

**HOBSONS**  
**BAY CITY**  
COUNCIL



# Hobsons Bay Mobile Vendor Policy

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2023 Version 2.0

## **Acknowledgment of Country**

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

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# 1. Purpose

This policy has been developed to facilitate and manage the effective operation of mobile vendors in Hobsons Bay and provide a framework for considering requests for roadside trading in the municipality.

# 2. Background

Mobile trading, when managed appropriately, can contribute to creating a vibrant and diverse local economy, attracting visitors and providing residents in isolated areas with local access to goods and services. Consideration must also be given to impacts on the community including potentially negative impacts on existing business owners, landowners, residents and the environment.

Hobsons Bay City Council regulates mobile vendors to ensure that temporary business opportunities are facilitated and managed in a consistent way.

There has been an increase in mobile trading activity within Hobsons Bay in recent years and this policy aims to provide an equitable and flexible approach to managing mobile and itinerant vendors. Council recognises that mobile vendors can contribute to the economic diversity and activation of the municipality and provide access to goods and services at times or in locations where there is limited access to local products and services.

Across Victoria there are a wide variety of approaches to mobile vendors. These range from minimal such as Streatrader registration only to significant limitations and restrictions and fees. Council seeks to balance the interests of mobile vendors with the interests of other businesses through the provision of an equitable and flexible approach.

This policy replaces the previous stationary roadside vendors tender process and allows for stationary roadside trading (trading in one approved site for the duration of the permit) or itinerant trading (roaming at least 100m away from other operators, businesses, and designated safety exclusion zones along the coastline).

In line with the policy objectives the principles of the mobile vendor policy include:

- clarity
- minimising potential adverse impacts
- increasing economic diversity and business diversification
- social connection
- sustainable practices

### 3. Scope

This policy outlines the process for both stationary and itinerant/roaming vendors to operate in Hobsons Bay.

Vendors are either stationary (one approved site for the duration of their permit) or itinerant (roaming at least 100m away from other operators, businesses, and outside safety exclusion zones along the coastline).

The policy does not apply to:

- mobile vendors operating as part of a permitted event
- mobile vendors operating from private land or land operated by other government authorities

The policy designates specific locations referred to as ‘approved sites’ for stationary vendors and enables other sites to be nominated to become new approved sites.

This policy is an operational policy and will be regularly reviewed and maintained by the organisation.

### 4. Definitions

For the purposes of this policy, the following definitions have been developed:

<b>Mobile vendor</b>	Any business selling products or services from a vehicle
<b>Roadside trading</b>	The sale of goods or services from a vehicle or stall on the side of the road, rather than from a store or office setting
<b>Itinerant/roaming vendor</b>	A vendor who travels from place to place to sell their goods, moving <u>regularly</u> between sites during one period of trade (e.g., ice cream truck, mobile coffee van). In Hobsons Bay for the purpose of this policy itinerant / roaming vendors must not stay in the same location for longer than two hours per day
<b>Stationary vendor</b>	A temporary or mobile vendor selling goods from a designated site. In Hobsons Bay stationary vendors must operate from one of the approved locations or submit a request for a new location to be considered as an approved site. If a new site is approved vendors can then apply for a permit to operate at the approved location on a monthly or annual basis

<b>Approved site</b>	An approved site (or approved location) refers to sites that have been designated as a location suitable for a stationary vendor to operate from
<b>Stretrader</b>	The Victorian Government website where businesses and community groups must register their temporary or mobile food business. Through Stretrader, businesses and community groups can apply for <i>Food Act 1984</i> registration, manage their registration, and lodge a Statement of Trade
<b>Statement of Trade</b>	A Statement of Trade (SOT) is a notification to a Council of where and when you intend to trade. Any mobile or temporary food premises selling to the public must lodge a SOT under the <i>Food Act 1984</i>
<b>Existing bricks and mortar business</b>	Refers to any business that offers products and services to its customers face-to-face in an office, store or building that the business owns or rents
<b>Activity Centre</b>	Areas that provide a focus for services, employment, housing, transport and social interaction. They range in size and intensity of use from smaller neighbourhood centres to major suburban centres and larger metropolitan centres
<b>Coastline</b>	Refers to Council roads, streets and car parking areas adjacent to the beach or foreshore areas
<b>Safety exclusion zone</b>	A zone along the coastline, designated by Council and indicated on the map in Appendix 2, where trading is not allowed due to safety concerns and a lack of amenities that can safely support the operation of a mobile vendor
<b>Local vendor</b>	Where the owner of the enterprise lives in Hobsons Bay and/or the business is registered to a Hobsons Bay address; or the mobile vendor is an extension of a business operating from a fixed address in Hobsons Bay (e.g. a café, flower shop, etc.)
<b>Climate change</b>	Hobsons Bay's Response to Climate Change Action Plan (RCCAP) summarises the impacts of climate change as: <ul style="list-style-type: none"> <li>• increase in median temperatures</li> <li>• increase in rainfall intensity with the reduction in annual rainfall totals</li> <li>• rise in sea level and storm surge</li> <li>• extent and frequency of droughts more than double</li> </ul>

## 5. Policy and principles

The policy aims to support a proactive and flexible approach to outdoor trading to deliver the following objectives:

- to minimise potential impact of mobile vendors on established businesses
- to increase the economic diversity of the Hobsons Bay economy
- to reduce uncertainty around mobile trading in Hobsons Bay
- to encourage new business and business diversification
- to provide local residents with access to a variety of products and services, regardless of where they reside
- to encourage social connection within neighbourhoods
- to identify and encourage opportunities to activate underutilised areas of the municipality
- to ensure public safety whilst providing access to public spaces and trading opportunities
- to encourage sustainable practices.

## 6. Procedural guidelines

Two mobile vendor permit types are available:

- Stationary - one site for the duration of the permit at an approved site
- Itinerant – roaming permit for Council operated roads and land

### 6.1 Approved sites for stationary vendors

As part of this permit, stationary vendors will be provided a dedicated location within an approved site. There are currently existing approved sites within Hobsons Bay for stationary mobile vendors to operate. An updated list of sites and their status can be found on Council's website [www.hobsonsbaybusiness.com.au/Do-business/Business-Support/Business-Permits](http://www.hobsonsbaybusiness.com.au/Do-business/Business-Support/Business-Permits)

Current stationary vendors are required to submit a new application prior to the expiry of their permit. Applications for current permit holders will be reviewed against other applicants.

### 6.2 New stationary vendor sites

Applications for new stationary sites can be submitted for consideration. New site requests are reviewed against criteria including:

- Site is situated 100 metres away of an activity centre (as identified in the Activity Centre Strategy 2019-36), an existing bricks and mortar business or a permitted mobile vendor.
  - Some sites greater than 100m apart may not be approved to minimise congregation of trucks and competition in services

- On occasion Council may approve more than one permit per site if the business is not competitive (i.e. sells different goods) and is complementary to the other nearby mobile vendor
- Site has limited access to other goods and services
- Site has adequate queuing areas
- Site does not obstruct pedestrian flow, driveways, bicycle lanes and loading zones
- Site does not impact local amenity, sites of heritage significance, local flora or fauna.

Note: If seeking to trade as a stationary vendor on a new site there are two steps in the process: firstly the site will need to be assessed for suitability as an 'approved location' for stationary vendors; secondly if site is approved a Stationary Vendor Permit is required.

### 6.3 Itinerant vendors

Itinerant / roaming vendors **must remain 100 metres or further away** from an activity centre (as identified in the Activity Centre Strategy 2019-36); existing bricks and mortar business' during hours of operation; approved stationary sites; another permitted mobile vendor; and must not operate within the designated safety exclusion zones along the coastline.

Itinerant / roaming vendors must not:

- operate in the same location for longer than two hours per day (excluding setup time) and may not return within 100 metres of that location within the same day
- create a nuisance to nearby residents
- attend any sporting, festival or community event without Council's written consent or an approved application by the event organiser. If written consent has not been secured, then 100m must be maintained from the reserve or site while the event is taking place.

### 6.4 Requirements to operate

- Certificate of Currency for Public Liability insurance to the sum of \$20,000,000 and noting "Hobsons Bay City Council" as an interested party, and commitment to maintaining currency
- proof of business or company registration (ABN)
- current Streatrader registration (where a licence is required under the Food Act)
- current vehicle registration and insurance if the business utilises a vehicle (and towing vehicle if relevant)
- applicant's details must match ABN, licensee and licenced vehicle details
- application is submitted by the business owner and licensee under the Food Act
- for itinerant vendors, applicants must acknowledge that they will submit a statement of trade at least one business day prior to trading.



- operators must provide their own power and water, and ensure all waste is removed from the site at the conclusion of each day of trade using Council's four bin system – rubbish, recycling, glass and food organics.
- all waste and litter generated through goods sold or used by the mobile vendor must be disposed by the vendors and vendors must ensure the area around their site is kept clear of rubbish and refuse at all times. Refuse must be removed off site following the end of trade
- operators must register for notifications of any changes to the map indicating exclusion areas, including the safety exclusion zone, and areas where mobile vendors can operate
- the operator must abide by all parking restrictions and must not create an obstruction on any road, thoroughfare or footpath, and abstain from trading on Vic Roads nominated roads.

## 7. Application Process

- all permit applications must be submitted online for assessment
- permits will be processed in order of receipt
- annual or multi-year permit holders will be required to submit a new application prior to the expiry of the current permit (31 July). Failure to do so may result in the permit being allocated to another vendor
- business who operate their mobile vehicles under a lease agreement with another company will need to provide a copy of their lease agreement.

Applications will be assessed with permits allocated in accordance with this policy and the following criteria:

- impact on established businesses
- increased economic diversity and business diversification
- preference for businesses located within Hobsons Bay
- preference will be given to annual permits
- social connection opportunities
- activation of underutilised areas of the city
- environmental performance of vendors (e.g. eliminating use of Single Use Plastics).

If seeking to trade as a stationary vendor on a new site there are two steps in the process: 1) the site will need to be assessed for suitability as an 'approved location' for stationary vendors; and 2) if site is approved a Stationary Vendor Permit will need to be applied for.

## 8. Fees and associated costs

	Stationary		Itinerant
	Tier 1 site (High traffic and tourist areas)	Tier 2 site (All other sites)	
<b>Application fee consideration of site as a new stationary site</b>	\$75	\$75	N/A
<b>Monthly permit</b> <b>35% Discount for local vendors</b>	\$960 \$625	\$640 \$415	\$960 \$625
<b>Annual permit</b> <b>35% Discount for local vendors</b>	\$3,850 \$2,500	\$2,560 \$1,660	\$3,850 \$2,500
<b>Maximum permits available</b>	1 per site*	1 per site*	12 in total

\* On occasion Council may approve more than one permit per site if the business is not competitive (i.e. sells different goods) and is complementary to the other nearby mobile vendor.

Annual permits are valid from 1 August to 31 July and are subject to change. Permit fees will be charged annually starting from August. Pro rata fees will apply for permits issued between September and April. A minimum fee of \$960 for Tier 1 and \$640 for Tier 2 will apply for annual permits issued from May to July.

Vendors can apply for a multi-year permit of up to maximum of three years which will guarantee the site for that duration. Conditions of the multiyear permit will include:

- operational commitment during the 3 years
- renewal fees paid annually
- insurances and registrations updated upon expiry.

## 9. Permit provision

Permits are reviewed annually to ensure equity and accessibility for mobile vendors. All permit renewals will be processed with consideration to current demand for mobile trading and the impact on local businesses and the Hobsons Bay community.

To ensure viability for permit holders and protect the amenity of the outdoor areas maximum permit provisions include:

- A maximum of one vendor permit per location will be issued for approved locations/sites. Note: on occasion Council may approve more than one permit per site if the business is not competitive (i.e. sells different goods) and is complementary to the other nearby mobile vendor
- A maximum of sixteen sites will be designated as approved location/sites.
- A maximum of twelve itinerant mobile vendor permits will be made available
- A maximum of two permits will be issued to individual vendors with Council reserving the right to refuse applications if they limit the diversity of goods being offered for sale.

Noncompliance to any of the conditions of the permit or this policy will render the permit void and leave the mobile vendor in breach of Hobsons Bay Community Local Law Part 12, Sections 115 and 116.

Council reserves the right, irrespective of anything contained in this policy, to revoke, suspend or cancel a permit that has been issued, or the approval of a specific site. Council will refund on a pro-rata basis any permit application fees that have been paid, but will not be liable for any lost business, income or other business cost associated with the exercise of this clause.

## 10. Related documents

Economic Development Strategy 2015-20

Footpath Trading Code of Practice

Experience Hobsons Bay Tourism Strategy 2019-24

Activity Centre Strategy 2019-36

Hobsons Bay Community Local Law 2015

## 11. Related legislation

*Food Act 1984*

*Local Government Act 2020*

## 12. Review date

This policy is an operational policy and will be regularly reviewed and maintained by the organisation. A full review will be undertaken in 2026.

## 13. Further information

For further information concerning this policy please contact the Economic Development team on 1300 179 944 or [business@hobsonsabay.vic.gov.au](mailto:business@hobsonsabay.vic.gov.au).

## 14. Document control

<b>Policy Name</b>	Mobile Vendor Policy
<b>Object ID</b>	A3852143
<b>Agility Document Number</b>	189
<b>Responsible Directorate</b>	Sustainable Communities
<b>Policy Owner</b>	Coordinator Economic Development
<b>Policy Type</b>	Council Endorsed Policy
<b>Date Adopted by Council</b>	14 March 2023
<b>Review Date</b>	14 March 2026

## 15. Version history

<b>Version Number</b>	<b>Date</b>	<b>Authorised by</b>
1.0	8 February 2022	Council
2.0	14 March 2023	Council

## Appendix 1: Mobile Vendors Areas of Trade Map (March 2023)

To view the dynamic map [click here](#) and zoom in to better understand the exclusion zones and see street names. The dynamic map is updated regularly to include any additional stationary vendor sites.

