



Mobile Food Vendors Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2310/2018
Approval Date:	26/02/2018	Last Reapproval Date:	
Review Date:	26/02/2020	Internal Reference No.:	
Department:	City Infrastructure	Division:	Environmental Health & Safety
Function:	15 - Legal Provisions	Responsible Officer:	Manager, Environmental Health & Safety

A - PREAMBLE

1. The City of Salisbury is responsible for the management and maintenance of public roads and reserves within the Council area.
2. The Local Government Act 1999 provides for legislative controls directly or through by laws that enable Councils to permit or restrict conducting of business on roads and road related areas in the Council area.
3. Recent amendments by the Local Government (Mobile Food Vendors) Amendment Act 2017 ('the Amendment Act') requires Councils to adopt rules that set out locations within a council's area in which mobile food vending businesses may operate. This is known as the location rules.
4. On the commencement of the legislation, prospective mobile food vending businesses will be able to apply to Councils for a Mobile Food Vending Permit / Licence to operate in accordance with a Council's location rules and the Local Government (General) Regulations 2013 (as amended by the Variation Regulations).
5. Councils will not be able to refuse permits but the location rules will allow Councils to regulate where mobile food vending businesses can trade.
6. The location rules apply to road and road related areas and for mobile food vending businesses only. A mobile food vending business means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961);
7. In addition to road related areas, requests are received by to utilise Council's reserves for mobile food vending businesses to trade.
8. Council by-laws provide the necessary legislative controls to permit and restrict the conduct of business on Council's reserves.
9. This policy provides the location rules that set out locations within the City of Salisbury in which mobile food vending businesses may operate on roads.
10. If an operator of a food business (either a mobile food vending business or fixed food business) is directly or adversely affected by these location rules then the operator may apply to the Small Business Commissioner for a review of the location rules.

11. This policy will serve as a guide to the City of Salisbury staff and both mobile food vending businesses and fixed food businesses in relation to the use of public roads for operating a food business.

B - SCOPE

1. This policy applies to all mobile food vending businesses that want to trade from public roads.
2. The policy establishes the location rules under which mobile food vending businesses may trade and the locations in which they may operate.
3. The policy ensures that mobile food vending businesses operate in a way which complements the existing fixed food businesses and ensures that they do not unreasonably compromise the amenity of the surrounding area.
4. This policy clearly identifies the terms and conditions of hire of Council land
5. This policy is not applicable to privately owned land, noting that the provisions of the Development Act 1993 and related Development Regulations and the Development Plan may apply in relation to use of private land.

C – POLICY PURPOSE/OBJECTIVES

1. This purpose of this policy is to:
 - Detail the locations where mobile food vending businesses may trade
 - Detail the number of mobile food vending businesses that can trade within the approved locations for roads.
 - Ensure that there is a reasonable distance between mobile food vending businesses and fixed food businesses during the operating hours of the fixed food businesses,
 - Take into account the effect of mobile food vending business on
 - i. vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
 - ii. the requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the location rules; and
 - iii. residents and businesses at the locations in which mobile food vending businesses may operate under the location rules; and
 - Provide a clear, open, equitable and accountable process for the issuing of Mobile Food Trading Permits / Licences to mobile food vending businesses to allow trade from roads.

D - DEFINITIONS

1. Public Road - means any road that is vested in Council under the Local Government Act 1999 or another Act
2. Reserve - means community land reserved or dedicated as a reserve or designated by the Council as a reserve
3. Mobile food vending vehicle is defined as any vehicle whether mobile or stationary, used for the purposes of selling food and/or drink.
This definition includes vehicles used for on-site food preparation (eg hamburgers or kebabs), one step food preparation (e.g coffee or juices) or pre-made or pre-packaged food sales.

4. Mobile food vending business - means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961) and for the purposes of this policy excludes Mobile Ice Cream Vendors
5. Fixed food business - means it is a business, the primary purpose of which is the retail sale of food or beverages that is carried on fixed premises that have a valid land use approval for use as a food business under the Development Act 1993. Fixed food businesses include cafes, restaurants, hotels, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets, service stations and sporting clubs.
6. Event is a planned occasion which has prior Council approval under a Casual Hire or Special Events Permit
7. Transport SA Roads are roads in the care and control of the Department Planning Transport and Infrastructure

E - POLICY STATEMENT

1. A mobile food vending business trading on public roads within the City of Salisbury must hold a valid City of Salisbury Mobile Food Trading Permit / Licence under Section 222 of the Local Government Act 1999
2. A condition of a Mobile Food Trading Permit / Licence authorising a mobile food vending business to operate on a public road in the Council area is that the permit holder complies with location rules adopted by Council under section 225A of the Local Government Act
- 3.
4. A Mobile Food Trading Permit / Licence is not required for trading on privately owned land or when catering for an event on public land (by invitation) where a permit or licence has already been issued to the event holder
5. Fees payable are as detailed in Council's Fees and Charges
6. Trading on Council reserves is not permitted as part of this policy

F – LOCATION RULES UNDER SECTION 225A OF THE LOCAL GOVERNMENT ACT (ROADS)

- 1 Distance from Fixed Food Business
 - Must not operate within 100 metres of a fixed food business whilst they are operating.
- 2 Site Selection
 - No more than two mobile food vending vehicles are to operate within a 150 metre long section of the public roads (with the first attending mobile food vending businesses to have preference of location) These mobile food vending businesses should locate themselves alongside each other to create a destination.
 - Once mobile food vending businesses have exceeded a timed parking restriction they may not attend the same location with a 24 hour period whilst those restrictions apply allowing the opportunity for other traders to trade from preferred locations
 - Must not cause undue interference or obstruction to persons using the public road, residents or businesses
 - Must not obstruct vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities
 - Must adhere to parking rules / restrictions only parking within designated parking zones
 - Must ensure that mobile food vending vehicle is parked parallel to kerb with trading and service only to occur on the kerb side
 - Footpath must have 1.8m clear access and allow for DDA Access

- Ensure that no more than two parking bays are used for a mobile food vending vehicle including a tow vehicle
- Must not operate on a road with a speed environment greater than 60 km/h
- Must not operate on the shoulder of a road without designated parking unless otherwise approved
- Must not operate in a Residential Zone (as determined by the Salisbury Development Plan) or within 15 metres of a residence unless otherwise approved
- Must not operate from a Transport SA road

Legislative Requirements

A mobile food vending business must select a site for operation which does not breach any relevant requirements under:

- the *Food Act 2001*;
- the *South Australian Public Health Act 2011*;
- the *Environment Protection Act 1993*;
- the *Local Nuisance and Litter Control Act 2016*;
- the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
- Australian Road Rules
- legislation relating to electrical or gas installations or appliances; and
- relevant legislation relating to health, safety or the environment.
- Any other relevant Local Government Act and Local By-laws

Compliance

- Mobile food vending businesses must hold a valid current City of Salisbury Mobile Food Trading Permit / Licence prior to trading within the City of Salisbury
- Mobile food vending businesses must hold a valid current Public Liability Insurance for a minimum amount of \$20,000,000.00
- Mobile food vending businesses must advise Council staff via email or other electronic means as determined by Council when they arrive and start trade at a location within Salisbury providing their permit number and location of trade details of contact available on application form and Council's website
- Mobile food vending vehicles must be self-sufficient in regards to power, waste water disposal and rubbish disposal
- Mobile food vending businesses must not cause noise, odour, fumes etc or other disturbance to the surrounding environment
- Mobile food vending businesses must supply adequate rubbish and litter disposal receptacles for use for the business and customers, and all rubbish is to be removed from the site.

Events

- For the purposes of events Mobile Food Trading Permit / Licence are voided and trading is not permitted within surrounding roads for a distance of 100 metres for the duration of the event unless permission has been sought and approved by the event organiser.

G – LEGISLATION

1. **Local Government Act 1999**
2. **Local Government (Mobile Food Vendors) Amendment Act 2017**
3. **Local Government (General) (Mobile Food Vendors) Variation Regulations 2017**
4. **Road Traffic Act 1961**

Document Control

Document ID	Mobile Food Vendors Policy
Prepared by	Tim Starr
Release	1.00
Document Status	Approved
Date Printed	13/03/2018