

(To be confirmed 14 August 2018)

RESOLVED:

Moved: Cr Anderson

Seconded: Cr Ife

That the Future Planning Committee Recommendation/s for Items 14.5 to 14.11 be adopted by exception resolution by Absolute Majority.

The Motion was Put and CARRIED BY AN ABSOLUTE MAJORITY (8-0)

In favour of the Motion: Mayor Vaughan; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon

FUTURE PLANNING COMMITTEE

14.5 Recommendation from the Future Planning Committee - Draft HLTH6 Mobile Food Vendors (Vic Park Vendor’s) Policy

File Reference:	PLA/6/41
Appendices:	1. Draft HLTH6 Mobile Food Vendors (Vic Park Vendor’s) Policy 2. Summary Report of Preliminary Consultation Outcomes 3. Submission from Restaurant and Caterers Association
Attachments:	No
Date:	11 June 2018
Reporting Officer:	L. Parker
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – The Future Planning Committee recommends to Council that the draft HLTH6 Mobile Food Vendors Policy be advertised for public comment.	
<ul style="list-style-type: none"> • A draft Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors with the Town. • The Policy builds on a previous proposal to trial mobile food vending at a number of public open spaces within the Town as a means of increasing the activation and enjoyment of the Town’s public open spaces. • Preliminary consultation undertaken in January to February 2018 indicated a high level of community support for mobile food vending to occur at public open spaces within the Town. • In preparing the draft Policy a focus has been to provide flexibility, choice and diversity of mobile food vendors, minimise and/or remove the need to obtain multiple permits and to locate vendors at locations that are lacking in nearby food choices so as to provide convenience and choice to residents, as well as minimise potential conflict with established “bricks and mortar” food businesses. • It is intended for the Policy to be trialled for the 2018/2019 summer trading period from November to March, with a review to follow in Autumn 2019. • It is recommended that the draft Policy be advertised for public comment and consultation with key external stakeholders and relevant State Government agencies. 	

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TABLED ITEMS:

Nil

BACKGROUND:Preliminary Consultation

Preliminary community consultation was undertaken from 16 January to 7 February 2018 through the Town's 'Your Thoughts' online consultation hub. The purpose of the preliminary consultation was to gauge whether a general level of support for mobile food vendor trading exists and to identify a range of the possible concerns or expectations that the community may have in relation to the operation of mobile food vendors to help inform and guide the development of a draft Policy.

This engagement involved the following:

- Your Thoughts online consultation hub
 - Community Survey, Pin a Place, Ask a Question, Quick Poll, FAQs
- Advertisements in Southern Gazette and on social media calling for submissions
- Community Survey:
 - basic questions to help underpin and establish policy direction;
 - identify desirability of food trucks/mobile food vendors in the Town; and
 - where and when people do or don't wish to see mobile food vendors operating.

There were a total of 574 visits to the Your Thoughts consultation page for the project during the consultation period. Of these:

- 497 visitors were 'aware participants' (individuals accessing the project home page);
- 346 were 'informed participants' (visited the Key Dates page, viewed FAQs, visited multiple pages or contributed to a tool);
- 118 participated in the Community Survey;
- 107 participated in the Quick Poll, with 76% of respondents indicating they support mobile food vendors operating in the Town;
- 3 asked questions;
- 24 pinned a place on a Map; and
- 93 new user registrations to Your Thoughts.

Community Survey Results

The majority of submissions were received from residents, ratepayers and/or property owners within the Town. The 118 submissions identified the following with respect to the trading of mobile food vendors within the Town:

- 78% of respondents agreed that mobile food vendors could fill a particular niche or demand not currently being met in the community;
- The top concerns raised included impact on local businesses, proximity to restaurants, waste management and noise;
- 54% thought that food trucks should be located in specific locations only, rather than anywhere in the Town;
- 59% indicated that there are locations where they should not operate, with the most common reply being "not near existing restaurants and cafes";
- 52% felt that operating hours should be limited;

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- 86% indicated that mobile food vendors should be able to co-locate (cluster), with 72% supporting no limit on the number of vendors subject to adequate space and facilities/infrastructure being available to accommodate vendors and their customers; and
- 79% indicated that they would specifically seek out food mobile food vendors if they were aware they were operating within the Town.

A summary report of the consultation outcomes is included in the Appendices.

'Pin a Place' Results

- 71 visitors, 57 contributions from 24 visitors (average of 2 or 3 locations nominated)
- 24 locations nominated for Food Trucks – 20 of these were public open spaces, 2 train stations, and 2 road/shop locations.

WA Mobile Food Vendors Association

The WA Mobile Food Vendors Association have indicated general support and interest in mobile food vendors operating within the Town. It is expected they will provide further detailed comments during the recommended consultation for the draft policy.

Restaurant and Caterers Association

The Restaurant and Caterers Association (R&CA) were directly consulted during the preliminary consultation phase and provided an initial submission on behalf of its members (Appendices 3). The recommendations requested by the R&CA for consideration by Council Officers in the development of the draft Policy are listed and responded to in the Comments section of this report.

Progress/Policy Development Updates to Future Planning Committee

The outcomes of the preliminary consultation and updates on the development and likely form of the draft policy were discussed as workshop items at the February 2018 and April 2018 Future Planning Committee Meetings (Appendices 3 and 4). The discussions during these meetings indicated a general level of support for the likely direction and form of the draft policy.

DETAILS:

A draft Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors with the Town (Appendices 1).

The Town does not have an adopted policy position with respect to the location or regulation of mobile food vendors, and applications to trade within the Town are assessed on an ad hoc basis, and may require multiple forms of approval depending on whether they are located on Council property, privately owned land, public open spaces, car parks or on the roadside.

The Policy builds on a previous proposal to trial mobile food vending at a number of public open spaces within the Town as a means of increasing the activation and enjoyment of the Town's public open spaces.

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In preparing the draft Policy a focus has been to provide flexibility, choice and diversity of mobile food vendors, minimise and/or remove the need to obtain multiple permits and to locate vendors at locations that are lacking in nearby food choices so as to provide convenience and choice to residents.

The draft Policy establishes a new form of 'Trader's Permit' under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*. The name of the new permit is proposed to be called 'Vic Park Vendor's Permit'. Approved 'Vic Park Vendors' would then have conditional approval to trade on the public open spaces identified within the draft Policy.

It is intended for the Policy to be trialled for the 2018/2019 summer trading period from November 2018 to March 2019, with a review to follow in autumn 2019.

The draft Policy is organised as follows:

- Part 1 – General
(Policy application, purpose, objectives and definitions)
- Part 2 – Permit Requirements
(Application requirements, permit conditions, renewal and suspension, events trading, itinerant food vendors)
- Part 3 – Vendor Trading and Location Guidelines
(Approved locations, trading hours, trading at multiple locations, waste management, signage, noise, parking, public liability)
- Part 4 – Approved Designated Trading Areas
(Maps of public open spaces with approved trading areas marked, vehicle access points identified and trading hours/maximum vendor numbers detailed)

Internal Staff Review

The draft Policy has been referred internally to a broad range of staff and service areas that will or are likely to be impacted by its recommended implementation, including Environmental Health, Parks, Waste and Bookings. An initial working group meeting followed by multiple meetings, discussions and correspondence with internal staff have informed development of the draft Policy.

Review of Other Local Government Policies

The draft Policy has been informed by a review of other local government mobile food vehicle/food truck policies, including those of the Cities of Bayswater, Fremantle, Kwinana, Perth, Vincent and Wanneroo.

Community Consultation:

It is recommended that the draft Policy be advertised for public comments and consultation with key external stakeholders and relevant State Government agencies (refer to comments under Legal Compliance below).

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While not a local planning policy, it is recommended that the draft Policy be subjected to a similar level of community consultation, including:

- Letters to owners and occupier of properties immediately surrounding the proposed mobile food vendor trading locations/public open space;
- Emails to known food business contacts, organisations and all submitters that made contributions during the Town's preliminary consultation;
- Advertisement in the Southern Gazette Newspaper;
- Online consultation and invitations to submit comments via the Town's 'Your Thoughts' consultation hub; and
- Advertising/promotion on the Town's online social media platforms.

Legal Compliance:

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000

The Town's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* (Local Law) provides for the regulation, control and management of activities and trading on public spaces within the Town. The Local Law provides for the Council to adopt a policy in relation to activities for which a permit is required from the Town, as well as the conditions that the granting of a permit may be subject to.

The trading of mobile food vendors on the Town's public open spaces constitutes an activity that requires the granting of a "trader's permit" under the Local Law.

The draft Policy seeks to establish the granting of a specified form of "trader's permit" under the Local Law (proposed to be named "Vic Park Vendor's Permits") and to set out the circumstances, trading requirements and conditions that the granting of such permits may be subject to.

Department of Conservation, Biodiversity and Attractions (DCBA) Approval

Application for a Form 7 Permit under the *Swan and Canning Rivers Management Regulation 2007* is required to be obtained from the Rivers and Estuaries Division of the DCBA in order for mobile food trading to occur at McCallum Park, as it is located within the Swan Canning Riverpark, under the control of the Swan River Trust. The approval process is approximately 4-6 weeks following receipt of the application. Initial enquiries have been made as to whether it will be possible for a single approval to be issued to the Town, rather than requiring individual permits for each mobile food vendor/activity as would usually be the case. Council Officers have been requested to provide a written enquiry with a copy of the draft policy for consideration before a formal response is provided. It is recommended that this occur during the community and stakeholder consultation period.

Department of Planning, Lands and Heritage Consent

Written consent is likely to be required for mobile food vendor trading to occur at McCallum Park and Edward Millen Park, under Section 75 of the *Land Administration Act 1997*, as these Crown land sites are conditional tenure land that cannot be the subject of any licence, mortgage, charge, security or other encumbrance without the written approval of the Minister for Lands. The approval process usually takes a number weeks. Initial enquiries have been made as to whether it will be possible for a single 'blanket' type approval to be issued to the Town, rather than requiring individual permissions for each

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mobile food vendor/activity as would usually be the case in relation to a specific event or activity occurring for a defined time period. Council Officers have been requested to provide a written enquiry with a copy of the draft policy for consideration before a formal response is provided. It is recommended that this occur during the community and stakeholder consultation period.

Policy Implications:

The draft Policy is aligned with, and assists in achieving a number of the aims and objectives contained in a broad range of the Town's adopted Strategies and Policies. These are outlined below.

Strategic Community Plan 2017-2032

The Town's Strategic Community Plan is the principal strategy outlining the long-term vision, values, aspirations and priorities for the Town of Victoria Park for the next 15 years. The policy aligns with the plan by embracing the following strategic outcomes:

- Social - The outcome is to provide an environment where the community can live a safe, healthy and active life with opportunities to participate in socially diverse and culturally rich activities and exchanges.
 - S1 – A healthy community.
 - S3 – An empowered community with a sense of pride, safety and belonging.
 - S4 – A place where all people have an awareness and appreciation of arts, culture, education and heritage.
- Economic - The outcome is to provide the community with a vibrant, strong and sustainable local economy as well as a range of business and employment opportunities.
 - EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.
 - EC2 – A clean, safe and accessible place to visit.
- Environment – The Town's natural environment (including parks and reserves) have been enhanced and protected, providing options for a cleaner, healthier lifestyle.
 - EN6 – Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.

Safer Neighbourhoods Plan 2017-2022

The draft Policy supports Crime Priority Area 3 contained in the Safer Neighbourhoods Plan to support and encourage inclusive and socially connected streets and neighbourhoods, by promoting social inclusion and connectedness and increasing the activation and vibrancy of the Town's public open spaces.

Events and Place Activation Strategy 2017-2018

The draft policy is consistent with the following objectives of the Events and Place Activation Strategy:

- Foster community pride and involvement in a diverse and vibrant Town – through activation and celebration of people, spaces and places, and creating an inclusive environment for people to live, work and play.
- To be a destination of choice by – attracting and increasing visitors to the Town, fostering and facilitating a destination rich with experiences for everyone to enjoy, and creating the right environment for events and activation to succeed.

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- Destination development – encourage local residents and community groups to activate local spaces and places through community-driven initiatives and events.
- Place activation – investigate and pursue opportunities to activate local street and neighbourhood spaces with events (not just along Albany Highway and East Victoria Park).
- The Town will maintain, enhance and develop Town infrastructure and resources, including parks and reserves, to activate local spaces and to attract visitors to the Town.
- Identify and implement new and innovative methods to support best practise approach and capitalise on emerging opportunities in relation to event and place activation within the Town.

Disability Access and Inclusion Plan 2017-2022 (DAIP)

The draft Policy has been prepared in alignment with the outcomes of the DAIP, most notably ensuring that events organised by the Town are planned and delivered in accordance with the Disability Service Commission's 'Creating Accessible Events Checklist'. This checklist has been integrated into the Town's Operational Events Guide and supporting Accessibility Checklist, which focuses on ensuring events held in external environments are accessible for people with a disability by providing a continuous, even accessible path of travel.

Efforts have been made to ensure that the proposed Designated Trading Areas are conveniently located, close to public car parking areas (and disabled car parking bays) and are on predominantly flat, accessible areas of the relevant public open spaces.

Healthy Vic Park Plan 2017-2022

The draft Policy is aligned with the following "Community Visions" and associated actions contained in the Healthy Vic Park Plan under the Key Areas of 'Healthy People and Community' and 'Healthy Business and Events':

- There is healthy air, water and land for me to recreate and live:
 - Action 2 – Implement and adhere to legislative requirements as defined in the Food Act, Environmental Protection Act, etc.
- There are activated and exciting urban spaces for me to socialise with others.
- I am connected and supported by my community:
 - Action 1 – Deliver programs and initiatives that encourage resilience and positive mental health
 - Action 4 – Link and foster socially inclusive opportunities for all residents, including culturally and linguistically diverse community members, Aboriginal people, seniors, people with a disability, youth with complex needs and young families.
- There are social events for me:
 - Action 1 – Deliver events that create community connectedness and cohesion
 - Action 2 – Promote and encourage premier public events in the local community
 - Community Vision: My local government leads by example when it comes to being a healthy business.
 - Action 5 – Ensure health is considered and incorporated into new and reviewed plans and policies.

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- There’s a healthy and safe food option for me.
 - Action 1 – Offer healthy eating alternatives at events
 - Action 2 – Monitor and educate food business around food safety initiatives
 - Action 3 – Work directly with and support food businesses and outlets to provide healthy food options

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Continued ad hoc consideration of mobile food vending applications, multiple application types and general lack of any mobile food vendor trading in the Town (aside from organised events) if a Policy is not adopted.	Moderate	Likely	Low	Support the proposed draft Policy for the purposes of community consultation, including consultation with industry organisations, relevant State Government agencies, local food businesses and directly with mobile food vendors. This feedback to then inform further changes/improvements to the draft Policy, prior to an anticipated recommended trial implementation from November 2018 to March 2019, with a subsequent review/evaluation of its success to occur in April to May 2019. Development of internal procedures, education and training of staff will also be required to effectively administer the Policy and maximise its potential success.

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General lack of policy success and therefore waste of Council resources in its development/implementation.	Moderate	Unlikely	Low
Significant opposition from local residents and existing food businesses to the nearby trading of mobile food vehicles	Moderate	Unlikely	Low
Inability to attract mobile food vendors and realise potential benefits of mobile food vendors to the community	Significant	Unlikely	Medium
Trading area locations that are not successful due to a range of potential factors (e.g lack of information/awareness, lack of exposure, insufficient customers, etc.)	Moderate	Some likelihood of occurring	Medium
Damage to public open spaces and increased littering and inappropriate disposal of food waste/containers	Low to moderate	Some likelihood of occurring	Low
Traffic and noise impacts to surrounding residents	Moderate	Some likelihood of occurring	Low
Excessive fees that discourage mobile food vendors or insufficient fees that do not recover the additional costs for Council staff and resources in implementing the policy or managing/mitigating potential adverse impacts.	Moderate	Unlikely	Low

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Inability to obtain consent/statutory approvals from relevant Stage Government agencies to allow for mobile food vendor trading at McCallum Park and Edward Millen Park.	Low	Unlikely	Low
Internal staff opposition or lack of policy 'buy in' of staff to effectively implement and administer the Policy due to its cross-functional nature.	Low to moderate	Some likelihood of occurring	Low
Ineffective or delayed review/evaluation of policy trial.	Low to moderate	Some likelihood of	Low

Sustainability Assessment:

External Economic Implications:

The draft Policy will provide a platform for mobile food vendors to trade within the Town, supporting the growth of existing and new small businesses. While efforts have been made to locate the majority of proposed Designated Trading Areas at public open spaces situated a significant distance from existing 'bricks and mortar' establishments, there is evidence that rather than directly competing with these businesses, mobile food vendors can attract additional visitors and customers to their trading locations than would otherwise normally occur, which can have a positive impact on the trading of nearby established traders.

Notwithstanding, a major objective of the Policy is to increase choice and diversity where only limited food options exist and to increase the activation of the Town's public open spaces. Therefore, these objectives support mobile food vendor trading away from locations where a large number of food businesses already exist, in any case.

Cultural Issues:

The draft Policy has potential to provide a platform for the small business community to showcase and provide culturally diverse, unique and interesting food choices to the local community. The ability for food to serve as a medium for cultural exchange and the celebration of cultural diversity may also contribute to positive cultural and social outcomes.

Environmental Issues:

The Vendor Guidelines contained within the draft Policy include an emphasis on ensuring that potential environmental impacts arising from the trading of mobile food vendors are minimised and avoided. These include provisions requiring traders to provide bins for the

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disposal of patron waste, to have receptacles for the collection of any waste water or other emissions from the mobile food vehicles themselves, and provisions regarding their operation or setting up to avoid damages to the public open spaces, Council buildings or vegetation.

The ability for enforcement action (e.g. infringement or suspension of trading permits) to occur as a result of damages caused by traders exists under the Local Law, and adherence to these requirements will be encouraged/enforceable as part of the conditions able to be applied to the conditions of the proposed 'Vic Park Vendor's Permits'.

There is a risk that the ability to enforce these requirements or penalise offenders may be limited due to difficulty in identifying the party responsible for any damages, particularly if the damage occurs during the trading of multiple vendors or if the damage arises from the actions of customers/the public rather than the traders themselves. However, it is considered that these potential issues can be managed/minimised through a variety of measures, including the following:

- Evaluation and review following the proposed initial trial of the policy;
- Continued communication and education of mobile food vendors by Council staff;
- Potential changes to the provision of facilities by Council (e.g. more Council bins or public seating); and
- Changes to the scale or timing of activities that are permitted to occur at the proposed Designated Trading Areas (e.g. reducing the maximum number of mobile food vehicles permitted to trade at a given time, 'resting' or alternating the trading areas to provide increased turf recovery times, etc.).

COMMENT:

The proposed Policy will enable the Town to establish a platform for the trading of mobile food vehicles within the Town and share in the positive activation and community benefits that can arise from their trade, as has been witnessed in a number of local government areas throughout the Perth Metropolitan area and more broadly in other centres nationally and internationally.

There is a growing trend for local governments to provide opportunities for mobile food vendors and other activities such as weekend markets and festivals, to facilitate enjoyable, interesting, unique and convenient leisure and recreational opportunities for residents, families and other members of the community to experience in their local area.

The addition of diverse and convenient food options at a number of the Town's public open spaces provides the potential for their increased activation and utilisation by the community, and the ability for residents and families to enjoy these spaces for longer periods of time, in a richer, and more socially inclusive manner. Some of the potential benefits include:

- greater social connectedness;
- opportunities for community members to meet or build on existing relationships with their neighbours;

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- supporting other activities occurring in public open spaces by providing convenient food options for families or spectators (e.g. at sporting events/matches (with permission), before or after undertaking outdoor exercise or by responsible parents/caretakers supervising the use of playground equipment by their children); and
- fostering a greater attachment to the local community and an enhanced sense of place.

The key features of the draft Policy are described in the ‘Details’ section above.

Submission from Restaurant and Caterers Association

The recommendations requested in the submission from R&CA are listed and responded to below.

Recommendation from R&CA	Council Officers Comments
1. That no mobile food vendors are permitted to operate within a 100-metre radius of an existing café or restaurant business. This rule would only apply during the normal operating hours of these existing food business.	Supported in part – A major objective of the policy is to provide greater choice and diversity of food options in locations where currently little exists. However, subject to the consultation and having regard to the types of food offers available, there may be instances where existing business can comfortably (and even benefit) from the nearby trading of mobile food vendors, through the additional attraction of potential customers to their vicinity.
2. The Town impose a limit on the overall number of mobile food vendors permitted to operate within its boundaries at any one time.	Supported in part – The draft policy proposes a maximum number of mobile food vendors that can trade at any one location at one time. The total number of vendors able to trade across all locations at any one time is 94, however many of the proposed locations will have one or no mobile food vendors operating on them for much of the available trading times, as sufficient numbers of potential customers/park users to make trading financially viable will occur only infrequently if at all – e.g. on weekends, Friday nights, public holidays or celebrations, etc.. Accordingly, the potential competition that mobile food vendors could have with the approximately 250+ bricks and mortar businesses operating within the Town is considered minimal.
3. That there should be only incremental increases in the number of operators permitted to trade each year to allow the Town of Victoria Park a sufficient opportunity to monitor the impact of mobile food vendors on existing businesses.	Supported in part – The draft policy is proposed to be subjected to rigorous community consultation and implementation on a trial basis, followed by a review following the trial. It is not anticipated that the trial will identify a substantial demand for mobile food vendor trading higher than that proposed, and the trading of mobile food vendors is likely to be self-limiting due to limited exposure and numbers of potential customers at the designated trading areas.

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Recommendation from R&CA	Council Officers Comments
4. That the operation of mobile food businesses be subject to all applicable regulations that existing food businesses are required to comply with.	Supported – As food businesses, mobile food vendors are subject to the same or similar Environmental Health food and safety regulations/legislation that is applicable to bricks and mortar food businesses.
5. That the same standards of enforcement must also apply to mobile food vendors as existing food businesses.	Supported – As above. Additionally, provision under the Thoroughfares Local Law provides Council the ability to infringe non-compliant food vendors or to suspend or cancel a Vic Park Vendor’s Permit where a breach of the permit conditions (and by extension the draft Policy), or Local Law occurs.
6. That the maximum permit cost paid by mobile food vendors reflects the commercial value of trading in certain precincts, and is comparable to the Council rates applied to the operation of bricks and mortar food businesses.	To be considered at later stage. Refer to comments below in relation to Permit Fees.
7. The Town explicitly outline its support for existing bricks and mortar food businesses in all relevant Council collateral and communication material regarding the regulation of mobile food vendors.	Supported in part – The Town actively supports and promotes bricks and mortar food businesses in a number of its strategies and projects, including the Albany Highway Activation Project, various economic development projects and the recently implemented ‘Eat, Ride n Enjoy’ campaign. The draft Policy objectives include reference to existing bricks and mortar businesses and the consideration of proximity/competition to these as a contributing factor in the selection of the proposed designated trading areas.

Selection and Evaluation of Proposed Designated Trading Areas

The initial draft of the Policy considered both the public open spaces identified by the community as potential locations they would like to see mobile food vendors trading within the Town during the preliminary consultation, as well as the following additional factors:

- Public car parking bays (including disabled access bay(s)) and their proximity to suitable mobile food vendor trading locations;
- Flood lighting (so as to permit night time (dinner) trading);
- Availability of public toilets;
- Amenities and other infrastructure associated with prolonged use/enjoyment of the public open space (and therefore higher propensity for purchase of food/beverages) – i.e. benches/seating, children’s playgrounds, shaded grassed areas/picnic spots, etc.
- Site conditions and topography – public open space
- Vehicular access onto the public open spaces
- Size of the public open space - Capacity of proposed locations to accommodate mobile food vendor vehicles;
- Location/proximity to existing bricks and mortar food premises; and

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- Potential benefits that may be gained through increased activation (e.g. reduced crime/antisocial behaviour, increased use of under-utilised public open space, increased awareness/enjoyment of the Town's heritage, etc.)

A number of the locations do not achieve all of the above criteria, notably Edward Millen Park, John Macmillan Park and Rayment Park, which are located in close proximity to existing bricks and mortar food businesses. It is considered that on balance and subject to community consultation that these locations represent important and unique opportunities for increased activation and utilisation of these public open spaces by the community. The additional competition brought by mobile food vendors at these select locations is not considered significant and may even increase patronage of local businesses by attracting more people to the area.

Following further review (including site inspections and internal staff liaison) the initial draft was revised resulting in the following changes:

- Carlisle Reserve – Designated trading area originally located near playground/oval scoreboard which is narrow and at risk of conflicting with playground users, oval users/players and spectators. Relocated to larger grassed area adjacent to car park vehicle entry gate. Location also replaces removed Fletcher Park trading location.
- Fletcher Park – Removed as a trading location as responsibility for maintenance and management of the public open spaces rests with the WA Cricket Association.
- G O Edwards Reserve – Reduction in maximum vendor numbers at Designated Trading Area B due to limited size of the grassed area adjacent to the recently installed nature playground;
- Higgins Park - the removal of a second designated trading area at Higgins Park (at corner of Hill View Terrace and Creaton Street) due to steep slope of this location and significant distance away from other park amenities and facilities.

Permit Fees

Determination of the appropriate fee to charge Vic Park Vendor's Permit holders is yet to be conducted. Whilst there have been calls by the R&CA and some established food businesses that the charges imposed should equate to those applicable to bricks and mortar food businesses, a number of factors will need to be considered by the Council. These include the costs to Council in administering the Policy, ensuring balance/equity between the various fees charged for the various permit types issued by the Town for food businesses, as well as the high seasonality of trade of mobile food vendors.

Notwithstanding, it is recommended that for the duration of any trial implementation of the Policy, that fees for the assessment and granting of Vic Park Vendor's Permits to approved mobile food vendors not be charged, so as to maximise the attraction and take-up of mobile food vendors to trade as part of the trial. This will encourage greater numbers of traders to the Town and provide the community and the Town with increased opportunity to experience and evaluate the impacts of their trade (negative and positive). It should also be noted that the waiving of fees would be consistent with the Town's approach alfresco dining for brick and mortar food businesses.

Payment of a \$100 bond for keys to access the secured gates to the reserves will continue to be charged as for all other park users/normal reserve hire processes, to cover the Town's costs for replacement of lost or stolen keys that are issued to mobile food vendors.

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This will then be refunded upon the return of the key to the Town (i.e. at the conclusion of the recommended trial).

CONCLUSION:

It is recommended that the Future Planning Committee recommend to Council that the draft HLTH6 'Mobile Food Vendors Policy' (see Appendices), be advertised for public comment and consultation with key external stakeholders. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft Policy (in its current form or in a modified form informed by the results of the community consultation and further review/refinement).

If adopted, and subject to the proposed locations being supported by the community and ultimately Council, there may be a number of implementation measures (subject to further detailed site evaluations) required to facilitate trading at each of the sites (e.g. access, facilities maintenance, trading area boundaries at each location, etc.).

There will also be additional regulatory approvals required to be obtained from the Department of Biodiversity, Conservation and Attractions, and the Department of Planning, Lands and Heritage to facilitate trading at McCallum Park and Edward Millen Park, as proposed under the Policy. It is recommended that these be pursued during the public consultation process as they may take approximately two months to obtain or may need to be removed from the draft Policy if the required approvals/consents are not forthcoming.

RESOLVED BY EXCEPTION RESOLUTION:**Moved: Cr Anderson****Seconded: Cr Ife**

That Council authorises public advertising of the draft policy 'HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy' as contained in the Appendices, including consultation with key stakeholders and relevant organisations, for a period of 21 days, and that the outcomes of the public advertising and consultation be summarised in a further report to the Council prior to adoption of a final Policy for implementation on a trial basis.

CARRIED (8-0)