

Mobile Vendor Guidelines (Location Rules)

1. Background

The Port Augusta City Council recognises the practice of vending certain products and services from public areas within its Council area. However, it also acknowledges the need to regulate (via a permit) the types of activities that occur to ensure an appropriate balance between the interests of the Council, local business operators, residents and street traders and vending permit holders.

The permit approval process for issuing permits will consider the opportunity to enhance the vibrancy of the Council area and do not unreasonably compromise the amenity of the surrounding area.

2. Types of Permits

Permits are required for street trading and vending activities in the public realm.

Section 222 of the Local Government Act 1999 specifies that a person must not use a public road, including any part of the road reserve including footpath area, for business purposes unless authorised to do so by a permit from Council.

Section 200 of the Local Government Act 1999 specifies that a person must not use community land, including reserves, for a business purpose unless the use is approved by the Council and the approval is consistent with the community land management plan.

When issuing a permit, appropriate conditions and the relevant fees and charges are imposed.

2.1 Mobile Vending Permits - Food Trucks

Mobile Vending Permit holders may trade at any of the approved locations consistent with the location rules for mobile food vending businesses published by the Council. Permits are issued on an Annual, 3 month, 1 month or Single Day.

2.2 Ice-cream Food Vending Vans - Mobile Vending only

Ice-cream Food Vending Vans – Mobile Vending only, will not be permitted within the CBD or shopping centre areas within the Port Augusta City Council. These vans will only be permitted to stop to trade as hailed by customers and service residential homes. Service of items is only permitted on a mobile basis (vans may not set up to attract trade) where the van is hailed.

2.3 Event Vending

A separate permit is not required for Event Vending on Council Land, however the Mobile Vendor must be the holder of a current Mobile Vending Permit.

The permit holder is to make application to Council seeking approval to trade at specific events and upon invitation by the Event Organiser.

2.4 Trading on Private Property

A Street trading or Vending Permit is not required for trading on private property however a development approval may be required.

3. Mobile Vending Permits - Food Trucks

3.1 Approved Locations (Location Rules)

Mobile Vending Permit holders may only trade at approved food truck locations. Pre-Approved locations are listed at the end of these guidelines.

Mobile Vending is not permitted from any other locations, except as part of a once off event. The location rules may be amended from time to time by the Council.

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

Vendors are advised to check the list on a regular basis.

3.2 Using an Approved Location

Mobile Vending Permit holders can operate at any of the approved sites and must adhere to any special conditions set out for that site.

Occupation of each site is per day on a first in basis.

In areas where a timed parking control applies, a permit holder may stay for double the time or 6 hours whichever is greater. In areas with no time restriction, there is no maximum stay however vendors are not permitted to park overnight at the location, whether trading or not (ie to secure the site).

No permanent structures or fixtures are permitted.

3.3 Assessment and Review of Approved Locations

Potential locations are considered by Council with consideration given to site suitability, safety and access, parking and traffic controls in place and proximity to other bricks and mortar businesses.

New locations may be added after an assessment of a proposed location. Locations may be added, altered or removed from time to time.

3.4 Safety and Amenity

The Mobile vendor vehicle must not encroach disabled parking, loading, bus, taxi, no stopping or permit zones.

Mobile vendors are not permitted to stop in a bicycle lane at any time during its operation.

Service provision should be from the footpath side of the vehicle only.

The vehicle should be suitably constructed for the type of activity and to prevent injury to members of the public or staff.

Mobile vendors are responsible to ensure that their equipment does not cause a hazard to or impede on access by members of the public.

All appliances and installations, including electrical and gas, must comply with the relevant safety requirements and regulations.

3.5 Disputes may be referred to the Small Business Commissioner

If an operator of any business in the Council area believes they are adversely affected by these location rules then the operator may apply to the Small Business Commissioner for a review of the location rules.

Council will abide by rulings of the Small Business Commissioner.

4. General Guidelines (*Applies to all types of Street Trading Permits*)

4.1 Food Safety

Permit Holders must comply with the Food Act 2011, Food Regulations and Food Safety Standards. Permit holders may be subject to routine inspections by Environmental Health Officers.

Mobile Food vehicles or carts must be suitably constructed for the type of food preparation, handling and safe storage of food items.

4.2 Relevant Legislation

Permit holders must ensure their operations do 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 .

4.3 Noise

Permit holders must comply with noise levels specified in the Environmental Protection (Noise) Policy 2007.

4.4 Waste Management

The Permit Holder is responsible for all waste and litter created by the Mobile Vending Business or its customers. The Permit Holder must ensure that all waste and litter caused by the Mobile Vending Business or its customers is removed from the location in which the Mobile Vending Business has operated prior to leaving that location. Council provided rubbish bins must not be used by the Permit Holder for the disposal of waste or litter.

All waste (including liquid waste, waste water and waste oil) must be contained and disposed of appropriately at the end of trading. Council does not provide waste services to permit holders. Waste material must not be deposited into the storm water system or into Council Public Rubbish bins.

4.5 Damage to Infrastructure

Permit holders are responsible for making good any damage that, in the opinion of the Council, is caused by the permit holders activity.

Trees and street furniture must not be utilised, obstructed, damaged or removed.

4.6 Removable tables and Chairs

Removable tables and chairs are allowed subject to:

- proof of adequate insurance, by the permit holder, allowing for loss, damage to the infrastructure or injury;
- Council will take no responsibility for loss, damage to infrastructure or injury incurred surrounding the placement of removable furniture;
- the removal of the tables and chairs at the conclusion of trading each day.

4.7 Insurance

The Permit Holder must hold insurance whenever the business is operating. Evidence of the insurance held by the Permit Holder must be provided to the Council or an authorised person on request.

4.8 Permit Fee

The Permit Fee is payable at the time of application . The Fees and Charges Schedule outlines the fees applicable for each type of permit.

5. Permit Application Process

Permit application forms are available on Council's website. An application must include:

- a) A completed application form
- b) Images showing the mobile vending vehicle/cart
- c) Public Liability insurance certificate of currency
- d) Payment of the applicable fees

6. Pre-Approved Locations

The Council has determined that mobile food businesses may operate from the locations detailed below:

- Port Augusta Foreshore – carpark or concrete area in front of windvanes at event space
- Carpark area behind Navel Cadets
- Carpark area Carpenters Landing Boat Ramp
- Rotary park via existing access off Warrenback Rd
- Lions Park – road only
- Commercial Road and Gladstone Square – after hours only once other fixed food businesses are closed
- Carlton Parade – road or carpark

7. Use of Single-use Plastic Products

All persons operating at or working as a mobile food vendor on Council controlled land after 09 May 2021, are prohibited from purchasing, supplying and using certain single-use plastic products in accordance with the restrictions in Council's 'Single-use Plastics on Council Controlled Land' policy, while in the course of operating at or working as a mobile food vendor.

All persons operating or working at such an activity are encouraged to read Council's 'Single-use Plastics on Council Controlled Land' policy, to ensure they are aware of their obligations. This policy is available on Council's website www.portaugusta.sa.gov.au