

DISTRICT COUNCIL OF LOWER EYRE PENINSULA

Mobile Food Vendor Location Rules



“Working with our Rural & Coastal Communities”

	CR-POL-07 – MOBILE FOOD VENDOR LOCATION RULES	Version No:	1.1
		Issued:	June 2019
		Next Review:	June 2022

Responsibility:	Development & Environmental Services
Minutes reference:	C166 (2)
Applicable Legislation:	Local Government Act 1999; Local Government (General) Regulations 2013; Local Government (Mobile Food Vendors) Amendment Act 2017; Local Government Act (General) (Mobile Food Vendors) Variation Regulations 2017; Road Traffic Act 1961
Related Policies/Procedures:	INF-POL-02 – Permits to use a public road for business purposes FIN-SCH-01 – Schedule of fees & charges
Review Frequency:	Following Council elections

1. INTRODUCTION

A mobile food vending business requires a permit under Section 222 of the Local Government Act 1999 (the Act) to operate a business on a public road in the Council area. Applicable fees are set out in Council's Fees and Charges Policy.

A permit may be issued for a period of one or twelve months. A condition of such a permit is that the permit holder complies with location rules as adopted by Council under Section 225A of the Act.

Council has adopted the location rules set out in this Policy with consideration to tourism benefits, convenience for residents and the opportunity to provide such services at more remote locations.

2. COUNCIL DETERMINED MOBILE FOOD VENDING BUSINESS SITES

Subject to complying with these location rules and any other requirements of a permit, a mobile food vending business holding a permit issued by the Council may operate anywhere in the Council area other than those locations listed in Attachment A and shown on maps in Attachment B, except where from time to time, Council has granted separate approvals under the Local Government Act 1999, the Road Opening and Closing Act 1991 or any other legislation and may require use of the area for other purposes.

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3. TAKE INTO ACCOUNT THE EFFECT OF THE OPERATION OF THE MOBILE FOOD VENDING BUSINESS

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

- (a) Vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
- (b) The requirements relating to, and availability of, parking spaces; and
- (c) 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.

4. NO UNDUE INTERFERENCE WITH VEHICLES OR ROAD RELATED INFRASTRUCTURE

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

- (a) Vehicles driven on roads;
- (b) Vehicles parking or standing on roads;
- (c) A parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
- (d) Public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
- (e) Other road related infrastructure; or
- (f) Infrastructure designed to give access to roads, footpaths and buildings.

A mobile food vending business must operate from a site which will not impinge on the use of roads by vehicles or interfere unduly with road related infrastructure.

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5. COMPLIANCE WITH LEGISLATIVE REQUIREMENTS

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) Legislation relating to electrical or gas installations or appliances; and
- (g) Relevant legislation relating to health, safety or the environment.

There are many legislative requirements which apply to the provision of food, the operation of a business and the use of a motor vehicle. A site must be selected by a mobile food vending business which does not breach any of these legislative requirements.

6. DISPUTES

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

7. AMENDMENT OF THESE LOCATION RULES

The location rules may be amended from time to time by the Council. The location rules must be amended by the Council if directed to do so by the Small Business Commissioner or to satisfy a requirement of the Minister for Local Government.

8. RELEVANT DELEGATED POWERS AND DUTIES

Any actions or decisions made regarding this policy, will be enacted upon as per Council's current Delegations Register.



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SIGNED:

CEO

Date: 21 / 06 / 2019

Mayor, DCLEP

Date: 21 / 06 / 2019

DOCUMENT HISTORY

Version:	Issue Date:	Description of Change:
1.1	21/06/19	Adopted with no amendments