



<b>MOBILE FOOD VENDORS LOCATION RULES POLICY</b>	
Administration Policy	
TRIM Reference	AR17/51722[v2]
First Issued	1 March 2018
Last Reviewed	November 2023
Next Review	November 2027

## 1. Purpose

This document sets out the requirements for Mobile Food Vendors seeking a permit to operate within the Port Augusta City Council area.

## 2. Scope

A Mobile Food Vending business requires a permit issued under section 222 of the *Local Government Act 1999* to operate a mobile food vending business on a public road in the Council area and is subject to any conditions on this permit.

The Council has adopted the location rules for mobile food vending as set out in this Policy.

## 3. Definitions

**Event Area:** is a section of public road set aside by Council from time to time for an event, which may or may not be specifically closed for a duration for that purpose and may or may not include the full extent of the road carriageway.

**Food Business:** means a business the primary purpose of which is the retail sale of food or beverages.

**Mobile Food Vending Business:** means a business involving the sale of food or beverages from a vehicle.

**Site:** means the area of land (in this instance a part of a public road) on which a mobile food vending business is proposed to be located.

**Vehicle:** includes a motor vehicle and trailer as well as a tram, bicycle, animal being ridden or drawing a vehicle and motorised wheelchair that can travel at over 10 kilometres per hour, or as defined in the Road Traffic Act 1961.

## 4. Strategic Reference

### 2 Economy

2.1 Our region is widely recognised as a regional hub with increasing investment and strong industry sectors, a skilled workforce and local jobs.

### 4 Infrastructure

4.2 We have safe, accessible and well-utilised CBD, public spaces and built environments that reflect the priorities of our community.

## **5. Location**

**5.1** The Council has determined that mobile food businesses may operate from the locations detailed below and as depicted on the maps within Attachment A.

- Port Augusta Foreshore – carparks or concrete area in front of event space;
- Carpark area Westside Foreshore Mellor Street;
- Carpark area Carpenters Landing Boat Ramp;
- Rotary park via existing access off Warrenback Road or on Mitchell Terrace;
- Lions Park – road and carpark;
- Commercial Road and Gladstone Square – after hours only once other fixed food businesses are closed;
- Industrial Areas - Carlton Parade and Rogers Street – road or carpark.

A mobile food vending business holding a permit issued by the Council may operate anywhere in the Council area, in addition to the above sites, subject to complying with these location rules and any other requirements of its permit.

### **4.2 Operate a reasonable distance from a fixed food business**

#### **Location Rule**

A mobile food vending business may select an alternative site for operation to those listed above which allows for a reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.

#### **Explanation**

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, restaurants, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets and, in some cases, service stations.

A 'reasonable distance' will depend on the circumstances and may vary from location to location.

A mobile food business must consider the location, number and operating hours of fixed food businesses in the Council area when determining if the location in which the mobile food vending business wants to trade is a reasonable distance from fixed food businesses. Determining a reasonable distance from fixed food businesses requires a balancing of these factors.

A mobile food vending business should have an objective basis for determining that in the circumstances of the location, and considering the location, number and operating hours of fixed food businesses in the

Council area, the distance between the fixed food business and the mobile food vending business will be reasonable.

#### **Examples**

Where there is a large number of fixed food businesses in a small geographic area then the reasonable distance from these fixed food businesses may be less than in other circumstances on the basis that there is already active competition between multiple food businesses in the location.

Where a mobile food vending business wants to trade outside of the central operating hours of a fixed food business then the reasonable distance may be less (eg a mobile food vending business trading from late afternoon in the vicinity of a bakery).

### **5.3 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:

- (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.

#### **Explanation**

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.

#### **Examples**

A site should not be selected:

- if the mobile food vending business would take up all, or a significant amount of, the parking available to other businesses
- where footpaths are narrow so that the mobile food vending business and its customers may cause an obstruction to other persons using the footpaths
- if the mobile food vending business would obscure a pedestrian or driver's view of a road in an unsafe manner.

### **5.4 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:

- (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.

## Explanation

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.

### Examples

A site should not be selected if the mobile food vending business would interfere with access by a disabled person to a parking area for persons with disabilities.

Lengths of road with high public transport usage would not be suitable if the mobile food vending business was located so as to impede vehicle operations or passenger access (eg a bus interchange located on a road).

A site which restricts or interferes with access to facilities for parking bicycles would also not be suitable.

## 4.5 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:

- (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.

### Explanation

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.

## **Examples**

A mobile food vending business must comply with the *Work Health and Safety Act 2012* (WHS Act). Consideration should be given to the 'primary duty of care' under the WHS Act which is, so far as reasonably practicable, to ensure to health and safety of workers when selecting a site.

A mobile food vending business must not commit a 'local nuisance' under the Local Nuisance and Litter Control Act. A local nuisance includes any adverse effect on the amenity value of an area that is caused by noise, odour, smoke, fumes, aerosols or dust which unreasonably interferes with, or is likely to interfere unreasonably with, the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area. A mobile food vending business which omits smoke or odours should consider these requirements when selecting a site.

## **6. Amendment of these location rules**

The location rules may be amended from time to time by the Council.

## **7. RESPONSIBILITY & REVIEW**

### **7.1 Responsible Officer**

Director City Services

Procurement & Contracts Officer

### **7.2 Availability**

This policy will be available on Council's website.

### **7.3 Review**

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

## **8. REFERENCES**

### **8.1 Legislation**

Local Government Act 1999 Section 222  
Food Act 2001  
South Australian Public Health Act 2011  
Environment Protection Act 1993  
Local Nuisance and Litter Control Act 2016  
Motor Vehicle Act 1959  
Road Traffic Act 1961

### **8.2 Other References**

Mobile Vendor Application for Permit - AR19/32948  
Food Business/Stall Notification Form -AR11/3158

# ATTACHMENT A

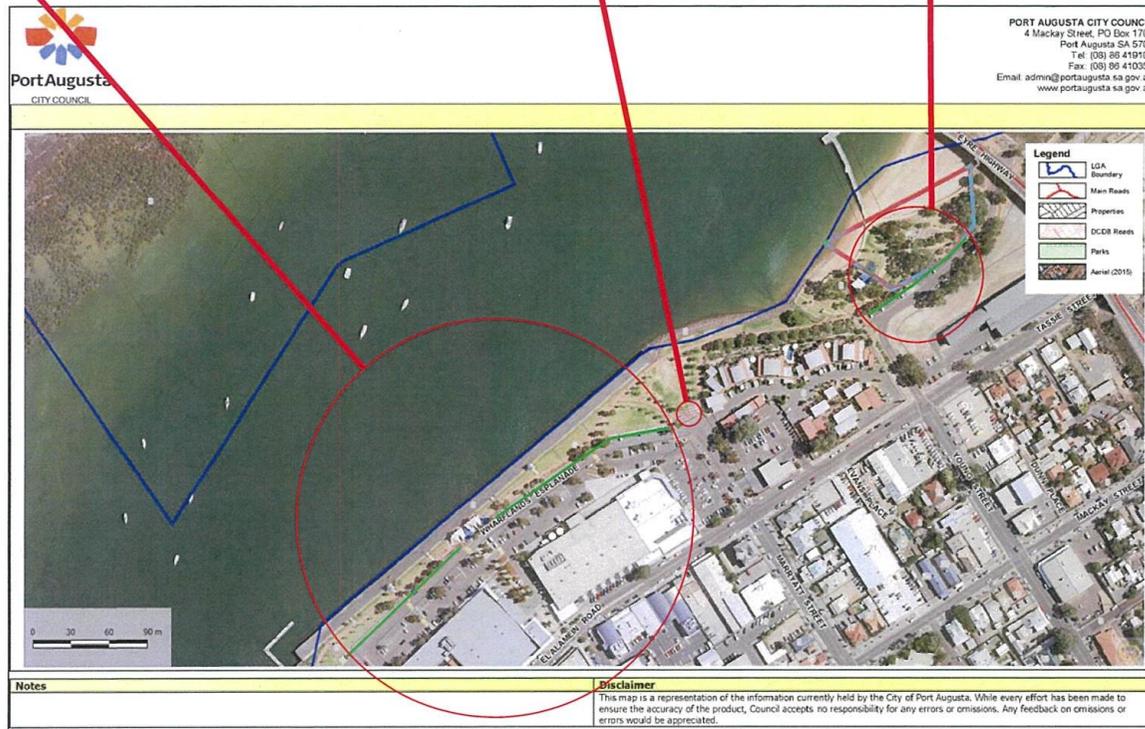


Port Augusta Foreshore East - Warflands Esplanade

Port Augusta Foreshore East - Windvane Area



Port Augusta Foreshore East - Carpark Area



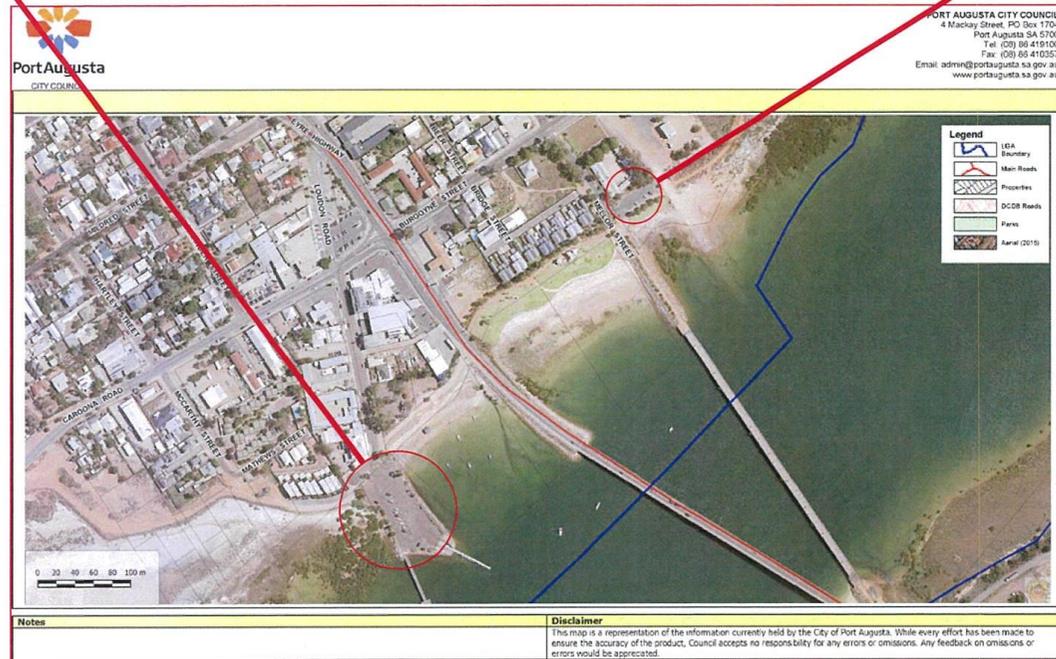
<p><b>CITY OF PORT AUGUSTA</b>          CIVIC CENTRE          4 MACKAY STREET          PORT AUGUSTA SA 5700</p>	<p>Ph: (08) 864-19100          Fax: (08) 864-10357          Email: admin@portaugusta.sa.gov.au</p>	Date	20/12/2017	
	<p>Approved by  <b>B Daw</b>          Senior Technical Officer</p>	<p>Title          PORT AUGUSTA CITY COUNCIL          MOBILE FOOD VAN          FORESHORE EAST</p>	Drawn	B. Daw
	<p>Scale</p>	<p>REV A</p>	Date	20/12/2017
		DWG No.	MFV 01	



Port Augusta Foreshore West - Boat Ramp Carpark Area



Port Augusta Foreshore West - Navel Cadets Carpark Area



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		Drawn	B. Daw
		Scale	
Approved by	Title		REV A
B Daw Senior Technical Officer	PORT AUGUSTA CITY COUNCIL MOBILE FOOD VAN FORESHORE WEST		28/12/2017
			DWG No. MFV 02



Rotary Park  
Mitchell Terrace

**Notes**

**Disclaimer**  
This map is a representation of the information currently held by the City of Port Augusta. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

Rotary Park  
Warrenback Road Entrance



 <b>PortAugusta</b> CITY COUNCIL	<b>CITY OF PORT AUGUSTA</b> CIVIC CENTRE 4 HACKAY STREET PORT AUGUSTA SA 5700 Email: admin@portaugusta.sa.gov.au	Date	28/12/2017
		Drawn	B. Daw
Approved by	Title PORT AUGUSTA CITY COUNCIL MOBILE FOOD VAN ROTARY PARK	Scale	
B Daw Senior Technical Officer		REV A	28/12/2017
		DWG No.	MFV 03



Lions Park  
Tottenham Road Carpark



Lions Park  
Tottenham Road



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**Notes**

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	Approved by B Daw Senior Technical Officer		Title	PORT AUGUSTA CITY COUNCIL MOBILE FOOD VAN LIONS PARK	Scale
			REV A	28/12/2017	
			DWG No.	MFV 04	