

Mobile Food Vendor Location Rules Policy



Policy Number	POL-MFVENDV3
File Number	4/RULES/MFV/2
Responsible Officer	Director – Development and Community Services
Adopted	13 February 2018 <i>effective 1 March 2018</i>
Last reviewed at Council Meeting	19 September 2023
Minute Number	C09-23/015
Due date of next Review	July 2027

1. Purpose

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.

A condition of a permit 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 1999*.

Council has adopted the Location Rules set out in this Policy.

2. Definitions

- 2.1** A **fixed food business** is '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, hotels, motels (with restaurants), restaurants, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets and, in some cases, service stations.
- 2.2** **Operating hours** means hours open for business. In the case of a hotel, motel etc. being open, operating hours refers to the opening hours of the kitchen.
- 2.3** The **distance** will be measured with a straight line from the entrance of the existing food business to the counter/payment area of the mobile food vendor.

3. Rules

3.1 Council determined mobile food vendor business sites

Council has determined that a mobile food business holding a permit issued by Council may only operate from sites:

- 3.1.1 Greater than a 250 metre distance from a fixed food business.
- 3.1.2 Within zones not deemed Residential (or similar) (including the Rural Shack Settlement Zone) as per the Planning and Design Code and associated mapping.

3.1.3 Council Reserves or Parks that meet the 250 metre setback from a fixed food business (unless approved via an Event Permit).

3.1.4 Not declared as main or arterial roads.

3.2 Operate a reasonable distance from a fixed food business

Location Rule

A mobile food vending business must select a site for operation which allows for a reasonable distance being a minimum of 250 metres between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.

3.3 Take into account the effect of the operation of the mobile food vending business

Location Rule

A mobile food vending business must select a site for operation which takes into account the effect of the operation of the mobile food vending business on:

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

3.3.2 The requirements relating to, and availability of, parking spaces; and

3.3.3 Residents and businesses.

A mobile food vending business must operate from a site where it will not cause an obstruction to persons using the public road or interfere with residents living, or businesses operating, in the vicinity of the site.

A site cannot be selected which would breach parking requirements applying to the site. This includes locating the mobile food vending business within spaces reserved for people with disabilities.

3.4 No undue interference with vehicles or road related infrastructure

Location Rule

A mobile food vending business must select a site for operation where the mobile food vending business will not unduly interfere with:

3.4.1 Vehicles driven on roads;

3.4.2 Vehicles parking or standing on roads;

3.4.3 A parking area for people with disabilities (within the meaning of Rule 203(2) of the *Australian Road Rules*);

3.4.4 Public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);

3.4.5 Other road related infrastructure; and

3.4.6 Infrastructure designed to give access to roads, footpaths and buildings.

3.5 Operation of Mobile Food Vendors time limitation

Location Rule

Time limitations are proposed where the operation of mobile food vendors may only occur between 10am and sunset or 9pm, whichever is first (unless approved via an Event Permit).

3.6 Mobile Ice Cream Vendors

Mobile ice cream vendors are exempt from these Rules.

A Section 222 Permit authorising an ice cream vendor to operate on a public road in the Council area must be sought, approved and the Permit Fee paid for prior to operation.

3.7 Compliance with legislative requirements

Location Rule

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

- 3.7.1 The *Food Act 2001*;
- 3.7.2 The *South Australian Public Health Act 2011*;
- 3.7.3 The *Environment Protection Act 1993*;
- 3.7.4 The *Local Nuisance and Litter Control Act 2016*;
- 3.7.5 The *Motor Vehicles Act 1959 and the Road Traffic Act 1961*;
- 3.7.6 The *Planning, Development and Infrastructure Act 2016*;
- 3.7.7 The *Work Health and Safety Act 2012*;
- 3.7.8 Legislation relating to electrical or gas installations or appliances; and
- 3.7.9 Relevant legislation relating to health, safety or the environment.

3.8 Disputes may be referred to the Small Business Commissioner

If an operator of a food business in the Council area is directly adversely affected by these Local Rules then the operator may apply to the Small Business Commissioner for a review of the Location Rules.

4. Policy Responsibility

The Director – Development and Community Services is responsible for ensuring the proper operation of this Policy.

5. Availability/Accessibility

- 5.1 This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: www.mid-murray.sa.gov.au.
- 5.2 This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

6. Legislative Framework / Other References

- 6.1 *Local Government Act 1999*

7. Document History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or Council requires.

Version	Adopted	Minute	Description of Change
1	13 February 2018	20189/3	Adopted, legislation states the effective date is 1 March 2018

2	10 September 2019	20835/1	Removal of examples and explanations. Reduce distance from fixed food business to 500 metres, and during opening hours.
3	19 September 2023	C09-23/015	Reduce distance from fixed food business to 250 metres and access to Council Reserves or Parks. Updated legislative references, minor grammatical changes and new format. Inclusion of indicative maps as Appendix 1.

Appendix 1

Indicative Map Only

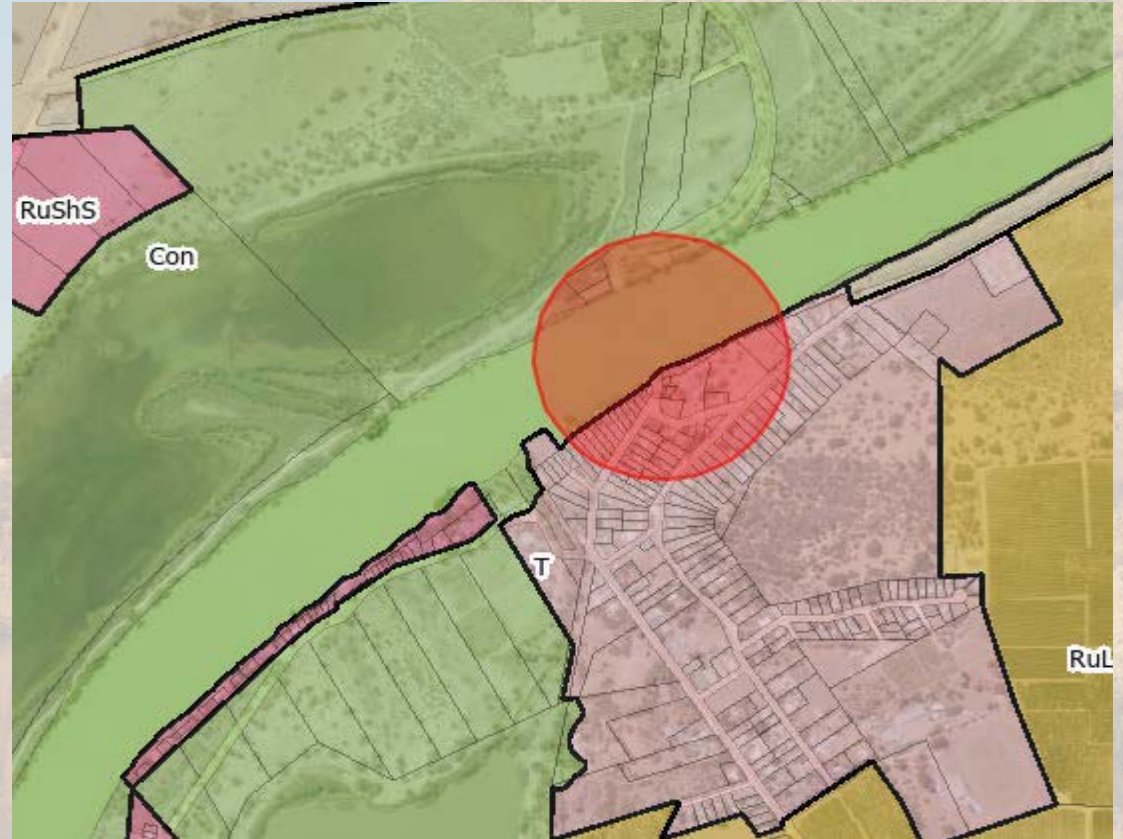
- Mannum (measured from Randell Street Bakery)



Reduced setback to 250 metres and access allowed to Council reserves

Indicative Map Only

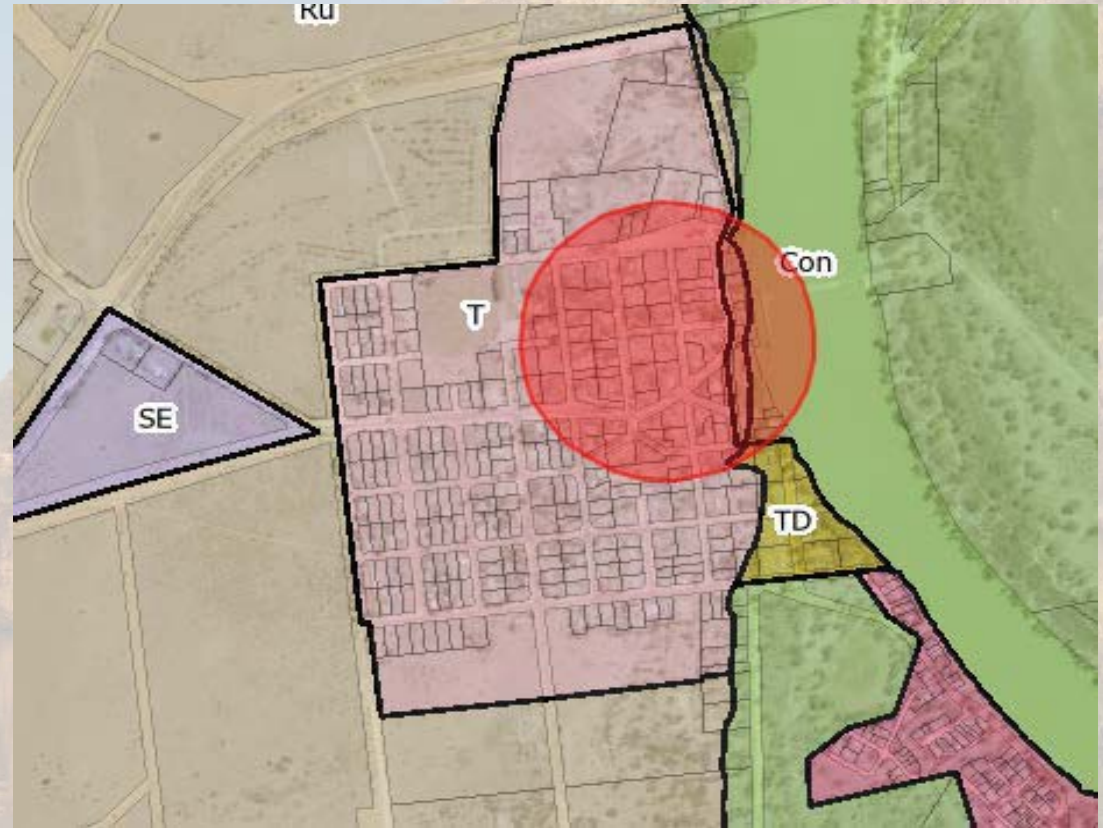
- Swan Reach (measured from Takeaway shop)



Reduced setback to 250 metres and access allowed to Council reserves

Indicative Map Only

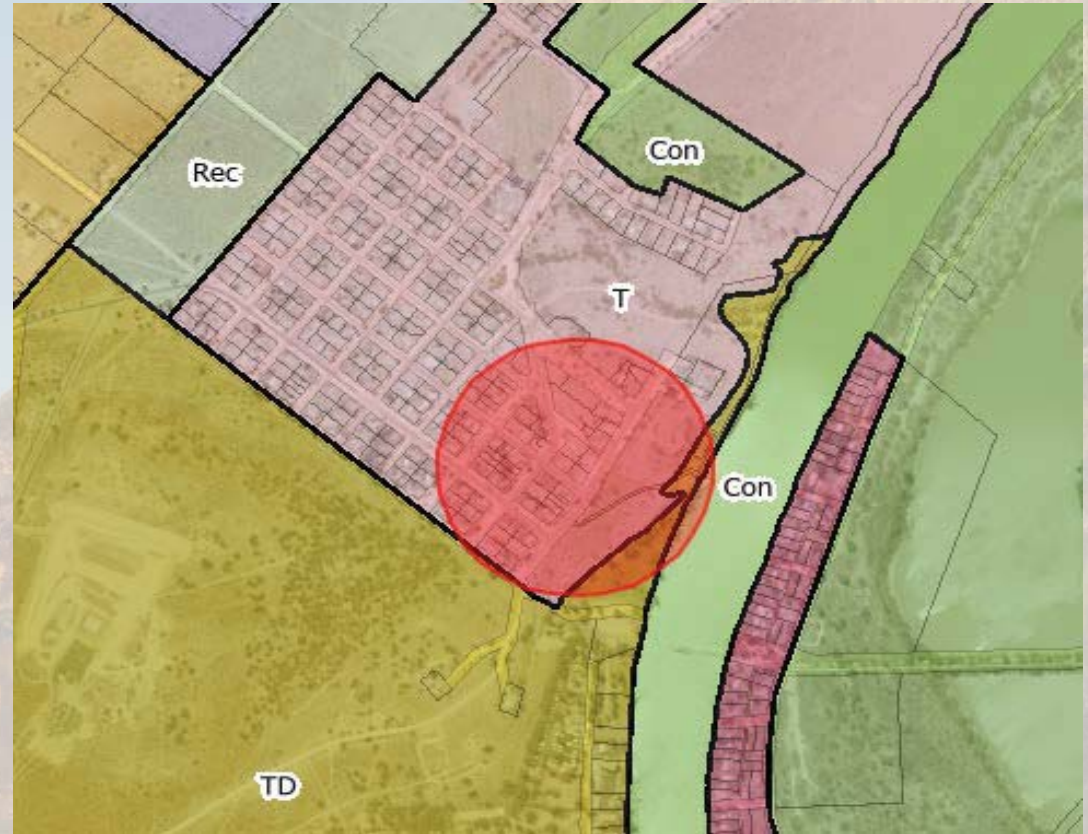
- Blanchetown (measured from Hotel)



Reduced setback to 250 metres and access allowed to Council reserves

Indicative Map Only

- Morgan (measured from Hotels)



Reduced setback to 250 metres and access allowed to Council reserves