DISTRICT COUNCIL OF Streaky Bay
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MOBILE FOOD VENDOR POLICY

Policy No: **DCSB-SC-03.03**	Approved on: **3 September 2024**	Administered by: **General Manager of Prosperity**
Last Reviewed: **August 2024**	Review Date **September 2027**	Record No: **434525**

Classification:
Development Control

Strategic Plan link:
A Council that is Actively Responsive to Community Needs and Delivers Financially Sustainable Governance and Leadership

References and related Policies, Procedures and Forms:
Local Government Act 1999
Local Government (Financial Management) Regulations 2011
Australian Accounting Standards Board

Corporate Plan link:
5.2.9 – Ensure Council's policy and process frameworks that meet legislative requirements and are based on principles of sound governance.

References and related Policies & Procedures:
Environment Protection Act 1993
Environment Protection (Commercial and Industrial Noise) Policy 2023
Food Act 2001
Local Government Act 1999
Local Nuisance and Litter Control Act 2016
Motor Vehicle Act 1959
Road Traffic Act 1961
South Australian Public Health Act 2011
DCSB I 14.06 Advertising Signage Policy
DCSB I 14.09 Moveable Signs Policy
DCSB PM 16. Business and Private Use of Council Land and Recreational Facilities
DCSB PROC 03.01 Mobile Food Vendor Application and Permit Issue
Forms:
DCSB 03 Form 08 Mobile Food Vendor Application
DCSB 03 Form 09 Mobile Food Vendor Permit
DCSB 14 Form 59 Business Signage Application Form
DCSB 20 Form 03 Temporary Road Closure Application Form

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APPENDIX A – FOOD VENDOR OPERATING AREAS

1. Introduction

1.1 A mobile food vending business requires:

1.1.1 A permit under section 222 of the *Local Government Act 1999* (**LG Act**) to operate on a public road in the Council area; and

1.1.2 A permit under the Council's Local Government Land By-law No. 4 (the **By-law**) to operate on Local Government land, which permit constitutes an approval for the purposes of section 200(1) of the LG Act (note that the Council cannot grant approval to trade on any community land contrary to the provisions of the Community Land Management Plan adopted by Council for that land pursuant to Section 196 of the Act) and in accordance with Council's DCSB PM 16. Business and Private Use of Council Land and Recreational Facilities.

1.2 The Council has discretion to issue a mobile food vending permit upon application by a person.

1.3 Council generally supports mobile food vending businesses operating within the Council area to foster economic development initiative and to increase overall community enjoyment, while also recognising the need for appropriate policies and guidelines for these activities.

1.4 The Council has adopted this Policy to provide guidance in the assessment of applications to operate a mobile food vending business on a public road or on Local Government land.

2. Definitions

2.1 ***Council –*** means the District Council of Streaky Bay

2.2 ***Local –*** means a business operating within the boundaries of the District Council of Streaky Bay

2.3 ***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, hotels, butchers, supermarkets and, in some circumstances, service stations.

2.4 ***Local Government Land*** means land owned by the Council or under the Council's care, control or management but does not include a public road;

2.5 ***Mobile Food Van –***any type of vehicle that has been equipped to cook and sell food. Some food trucks will have been designed solely for that purpose, while others may be converted vans, buses or other vehicles. Mobile food trucks can also include trailers, caravans and other towable vehicles.

2.6 ***Non-Fixed Food Business –*** A food business that is not a mobile food van nor a fixed food business. For example a street stall selling food.

2.7 ***Public Risk Insurance –*** means an insurance product designed to protect the licence holders against claims resulting from accidents or injuries that occur as a result of their business activities, as well as accidental damage to property owned or controlled by someone else.

3. Legislative and Legal Requirements

Legislation

3.1 A mobile food vending business must be operated on an approved site (as identified in the mobile food vending permit) in accordance with all relevant requirements under:

3.1.1 the *Food Act 2001;*

3.1.2 the *South Australian Public Health Act 2011;*

3.1.3 the *Environment Protection Act 1993*;

3.1.4 the *Local Nuisance and Litter Control Act 2016*;

3.1.5 the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;

3.1.6 legislation relating to electrical or gas installations or appliances;

3.1.7 relevant legislation relating to occupational risk, health, safety or the environment;

3.1.8 legislation relating to business operations, employment conditions; and

3.1.9 any other relevant legislative requirements.

Legal

3.2 All items positioned within the permitted boundaries for mobile food vending are the permit holder's responsibility.

3.3 Mobile food vendors may by application and approval leave their mobile food vending equipment in place overnight.

3.4 A mobile food vending area must be vacated of all mobile food vending equipment daily when food vending operation ceases for those vendors issued with a daily permit. Removal of mobile food vending items is at the permit holder's expense. If mobile food vending items are not removed, then:

3.4.1 in the case of items left on a road, the Council may remove the items under section 234 of the LG Act and recover the cost of acting in this manner from the person who placed the item on the road; and

3.4.2 In the case of items left on Local Government land, an authorised officer may order the permit-holder to remove the items pursuant to section 262 of the LG Act and if the order is not complied with, the officer may act to remove the items.

3.5 Mobile food vending permit holders will be required, as a condition of their permit, to take out and keep current a public risk insurance policy in the name of the mobile food vending holder insuring the mobile food vending permit holder for the minimum sum of twenty million dollars ($20,000,000) against all actions, costs, claims damages, charges and expenses whatsoever which may be brought or made or claimed against the mobile food vending permit holder in relation to the activity.

3.6 A Certificate of Currency for the required insurance policy must accompany an application to operate a mobile food vending business and any renewal of a mobile food vending permit.

3.7 A permit holder assumes responsibility for any liability issues arising because of the operation of the mobile food vending business.

4. Principles

Permit Holder Requirements

4.1 Permits must be submitted at least seven (7) days prior to the first day of proposed operating.

4.2 Application for a mobile food vending licence must be made on the form included at DCSB 03 Form 08 Mobile Food Vendor Application or online at Council's website (www.streakybay.sa.gov.au).

4.3 All applications must be accompanied by information required by the Council. The Council may request that an applicant provide certain information that is required for the Council to assess the application.

Mobile Food Vending Sites

The preferred location for mobile food van vendors is within the precincts outlined in Appendix A, all other locations shall be considered on case-by-case basis and approved by the Chief Executive Officer.

Requirements & Restrictions for Food Vending Businesses

4.4 Mobile Food vending businesses are excluded from operating within 200 metres from a private function unless the business is catering at the function.

4.5 A Mobile Food vending vehicle must not be parked within or adjacent to any 15 to 30 minute parking space, loading zones, disabled parks, or no stopping zones/areas, vehicular traffic, driveways (including line of sight for motorists), bicycle lanes, queuing, and other waiting areas.

4.6 Customers must not be served on the roadside of the vehicle unless there is a road closure in place or there is sufficient space for pedestrian access between the vehicle and the roadside kerb.

4.7 If the mobile food vending vehicle on a road and associated equipment is longer or requires more room than a standard carpark, then the vehicle may only operate in a non-delineated car parking space (unless otherwise approved).

4.8 Food vendors on the footpath must not interfere with pedestrian movement or with the opening of vehicle doors.

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 section 225 of the LG Act. A mobile food vending permit issued in relation to Local Government land may be cancelled in accordance with its terms.

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Fixed Food Businesses

4.9 A mobile food vending business should select a site for operations which allows for a reasonable distance (**at least 100m**) between the mobile food vending business and any fixed food business during the operating hours of the fixed food business, with the exception that a mobile food vending business may be directly located in front of a fixed food business owned by the same party or the fixed food business has provided approval for the mobile food vending business to operate.

Events

4.10 Mobile Food vending business may operate in connection with a Council or other community event.

4.11 To be associated with an approved Council or community event, the vendor must pay for a site (if required), and/or be given permission from the event facilitator, to provide food/drink as part of the event.

4.12 Council run events will encourage local food businesses to participate in events.

4.13 Services from food business outside the Council's area may be sourced for Council run events where local food and beverage operators are not available, do not have capacity or where additional food and beverage vendors are required.

4.14 For events that are not undertaken by Council, mobile food vendors servicing the events must still obtain a permit and comply with this Policy to trade on Local Government land or on a road.

Waste Management

4.15 Mobile food vendors must provide bins for use by their customers and ensure the area around their position is kept clear of waste at all times.

4.16 Bins are available to hire through Council and an Event Equipment Hire application shall be submitted (collection fees may apply).

4.17 No trade waste or litter associated with the mobile food vendor may be disposed of in public waste bins.

4.18 Waste shall be removed by the operator at the completion of trading on each occasion.

4.19 All liquid waste (including wastewater and waste oil) must be contained and removed or disposed of appropriately at the end of trading.

4.20 No waste or other material is to be deposited into the storm water system. No hosing down of areas or equipment is to take place at the site.

4.21 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.

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Other Operating Considerations

4.22 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.

4.23 Fixtures must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or kerbside usage by motorists.

4.24 The food truck or van must be positioned to allow reasonable access to service covers and existing services (e.g. sewer, power, water).

4.25 The mobile food vendor shall suitably bund or delineate the tow bar or any protruding fixtures that may pose a safety risk.

4.26 Food vans are to take responsibility of noise generated by their equipment and/or patrons and ensure noise does not escalate to disturb residents. Generators associated with food vans must not reach levels which will disturb nearby residents or businesses.

4.27 Noise levels shall be in accordance with the Environment Protection (Commercial and Industrial Noise) Policy 2023, under the *Environment Protection Act 1993.*

4.28 Mobile food vending vehicles and fixtures must be always kept in a safe and well-maintained condition.

4.29 Ensure the safety of adjoining buildings is not comprised by restricting access or adding unreasonably to fire potential.

4.30 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.

5. Fees and Charges

Mobile food vending businesses must pay the prescribed fee, yearly or monthly, that is applied in accordance with Council's annual Schedule of Fees and Charges, this includes any fees and charges imposed for use of electricity or other resources in association with their mobile food vending business.

6. Delegations

6.1 Applications for a mobile food vending permit (including any special conditions or approvals) will be determined by the Chief Executive Officer or his/her delegate.

6.2 The Chief Executive Officer reserves the right to approve any type or number of mobile food vending business within the policy guidelines.

7. Records Management

7.1 Recording of all information relating to the mobile food van will be maintained and recorded by relevant departmental staff in Council's records management program

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7.2 All records must be kept in accordance with Council's Records Management Guidelines, including the Elected Members Records Management Policy, and destroyed as per the current General Disposal Schedule.

8. Review and Evaluation

8.1 This policy will be evaluated and reviewed annually.

9. Further Information

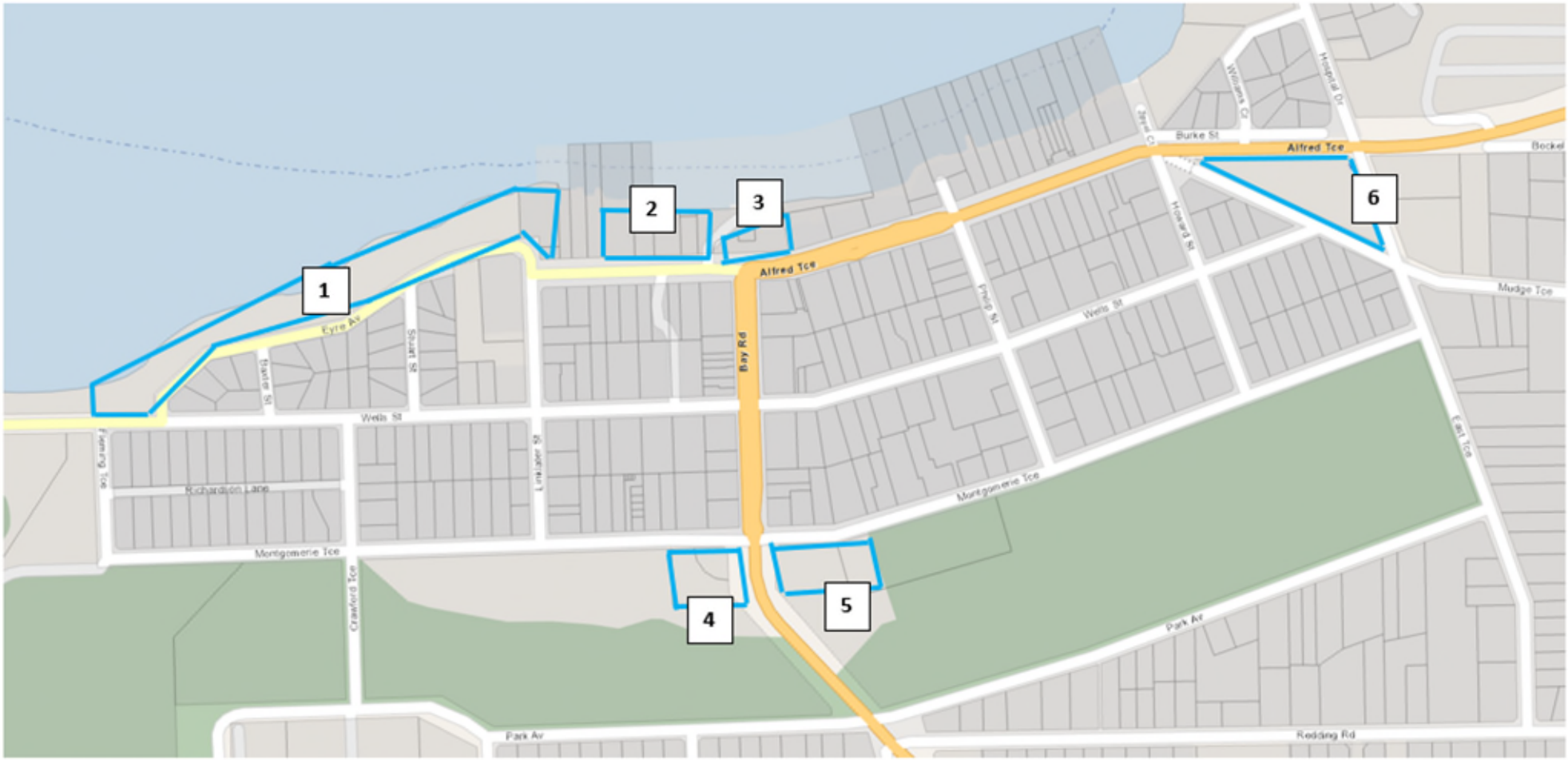
9.1 This policy will be available for inspection at Council's principal office as listed below during ordinary business hours and available to be downloaded, free of charge, from the council's website at www.streakybay.sa.gov.au.

9.2 District Council of Streaky Bay
29 Alfred Terrace
Streaky Bay SA 5680
Ph: 8626 1001
Email: dcstreaky@streakybay.sa.gov.au

10. Document History

Version	Date Endorsed	By	Summary of Changes
V1.0	May 2021	Council	New Policy
V2.0	February 2022	Council	Revised – Legislative Change
V2.1	December 2023	Council	Revised – added Generator Noise Consideration and Annual Review Requirement
V2.3	TBC	Council	Legal Review Location Changes

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1. Eyre Avenue / Campbells Landing / Sailing Club area
2. Alfred Terrace Foreshore Lawns
3. CBD Toilet Cutting Area and Lawns
4. RSL Lawn Area
5. Youth Precinct
6. Pioneer Park

Note: Jetty Cutting (Department of Infrastructure and Transport), Slidy Beach (Crown Land dedicated to Scouts SA)

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7. Doctors Beach