

Mobile Food Vendor Policy

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1. Purpose

- 1.1. To outline the requirements for Mobile Food Vendors seeking a permit to operate within the Adelaide Plains Council area, and to manage the interests of Council, street traders, local businesses and the community by ensuring a well-managed approach to mobile food vendors.

2. Scope

- 2.1. A mobile food vending business requires a permit under Section 222 of the Local Government Act 1999 to operate a business on a public road in the Council area and is subject to any conditions on its permit.
- 2.2. The Council has adopted location requirements for mobile food vending as set out in this policy.

3. Definitions

- 3.1. **Event Area** means a section of public road set aside by Council from time to time for an event, which may or may not be specifically closed for a duration for that purpose and may or may not include the full extent of the road carriageway;
- 3.2. **Food Business** means a business the primary purpose of which is the retail sale of food or beverages;
- 3.3. **Mobile food vending business** means a business involving the sale of food or beverages from a vehicle;
- 3.4. **Public Road** is as defined in the *Local Government Act 1999*;
- 3.5. **Site** means the area of land (in this instance a part of a public road) on which a mobile food vending business is proposed to be located;
- 3.6. **Vehicle** includes a motor vehicle and trailer as well as a tram, bicycle, animal being ridden or drawing a vehicle and motorised wheelchair that can travel at over 10 km/h, or as defined in the *Road Traffic Act 1961*.

4. Location

- 4.1. A mobile food vending business:
 - 4.1.1. Must be located on a public road with a speed limit of 50 km/h or less;
 - 4.1.2. Must be located a minimum of 100 metres from any food business during the operating hours of the food business, unless written permission is obtained from the food business;
 - 4.1.3. Must be located a minimum of 100 metres from the boundary of any not-for-profit sporting venue, where food is being sold, unless written permission is obtained from the venue;
 - 4.1.4. Must select a site for operation that does not unduly interfere with:
 - (a) Vehicles driven on roads;
 - (b) Vehicles parking or standing on roads;
 - (c) The requirements relating to, and availability of, parking spaces;
 - (d) Parking areas for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
 - (e) Public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
 - (f) Other road related infrastructure;
 - (g) Infrastructure designed to give access to roads (driveways), footpaths and buildings;
 - (h) pedestrian traffic and use of footpaths; and
 - (i) residents and businesses.
 - 4.1.5. Must keep its site clean, safe and well maintained;

- 4.1.6. Must ensure all rubbish is removed from the site at the end of trading; and
- 4.1.7. May display one (1) 'A' frame sign to advertise their business within 5 metres of the vehicle.

5. Compliance with legislative requirements

- 5.1. A mobile food vending business must select a site for operation which does not breach any relevant requirements under:
- (a) the Food Act 2001;
 - (b) the South Australian Public Health Act 2011;
 - (c) the Environment Protection Act 1993;
 - (d) the Local Nuisance and Litter Control Act 2016;
 - (e) the Motor Vehicle Act 1959 and the Road Traffic Act 1961;
 - (f) the Liquor Licensing Act 1997;
 - (g) legislation relating to electrical or gas installations or appliances; and
 - (h) relevant legislation relating to health, safety or the environment.

6. Special Circumstances for events

- 6.1. Where there is an event affecting a public road, a mobile food vending business wishing to locate within the designated Event Area must:
- (a) Have a valid permit from Council; and
 - (b) Have separate approval from the recognised event organiser for the duration of the event.
- 6.2. At its discretion, Council may allow a permit for a mobile food vending business within 100 metres of a Food Business for the duration of the associated event.

7. Records management

All documents relating to this Policy will be registered in Council's Record Management System and remain confidential where identified.

8. Document review

- 8.1. This Policy will be first reviewed after 12 months. The policy will then be regularly reviewed to ensure legislative compliance, consistency with Government Directives and that it continues to meet the requirements of Council and its activities and programs. Amendments may be made to this Policy, without further consultation, in order to maintain consistency with legislative and Government requirements (including SA Health advice). Any changes proposed by Council that go above and beyond legislative or Government requirements will be the subject of further consultation, prior to being endorsed.

9. References

Local Government Act 1999 – Section 222
Local Government (General) Regulations 2013

10. Further information

Public Access:	Members of the public may inspect this policy (and other related policies) free of charge at: Council's website: www.apc.sa.gov.au ; or Council's Principal Office: 2a Wasleys Rd, Mallala SA 5502. <i>A copy of this Policy may be obtained on payment of a fee.</i>
Queries:	Any queries in relation to this policy must be in writing to info@apc.sa.gov.au , marked: <i>Attention: Manager Governance</i>