



MOBILE FOOD VENDING POLICY

Responsible Officer/s	Manager Environmental Services
Relevant Legislation / Documents	Local Government Act Local Government (General) Regulations 2013 Mobile Food Vending Permit Application Form
Adopted	February 2019
Reviewed	May 2026
Next Review	May 2030

A. Purpose

The aim of this policy is to provide a framework against which permits can be assessed for mobile vending on public roads within our district. The *Local Government Act 1999* (the Act) ss 200 and 222, prescribes that a permit is required from Council for the operation of a business on community land or a public road.

This policy applies only to stand alone activities. Permits for mobile vending as part of a festival, event or celebration are issued to the main permit holder and the responsibility for the conduct of the mobile traders during these events is the responsibility of the festival/event/celebration co-ordinator or promoter.

B. Objective

Council recognises that the mobile and temporary vending, whether of food, or other types of business trading, contributes to economic vitality and encourages use of outdoor space in the Council area. The policy seeks to encourage mobile food vending to operate in our Council area to complement our existing bricks and mortar premises that sell food and beverages and offer diversity within the community. This policy seeks to provide guidelines for the operation of mobile food vending, that will provide a balance for mobile food vendors and fixed food businesses.

C. Policy

1. Definitions

The following definitions apply to this policy:

Community land means local government land classified as community land under section 193 of the Act, where the community land management plan allows for mobile food vending

Mobile food vending means the preparation, packaging, serving and sale of items from a food vending vehicle or cart. Items may include food, drink products etc.

Fixed food business means a business the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premises. Fixed food businesses include cafes,

restaurants, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, and supermarkets.

Public road has the same definition as that described under the Act, s208.

2. Principles

Council's principal concern with mobile and temporary trading is the protection of the safety of the community. Council also considers important the amenity of the area, particularly in the use of public spaces and proximity to fixed food businesses.

3. Siting rules

General principles

A mobile food vending business must operate from a site where it will not cause an obstruction to persons using the public road or community land or interfere with residents living, or businesses operating, in the vicinity of the site. The final location is subject to approval from Council.

Siting Rules on public roads

Mobile vending is generally permitted on public roads where there is adequate footpath space to accommodate the mobile vendor. A mobile vending area must not compromise safety for patrons, pedestrians or vehicular traffic. To accommodate this, the vending area is broken down into three zones:

- safety zone
- pedestrian zone and
- mobile vending zone.

Safety Zone

The safety zone is to ensure suitable clearance from vehicular traffic and will extend for an area 900mm from the back of kerb. No advertising, crowd control devices or tables and chairs may be placed within this area. Greater setbacks may be required if the vending area is to be adjacent to parallel on street carparks.

Pedestrian Zone

To ensure that suitable pedestrian access is available along the footpath, a minimum aisle width of 1.5 metres must be maintained (the pedestrian zone). No structures can be erected within the pedestrian zone at any time. The location of outdoor vending areas must not compromise disabled access from the road or footpath. The serving area must be on the footpath-side only.

Mobile Vending Zone

Vans and trucks must be of dimensions which enable them to easily park in a standard parking space of 2.3 metres wide and 6.0 metres long. If the van or truck is longer than standard carpark vendors are only permitted in non-delineated car parks.

In addition, the operator must ensure that the business does not unduly interfere with:

- vehicles driven on roads or
- vehicles parking or standing on roads or
- a parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules) or
- public transport or cycling infrastructure (such as bus zones, taxi zones and bike lanes) or

- other road related infrastructure or
- infrastructure designed to give access to roads, footpaths and buildings.

Mobile vending on community land

The vendor must ensure that a setback of 3 metres must be maintained to all vehicle parking or pedestrian areas. No advertising, crowd control devices or tables and chairs may be placed within this area.

Location rules:

Council may prepare and adopt rules (location rules) that set out locations within the council area in which mobile food vending businesses may operate.

A mobile food vending business should have an objective basis for determining that in the circumstances of the location, and considering the location, number, and operating hours of fixed food businesses in the Council area, the distance between the fixed food business and the mobile food vending business will be reasonable.

Loxton and Waikerie

Outside of organised events, mobile food vending businesses must be located at least 150 metres from a fixed food business.

Mobile food vendors are not permitted to trade during an organised event, unless approval is obtained from the event organiser.

Kingston on Murray, Moorook and other towns

Each application will be considered on a case-by-case basis, with regard to existing businesses operating in these townships.

Other locations can be considered on a case-by-case basis.

Council also recognises that private landowners may wish to encourage the use of their land for this purpose, to provide services to their employees, or in association with the existing activities on the site. This policy does not apply to those activities.

Stationary on a private land

If a mobile food vendor is parked on a private land and it is to remain there permanently, or with limited movement, then it will be considered as a permanent food business and fixed premises standards apply. Development Approval may also be required for a change in land use.

4. Permit Fee

The permit fee will be as determined in council's fees and charges register and is payable upon application for the issue of a permit of either one (1) month or a one (1) yearly period.

A payment of fee for a mobile vending permit at any one Council constitutes a joint permit across the three Riverland Councils.

Whilst a joint permit exists, vendors must abide by each Council's terms and conditions of operating within that Council boundary.

Exemptions to the fee may be made for charities, community groups and the like, to be considered on an individual basis.

5. Legislative and legal requirements

There are many legislative requirements which apply to the provision of food, the operation of a business and the use of a motor vehicle. The Permit Holder must comply with requirements of the:

- Local Government Act 1999
- Local Government (General) Regulations 2013
- Food Act 2001, Food Regulations 2002, and the Food Standards Code
- South Australian Public Health Act 2011
- Environment Protection Act 1993
- Local Nuisance and Litter Control Act 2016
- Motor Vehicles Act 1959 and Road Traffic Act 1961
- any legislative provision relating to electrical or gas installations or appliances,
- any other relevant law or legislative provision relating to health, safety, or the environment

The Council also encourages mobile food vendors to adopt the SA Food Safety Passport System: A Guideline to help Mobile Food Vendors comply with Food Safety Requirements.

Design and Construction of vehicle

- All mobile food vehicles must be constructed to the satisfaction of the Council's Environmental Health Officer.

Site and vehicle maintenance

- The operator must maintain the site in a clean manner at all times to the satisfaction of Council.
- Any vehicle used for vending purposes must be maintained in a clean and roadworthy condition.
- The mobile food vending set up should be sturdy and windproof, made of quality materials and be well designed and constructed to be safe to use, without sharp edges or other features likely to cause injury.
- Persons selling in a public place must provide a litter bin and must not erect an advertising signage further than 20 metres from the site, unless approved by Council.

Waste management

- No trade waste or litter associated with the food van vendor may be disposed of in public waste bins.
- Waste shall be removed by the operator at the completion of trading on each occasion.
- All liquid waste (including wastewater and waste oil) must be contained and removed or disposed of appropriately at the end of trading. No waste or other material is to be deposited into the storm water system. No hosing down of areas is to take place.
- Where Council is required to undertake cleaning and / or tidying of the area, the permit holder will be liable to reimburse the Council for all costs incurred by the Council in relation to the cleaning and / or tidying of the area deemed to be caused by the food business operations and / or its patrons.
- Mobile food vendors must provide bins for use by their customers and ensure the area around their site is always kept clear of rubbish.

General Safety and Amenity

- The placement of power cords, generators, gas or other equipment external to the food van shall be positioned and suitably barricaded to not pose a risk to public safety or increase risk of fire
- Fixtures must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or curb side usage by motorists.
- The food vehicle must be positioned to allow reasonable access to service covers and existing services (e.g. sewer, power, water).
- The mobile food vendor shall suitably bund or delineate the tow bar or any protruding fixtures that may pose a safety risk.
- Ensure the safety of adjoining buildings is not comprised by restricting access or adding unreasonably to fire potential.
- Amplified music or any noise device for the purposes of informing the public of items for sale must not be used before 8.00am or after 8.00pm, or as required by other relevant legislation.
- A mobile food vending area must be vacated of all mobile food vending equipment daily when food vending operation ceases. Removal of mobile food vending items is at the permit holder's expense.
- Electrical appliances, outlets and wiring must comply with all electrical safety requirements.
- Gas installations must comply with the requirements of the Gas Act 1997 and Regulations, with all valves, hoses and safety devices being maintained in good condition.
- Mobile food vendor equipment is required to be tested and tagged on a biannual basis (six-monthly).

Permit and Signage

- The operator must display their Council issued permit when trading or be able to produce the permit if requested by an authorised person.
- The Mobile Food Vending Permit is not transferable, and upon a change of ownership, the new owner must apply for a new permit.

Application requirements

The following information is required as a minimum with each permit application:

- Proposed hours of operation
- Proposed location/s of operation
- Details of site management (such as set up of the business, freestanding signage, refuse disposal)
- Administrative details (copies of insurances)
- If a food business, to provide the Food Business Notification Number (FBN)
- Food businesses that are impacted by the Food Safety Management Tools – Standard 3.2.2A must provide evidence of compliance i.e. valid Food Safety Supervisor Certificate, and/or food handlers training certificate
- Provide a recent inspection report if a food business based **outside** of the council area

All applications must be accompanied by the information listed above. The council may request that an applicant provide information outside of the above requirements, in order to assess the application.

6. Issuing of Permit

The issuing of permit is subject to the permit holder:

- Agreeing to the general conditions of the permit as contained therein
- Agreeing to any special conditions which the Council may determine from time to time
- Agreeing to Indemnify the Council against any claim for loss, damage or injury however arising from the operation of the council trading area
- Agreeing to all directions that the Council may determine from time to time
- Paying the prescribed fees as set out in the general conditions of the permit as contained herein

7. Refusal of Permit

- Council will not issue a permit to food business operators without a valid food business notification
- Council will not issue a permit to food business operators without a valid Public Liability Insurance
- Council will not issue a permit if all the application requirements are not met

8. Public Liability

Business operators must hold appropriate levels of public liability insurance. This value shall be a minimum of \$20,000,000. The permit holder assumes responsibility for any liability issues which arise and that are associated with the mobile food vending area. Business operators must advise Council within 48 hours of any change to Public Liability cover, including new or cancellation of policy.

9. Monitoring

Council may vary the terms of the permit at any time, particularly in respect of approved locations for operation.

10. Enforcement

Authorised Officers from Council can enter a business at any time. Operators must adhere to all directions given by Authorised Officers. Failure to adhere to the relevant conditions of the permit and directions of Authorised Officers will result in the following course of action:

- **First breach** - verbal warning issued (with note on operators file). Compliance to be achieved within 28 days.
- **Second breach** - written notice compliance to be achieved within 28 days.
- **Third breach** - cancellation of the permit and/or authorisation in accordance with permit and/or authorisation.
- **Cancellation of the permit may occur immediately for serious issues deemed by Council authorised officers including invalid or lack of Public Liability Insurance, public health and health and safety.** Council will not permit a business owner to trade without Public Liability Insurance.

Council may cancel a mobile food vending permit if satisfied that there is a breach of the conditions of the permit, in accordance with the process set out in ss 200(4) and 225 of the *Local Government Act 1999*.

11. Roles and responsibilities

Delegation to issue permits in accordance with this policy is provided to the Chief Executive

Officer, who may in turn sub-delegate to staff.

D. Availability

This Policy will be available for inspection at the Council Offices at Loxton or Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Councils website: www.loxtonwaikerie.sa.gov.au or postal copies may be obtained from the Council Office free of charge. (Apply where applicable).

This policy will be available in Council's Electronic Document Management System

E. Document history and version control

Date	Version	Authorisation	Amendment Details
15/02/2019	1	Council	Adopted
28/04/2020	2	Council	Edited to increase insurance requirement from \$10 million to \$20 million Removed necessity for Council to be noted as a specific entity. Increase review Period to four years Change review officer to Manager Environmental Management Services
03/06/2026	3	Council	Provision transfer to new template Updated to reflect current legislative requirements (s 200 and 222 of the Act), mobile food vending permit processes, location rules, operating conditions, food safety requirements, enforcement provisions, and G3 permit arrangements.