

Mobile Food Vendor Policy

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Classification	Council Policy
Responsible Officer	Group Manager Planning, Environment & Regulatory
Relevant Legislation	<i>Local Government Act 1999; Food Act 2001; Local Nuisance and Litter Control Act 2016</i>
Related Policies	Nil
Related Corporate Documents	Community Land Management Plans
Associated Forms	Mobile Food Vendor Application Form
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Mobile Food Vendor Policy

1. Introduction

1.1. The Mobile Food Vendor Policy (the “Policy”):

1.1.1. outlines the prominent Local Government Land locations within the Town of Walkerville where a Mobile Food Vendor (MFV) may elect to operate from following the submission of an application and issuing of an approved permit; and

1.1.2 allows for further locations both on Local Government Land and Public Roads to be utilised subject to application and Council’s discretionary approval.

1.2. It is an offence under Council’s By-laws to operate a business on Local Government land without expressed the permission of Council. An application must be made to Council where a mobile food vendor wishes to operate on any Local Government Land with in the Township.

1.3. Pursuant to section 222 of the *Local Government Act 1999* a person must not use a public road for business purposes (including operating a mobile food vending business) without expressed permission from Council by way of a permit. While section 222 (1a) of the Act requires Council to grant a permit to authorise a mobile food vending business to operate on a public road, Council is not obligated to do so if the vehicle proposed business would unduly obstruct the use of roads in a manner that cannot be adequately addressed by conditions under section 224 of the Act

2. Scope

2.1. For the avoidance of doubt, the Mobile Food Vendor Policy and associated Location Rules apply uniformly across Town of Walkerville.

3. Definition

Act	Means the <i>Local Government Act 1999</i>
Council	Means the Corporation of the Town of Walkerville
Event space	Means any land (that may be a public road) on which an organised event is being conducted. It does not include a public road (or any part of that road) that is simply located adjacent to the land on which an event is being conducted.
Fixed food business	a business the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premises.
Local Government land	Means all land vested in or under the care, control and management of the Council except a road.
Mobile food vending business	Means a business involving the sale of food or beverages from a vehicle
Organised event	an event of any kind (sporting, community, charity etc.) that is being conducted on a public road that is either run by the Council

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	or has been approved by the Council and is open to the public or a select portion of the public (i.e. ticketholders). For example, a street market.
Permit Holder	a person who holds a MFV permit
Road	has the same meaning as 'public road' under the Act and includes a footpath.
Same food offering	Means where a fixed food business sells or offers for sale the same generic type of food product (excluding, with the exception of coffee products, beverages of any kind and distinct from the same type of cuisine) that is sold or offered for sale by the mobile food vending business.
Vehicle	has the same meaning as under the <i>Road Traffic Act 1961</i>

4. Policy Statement

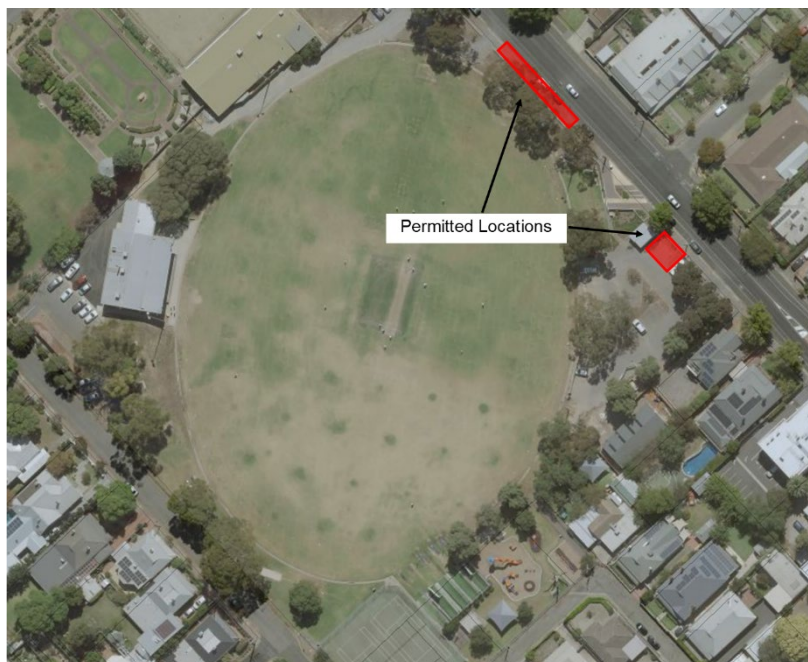
- 4.1 Council has determined that a Permit Holder may operate a mobile food vending business from an approved location subject to compliance with the Location Rules and conditions.

5. Location Rules

It is the responsibility of the Permit Holder to comply with these Location Rules.

- 5.1. A mobile food vending business may elect to operate from one of the following prominent locations:

5.1.1 Walkerville Oval



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5.1.2 Howie Reserve



- 5.2 Alternatively, an application may be submitted to Council seeking to operate from an alternate nominated location within the Township. It must be noted however that any such approval will be at the sole discretion of Council.
- 5.3 In the event a Mobile Food Vendor is retained to cater a private function at a private residence, a Permit is required when any part of the mobile food business parks on, occupies or utilises a public road or Local Government Land.
- 5.4 Council reserves the right to refuse, suspend, cancel or vary an application, or to impose any further additional conditions/restrictions to an existing Permit it so deems necessary to protect the amenity of the area and the interest of the community.
- 5.5 A mobile food vending business must not operate:
- 5.5.1 within 50 metres of a fixed food business (with the same food offering) during such times that the fixed food business is open to the public unless the Permit Holder has first obtained the written consent of the fixed food business to operate in closer proximity and a copy of that consent has been provided to Council; or
 - 5.5.2 within 100 metres of a school except on weekends, public holidays and/or during school holidays; or
 - 5.5.3 while an organised event is taking place, on any road that is part of the eventspace (whether or not the road has been closed to vehicular traffic for that event) unless:
 - 5.5.3.1 in the case of a Council event, the Permit Holder has received approval from the Council to operate within the event space; and
 - 5.5.3.2 in all other cases, the Permit Holder has received approval from the event operator to operate within the event space

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and the mobile food vending business is operated in accordance with the relevant permit issued to the event operator by the Council.

- 5.6 A mobile food vending business must not operate on the same side of a road that is directly in front of residential premises without the written consent of the occupier of the premises.

Note: a mobile food vending business may operate on the side of a road that is directly opposite from a residential premises. For example, if it is directly in front of an oval.

- 5.7 A mobile food vending business must only operate during the following hours:

5.7.1 between 8:00 am and 8:00 pm during Daylight Savings; and

5.7.2 between 9:00 am and 6:30 pm any other time.

- 5.8 Food and beverages from a mobile food vending business:

5.8.1 may only be served onto a footpath provided that a clear path of at least 1.2metres is maintained for pedestrians at all times; and

5.8.2 must not be served from the rear of the vehicle unless specifically designed to do so.

- 5.9 A mobile food vending business and the vehicle from which it operates must not be situated or parked in one location for more than 24 hours (regardless of whether or not the business is operating).

- 5.10 Unless the MFV Permit provides to the contrary, a Permit Holder must not erect any structures, place any objects (not including a vehicle) or install any permanent fixtures or fittings on Local Government Land or a road in connection with the mobile food vending business without the written permission of the Council.

- 5.11 A Permit Holder must select a location for operating the mobile food business that takes into account the effect of the operation of the mobile food vending business on:

5.11.1 vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;

5.11.2 the requirements relating to, and availability of, parking spaces at that location; and residents and businesses in the location and its vicinity;

- 5.12 The Permit Holder must select a location for operating the mobile food business that does not unduly interfere with:

5.12.1 vehicles driven on roads;

5.12.2 vehicles parking or standing on roads;

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5.12.3 a parking area for people with disabilities (within the meaning of rule 203 (2) of the Australian Road Rules);

5.12.4 public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);

5.12.5 other road related infrastructure; or

5.12.6 infrastructure designed to give access to roads, footpaths and buildings.

6. Availability of Policy

6.1. This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website www.walkerville.sa.gov.au

6.2. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

7. Review

7.1. This Policy will be reviewed every three (3) years or otherwise as required.

7.2. Any queries or questions regarding this Policy should be directed to the Group Manager Planning, Environment & Regulatory Services or by emailing walkerville@walkerville.sa.gov.au

7.3. Council may deviate from this policy by way of Council resolution.

7.4. Any complaints regarding a decision made in accordance with this policy may be directed to Council or to the Chief Executive Officer in accordance with section 270 of the *Local Government Act 1999*. The complaint will be considered under the Internal Review of Council's Decisions Policy.

7.5. Pursuant to section 270 (7) of the *Local Government Act 1999*, a formal request for review does not prevent a complaint being made to the Licensing Authority and/or Ombudsman at any time.