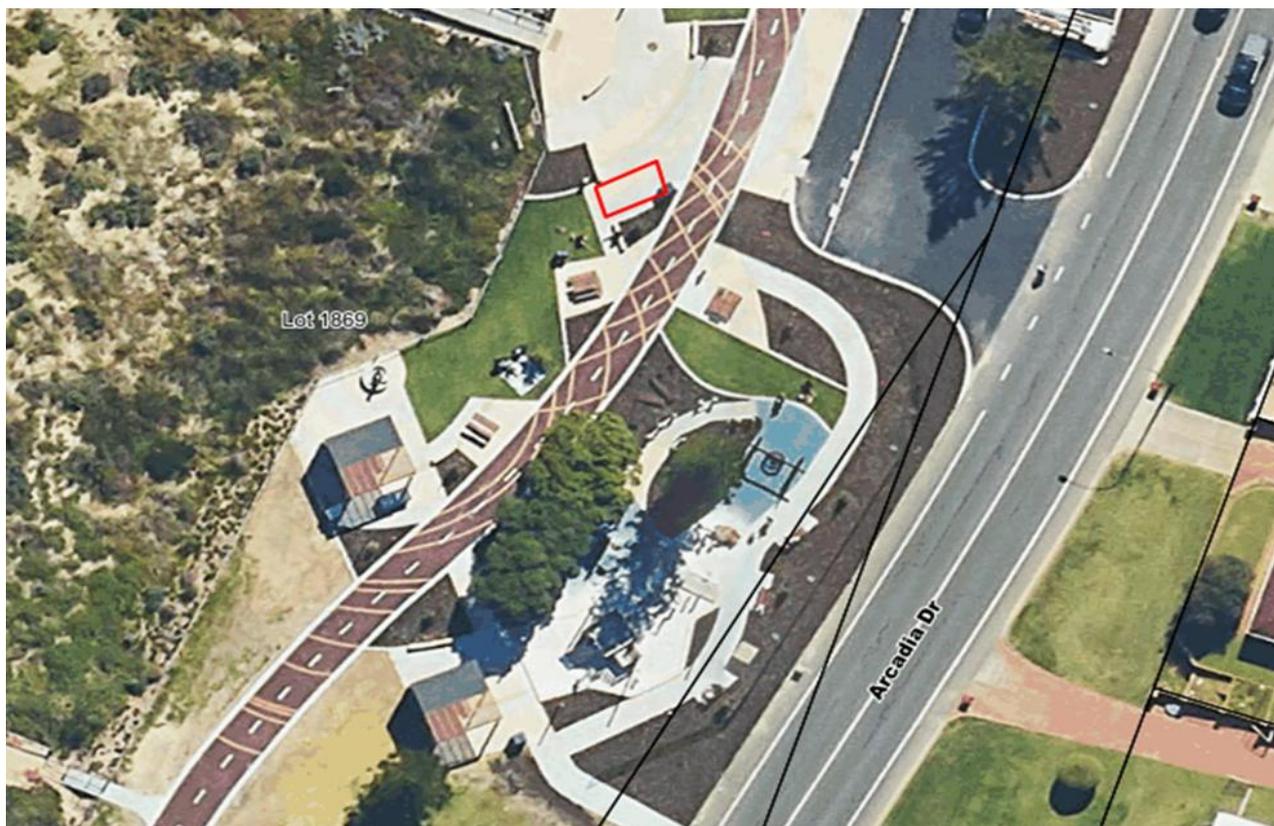
Name:	Waikiki Foreshore- Malibu to Shelton
Also Referred to:	<i>Safety Bay Foreshore – Malibu Road</i>
Address:	Safety Bay Road SAFETY BAY WA 6169
Coordinates:	-32.31073922992729, 115.73273150788246
Coastal/Non-Coastal:	Coastal
Additional Considerations:	<ul style="list-style-type: none"> <li>• Location to be revoked from trade upon the opening of a brick-and-mortar food business within 300m of permitted location.</li> <li>• Trading is not permitted at this location during food vehicle events.</li> </ul>



Name:	Safety Bay Foreshore- Watts to June
Also Referred to:	Donald Drive Boat Ramp
Address:	Safety Bay Road SAFETY BAY WA 6169
Coordinates:	-32.308097230456156, 115.72657565731231
Coastal/Non-Coastal:	Coastal
Additional Considerations:	Location to be revoked from trade upon the opening of a brick-and-mortar food business within 300m of permitted location.



Name:	Golden Bay Foreshore
Also Referred to:	Shipwreck Cove
Address:	Solstice Grove GOLDEN BAY WA 6174
Coordinates:	-32.421436433061395, 115.748593960728
Coastal/Non-Coastal:	Coastal
Additional Considerations:	Location to be revoked from trade shop a brick-and-mortar food business open within 300m of permitted location.



Name:	Arcadia Drive Foreshore - Boundary to Coventry
<i>Also Referred to:</i>	<i>Shoalwater Activity Node</i>
Address:	Arcadia Drive SHOALWATER WA 6169
Coordinates:	-32.29110818411671, 115.70230139988075
Coastal/Non-Coastal:	Coastal
Additional Considerations:	Trading is not permitted at this location during food vehicle events.



Name:	Singleton Foreshore
Also Referred to:	-
Address:	Foreshore Drive SINGLETON WA 6175
Coordinates:	-32.44455738342048, 115.75053278975844
Coastal/Non-Coastal:	Coastal
Additional Considerations:	<ul style="list-style-type: none"> <li>• Two Fixed Food Vehicles are permitted to trade at the same time; subject to the additional conditions:               <ul style="list-style-type: none"> <li>○ Maximum of two vehicles permitted to trade at same time;</li> <li>○ Limited to afternoon slots only on Fridays, Saturdays and Sundays;</li> <li>○ Preferably food vehicles selling differing cuisine to trade at the same time, e.g. sweet and savory;</li> <li>○ Full operating fee for booking will be charged to both permit holders; not divided amongst permit holders.</li> </ul> </li> </ul>



Name:	Minderoo - Treehouse Cove
Also Referred to:	<i>Treehouse Cove</i>
Address:	Elvina Vista GOLDEN BAY WA 6174
Coordinates:	-32.42724159565518, 115.76522923311653
Coastal/Non-Coastal:	Non-Coastal



Name:	Waikiki Foreshore- Malibu to Shelton
Also Referred to:	Waikiki Foreshore - Francis Street
Address:	Warnbro Beach Road WAIKIKI WA 6169
Coordinates:	-32.31762579109738, 115.73886256052894
Coastal/Non-Coastal:	Coastal

## **Application Process**

A call for applications will be sought annually for all Fixed Food Vehicles Trading Permit locations. Applicants can nominate their preferred trading location/s and requested trading dates.

Applications will be assessed and prioritised based on a number of factors, including:

- number of allocations already given to the applicant within past Fixed Food Trading seasons;
- preference being given to food vehicles housed within the City of Rockingham;
- history of compliance with the *Food Act 2008*, *City of Rockingham Public Places and Local Government Property Local Law 2018* and other *City of Rockingham Local Laws*;
- proposed menu is compatible with the location, surrounding uses, food businesses and key location user groups.

The application fee will only be charged to those applicants successful in gaining a trading location. Successful applicants will be invoiced for the Fixed Food Vehicle Trading Permit fees at the time that the Permit is issued.

Successful applicants will be granted a Fixed Food Vehicle Trading Permit for the approved dates.

If there are multiple applicants for the same date, the final decision on the successful permit application will be made by the Manager Health and Building Services.

## **Application Requirements**

Food vehicles are required to be fully self-contained and removed from the location on completion of trade each day.

Food vehicles will not be supported where vehicle size or layout be greater than the permitted parking bays, may compromise public access, circulation, safety or other street activities. If concerns are raised on the operation or location of a food vehicle, the City may require the food vehicle to relocate to an alternate permitted location.

Parking for towing vehicles is not permitted within the permitted parking bays. The towing vehicle must be parked off site or in a designated parking bay.

All rubbish from the food vehicle is to be removed and disposed of at an approved location to the satisfaction of the Manager Health and Building Services and in accordance with the City of Rockingham's Waste Local Law 2020.

An adequate supply of water is to be provided for the duration of trade, and all waste water is to be contained within the vehicle and disposed of at an approved location to the satisfaction of the Manager Health and Building Services.

Food is to be take away service only, the supply of tables, chairs or any structures are not permitted upon the reserve.

Applicants must complete the Fixed Food Vehicle Trading Permit Application Form, provide a list of foods to be sold, a copy of their Certificate of Registration of a Food Business, Public Liability Insurance Certificate and a layout of their food vehicle.

## Ongoing Trade

All days have been split into two trading slots, morning and afternoons. These allocations are detailed below:

- **Summer** - 1<sup>st</sup> October to 30<sup>th</sup> April
  - 6:00am to 1:00pm; or
  - 1:30pm to 8:00pm
  
- **Winter** - 1<sup>st</sup> May to 30<sup>th</sup> September
  - 7:00am to 1:00pm; or
  - 1:30pm to 7:00pm

Suitable lighting must be available in the immediate trading area for food vehicles to safely trade before sunrise and after sunset.

The permitted locations will have a signage installed to allocate the area exclusively to the Permit Holder. Only the approved vehicle specified on the Permit is allowed to trade at the permitted location. The approved food vehicle is only to trade from the permitted location specified within the permit issued. Trading from any other location within the vicinity is not permitted and will constitute as a breach against the Permit should suitable evidence be provided.

Approved vehicles are not permitted to remain on-site overnight, and must cease trade as per the times stated within the permit issued.

Permit Holders are required to trade on their approved days. The City's Authorised Officers at their discretion revoke a permit if Permit Holders do not attend more than three days. If a Permit Holder is unable to trade due to vehicle faults, emergencies or the like, they should notify the City's Health Services in writing with as much notice as possible.

Permit Holders are not permitted to exchange trading days or locations with other Fixed Food Permit Holders.

Any amendments to the permit, such as cancellations, changes to days and/or locations are to be made in writing, **no later than 7 calendar days prior**. Failure to do so, results in fees being forfeited and/or approval not being granted.

The City of Rockingham may, with a minimum of 2 weeks' notice, prevent trading on certain days. This may be due to maintenance requirements or other reasons. The City will endeavour to allow trade to continue if it is safe to do so. Emergency works take priority, and trading must be suspended if instructed by the City in an emergency situation.

Locations will be reviewed annually prior to calling for expressions of interest. If a location is no longer considered suitable, at any time throughout the year it will be removed.

## APPLICATION CONSIDERATIONS

### Fees

#### Fixed Food Trading Permit

Application Fee.....	\$70.00
Operating Fees (per half day)	
Coastal.....	\$20.00
Non-Coastal .....	\$11.50

### Food Act Registration

All food premises where food is prepared for sale, stored or sold require a Certificate of Registration under the *Food Act 2008*. This also extends to food vehicles and food stalls, as well as any other location that food is prepared or stored for sale (such as a home business).

The Certificate of Registration is issued by the local government where the food vehicle is housed overnight. In considering an application for a Certificate of Registration, the local government Environmental Health Officer will assess the suitability of the location for the food preparation being undertaken.

Please note that high risk food preparation cannot be approved at home. Please also note that if food is being prepared within a commercial kitchen then approval needs to be sought from that local government to then sell off-site.

The Certificate of Registration must be included in the Permit application. Only approved foods can be sold. Any additional products not already approved will need approval from the local government that issued the Certificate of Registration before a Permit application is made.

The City's Permits Officer checks with the local government that issued the Certificate of Registration to confirm validity and the approved foods, prior to approving a traders permit.

### Food Act Compliance

The City's Environmental Health Officers undertake unscheduled inspections of food premises, food vehicles and food stalls. It is important to inspect food retailers to ensure food is being prepared safely and in accordance with the food legislation.

Food retailers, their staff and volunteers must be familiar with the requirements under the *Food Act 2008* and the subsidiary legislation to ensure they are complying at all times. Particular attention should be paid to ensure food is maintained at the correct temperature at all times, that the food vehicle/food stall is clean and protected from dust, dirt, pests and accumulations of grease and grime, and that food handlers are washing their hands before handling food and after handling money.

The City has free online food handler training available on the City's website at [Food safety training - City of Rockingham](#). The free food handler training is detailed under 'I'm Alert Food Safety'. All food handlers

are highly encouraged to undertake this quick training course to ensure they have a basic understanding of food safety.

Breaches of the *Food Act 2008* can result in an infringement being issued, a direction being issued to dispose of dangerous food or to cease trading, or future applications to trade within the City of Rockingham being denied. If a non-compliant food vehicle/food stall is registered outside of the City of Rockingham, the City's Environmental Health Officers will contact that local government for further follow up.

The City's Environmental Health Officers want to see successful and safe food retailers operating within the City, and are happy to be contacted for advice or any food safety questions on 9528 0315.

## Insurance

Public Liability Insurance provides the Permit Holder with insurance cover for their legal liability to third parties for injury and/or property damage arising from conducting their permitted activity. Permit Holders must hold a current public liability policy with an APRA (Australian Prudential Regulation Authority) approved insurer.

A copy of the applicant's Public Liability Insurance (Certificate of Currency) with a cover of not less than \$10,000,000 (ten million dollars) must be provided upon application. The insurance must be maintained for the duration of the Permit.

## Rubbish

All rubbish associated with the food vehicle is required to be contained and disposed of at an approved location, in accordance with the [City of Rockingham's Waste Local Law 2020](#) and to the satisfaction of the Manager Health and Building Services.

Permit Holders should also check the immediate areas surrounding their vehicle on completion of trade for any additional rubbish associated with their business and dispose of that as well.

## Power

All food vehicles are to be self-contained via the use of a generator. The use of City power will not be provided.

Generators are to be adequately and safely secured to restrict access to patrons and kept clear of public access. Electrical leads are not to be placed in trafficable areas or to create a trip hazard.

## Water and Waste Water

All food vehicles are required to be self-contained, with an adequate supply of potable water for the duration of trade. Waste water is to be self-contained and disposed of at an approved location, to the satisfaction of the Manager Health and Building Services.

## Noise

Noise, including noise from generators, must be kept to a reasonable level to not cause a noise nuisance to surrounding residents or businesses during the permitted activity.

## Signage

As part of the approved Permit the City allows one advertising sign, with maximum dimensions of one metre by one metre, can only be displayed within the permitted location while the permitted activity is being conducted.

## Further Information

The City is committed to assisting applicants successfully gain their approvals.

The City's Activity Approvals Officers are your contact for the City and will liaise with any other departments within the City to assist you in successfully obtaining your Permit.

The Activity Approvals Officers are also able to arrange for a pre-lodgement meeting to assist you in completing your Permit Application.

The Activity Approvals Officers can be contacted directly on 08 9528 0315.