

Mobile Vending Guidelines

Permit Guidelines and Location Rules



Mobile Vending Guidelines

The Mobile Vendor Guidelines (*Guidelines*) are intended for the operation of mobile vending businesses within the Copper Coast Council area at approved locations by the Council. The Guidelines are to be read in conjunction with the *Mobile Vending Policy (Policy)* and support fair and equal trade in a manner that does not interfere or conflict with permanent business establishments whilst allowing Mobile Vendors to operate and ensuring appropriate use of public roads and reserves.

INTRODUCTION

Council supports appropriate use of public roads and reserves for *Mobile Vendors* to operate at approved locations and *Mobile Ice Cream Vendors* to traverse the streets, whilst considering public safety, the local economy and residential amenity.

The Guidelines have been prepared to provide rules, requirements and restrictions for *mobile vending businesses* that wish to operate within the Council area in locations adopted by Council.

The locations permitted to trade have been assessed under requirements of the *Local Government Act 1999, Government (Mobile Food Vendors) Amendment Act*, Councils By-Law 2 – Local Government Land and Council's Strategic Plan objective to enhance and complement existing businesses.

When Council adopted the Location Rules, the effect of the mobile vending business operation was considered on:

- a) Vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
- b) The requirement relating to, and availability of, parking spaces at the locations in which mobile vending businesses may operate under the location rules; and
- c) Residents and businesses at the locations in which temporary mobile vending businesses may operate under the location rules.

Council will undertake assessment of all applications based on merit that supports appropriate use of public roads and reserves with suitable vending intent.

The *Location Rules* may be amended by Council from time to time dependent on feedback received relating to the location. The most current document will be listed on Council's website and permit holders should check the website regularly.

The Guidelines (including the Locations Rules) should be read in conjunction with the *Policy*.

What is a Mobile Vendor?

A Mobile Vendor is the operator of a business involving in the handling and intention to sell from a vehicle (within the meaning of the Road Traffic Act 1961) or a vending vehicle as defined in the Mobile Vending Policy.

Do I have to apply for a Council Permit to trade?

Yes, Mobile Vendors are required to seek Councils approval prior to trading in the area with the exception of:

Festivals, Events and Private Functions - A separate permit is not required if the Mobile Vendor is catering (by invitation) for an event on public land where a Permit or License has already been issued to the Event Holder. The Guidelines do not apply to Mobile Vendors that trade at Festivals and Events coordinated by a management committee.

Types of Permits

Temporary Mobile Vendors Permit: are allowed to set up and trade at the approved locations. Any permit issued must be conducted in accordance with *the Policy and Guidelines* including adherence to *Location Rules* and individual site specific conditions.

Mobile Ice Cream Vendor Permit: are only allowed to stop and trade as hailed by customers and primarily service residential homes. These permits are not subject to the *Location Rules* or restricted to the approved locations as per the Guidelines.

How do I apply for a Permit?

The *Guidelines* outlines the application process which must be completed prior to undertaking mobile vending activities in the Copper Coast area.

MOBILE VENDING PERMIT GUIDELINES

Mobile Vending Rules and Obligations

1. Location:

- 1.1.** Mobile Vending Permit Holders are only permitted to trade at Council's approved locations as outlined in the Location Rules.
- 1.2.** The operation of a Temporary Mobile Vending Business must not interfere with;
 - 1.2.1.** Vehicles driven on roads;
 - 1.2.2.** Vehicles parking or standing on roads;
 - 1.2.3.** A parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
 - 1.2.4.** Public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
 - 1.2.5.** Other road related infrastructure; or
 - 1.2.6.** Infrastructure designed to give access to roads, footpaths and buildings.
- 1.3.** Temporary Vending Businesses may be restricted at certain locations depending on their size or type of vehicle as well as the size of the parking area location in the approved area.
- 1.4.** Mobile Ice Cream Vendors can utilise designated areas but are also able to be hailed by customers in a residential area.
- 1.5.** Consideration may be given for locations outside of the Location Rules by an Authorised Officer of Council under special circumstances.
- 1.6.** Most sites allow for one (1) Mobile Vendor only at one (1) time, unless it is specified on the individual site conditions.
- 1.7.** Entitlement to occupy an approved site is on a 'first in' basis. A Permit Holder does not have any exclusive right, entitlement or proprietary interest in the Permit area.
- 1.8.** Sites are not able to be reserved.
- 1.9.** The Permit Holder must not leave a vending vehicle unattended on site or leave the vending vehicle overnight to secure a location for trading.

- 1.10.** The Permit Holder must not cause, suffer or permit any damage to Council land and property. The permit holder is liable to pay to Council the cost of rectifying any damage caused to Council land / property in conjunction with Temporary Mobile Vending Business activities authorised by the permit. This includes the repair of pavement or cleaning that Council considers necessary. This can be recovered as a debt. Should any damage of the area or Council owned property occur, the permit holder must notify Council immediately.

- 1.11.** Locations may be subject to change at any time due to feedback received relating to the locations. Permit holder should check Councils website regularly for updates.

2. Operating Hours

- 2.1.** Operating hours for each site are stipulated in the Location Rules section of the Guidelines.
- 2.2.** There is no minimum or maximum stay limit within the listed hours of the approved site.

3. Activities Not Permitted

- 3.1.** The Permit Holder must not use or allow the area to be used for any other purpose / activity other than what is authorised by the permit.
- 3.2.** The Permit Holder must not sell or provide alcohol without prior Council approval.
- 3.3.** A Permit does not include the right to sell or provide cigarette or tobacco products.

4. Utilities – Water and Power

- 4.1.** All Mobile Vendors must be self-sufficient as no provision have been made for power or water at approved locations.

5. Fixtures and Associated Equipment

- 5.1.** All signs, boards and other equipment used in connection should be placed so as not to cause a hazard to members of the public.
- 5.2.** All equipment used for cooking and heating must be adequately screened to prevent accidental burn injuries to members of the public.

6. Noise Control

- 6.1.** The use of amplified noise is prohibited.

7. Signage

- 7.1.** Temporary Vending Business may display one (1) 'A' frame sign to advertise their business within a maximum of five (5) metres from the Vending Vehicle. The construction must comply with Council's Moveable Sign By-Law.

8. Waste Disposal

- 8.1.** All liquid waste (including waste water and oil) must be contained and disposed of appropriately.
- 8.2.** No waste or other material is to be deposited into any storm water system.
- 8.3.** A bin must be provide for their customers to use to keep the site clean and free of litter.
- 8.4.** The removal and disposal of all rubbish and equipment is the responsibility of the Mobile Vendor and must not be disposed of in Council public bins

9. Compliance - Associated Legislation

- 9.1.** All Mobile Vending Permit Holders must comply will all relevant Legislation, Laws, By-Laws and Regulations and hold all relevant licenses and registrations required in the operation of a *Temporary Mobile Vending Business*. Legislation includes but is not limited to:

- Local Government Act 1999
- Planning, Development and Infrastructure Act 2016
- Local Government (Mobile Food Vendors) Amendment Act 2017
- Food Act 2001
- Public Health Act 2011
- Environment Protection Act 1993
- Local Nuisance and Litter Control Act 2016
- Motor Vehicle Act 1959
- Road Traffic Act 1961
- Council By-Laws
- Legislation relating to electrical or gas installations or appliances; and
- Relevant legislation relating to health, safety or the environment.

Permits do not allow parking contrary to the *Australian Road Rules*.

Refer to the *Safework SA* website.

10. Permit - Application Process

- 10.1.** A Temporary Mobile Vending Business must hold a valid permit to operate within the Council area (pursuant to Part 3, Section 9 of Council's By-Law 2 – Local Government Land).
- 10.2.** The following information outlines the application process to apply for a Mobile Vending Permit;
- A completed Council Mobile Vendor Application form which can be downloaded on Council's website: www.coppercoast.sa.gov.au
 - A current copy of public liability insurance for a minimum of \$20,000,000 (twenty million dollars) (against all actions, cost, claims, charges and expenses to property or persons arising out of the activities undertaken in relation of the permit).
 - Payment of the permit fee as outlined in Council's *Fees and Charges* which are reviewed annually.

And if selling food:

- Food Business Notification form
- Have an authorised inspection of Vending vehicles prior to approval being issued. Additional fees may apply Exclusions
- Provide proof of notification of a food business to the Environmental Health Officer of where the vehicle is being garaged.
- An image of registered mobile vehicle/s and proposed set up including signage.
- Evidence of a police clearance.
- *Mobile Ice Cream Vendors* should supply information on any audible or visual devices that are proposed as a means of attracting customers. There may be conditions imposed that restrict the trading of *Mobile Ice Cream Vendors* near the CBD of any town and immediate foreshore areas.

11. Permit Approval

11.1. Approval is granted by Council under delegated authority with reference to Council's Mobile Vending Policy and these Guidelines. On approval, the applicant will be notified and a written permit will be issued by an Authorised Officer. Only the Environmental Health Officer can issue a permit for a Mobile Food Vendor.

11.2. Dependent on the information provided with the application and fees paid, a Permit can be issued on an:

11.2.1. Annual basis

11.2.2. Monthly basis, or

11.2.3. Weekly basis

11.3. Permit holder must comply with the permit conditions outlined on the permit and in the current Policy and Guidelines, including:

11.3.1. The Permit is for the Vending Vehicle only, as shown on the application form.

11.3.2. The Permit allows for a Temporary Vending Business to operate a Vending Vehicle at the approved locations and a Mobile Ice Cream Vendor to operate within the Council area provided it meets the criteria outlined in the Mobile Vending Policy and these Guidelines.

11.3.3. A valid Permit is not transferrable in the event of a business changes ownership.

12. Removal or Relocation of an Vendor Vehicle

12.1. Council reserves the right to request a *Mobile Vendor* to remove or relocate under any of the following circumstances:

- There is any hazard/obstruction or potential for one
- Removal is considered necessary for road/footpath work or events etc.
- If permit conditions are not being adhered with, or
- The Mobile Vendor does not have an approved permit for the Vendor Vehicle.

13. Non Compliance and Breaches

13.1. Using a public road for business purposes without a permit issued by Council is an offence under Section 222 of the Local Government Act 1999 and carries a maximum penalty of \$2500, or an expiation fee of \$210.

13.2. A person who commits a breach of any By-Law of the Council is guilty of an offence and may be liable to pay a penalty as specified by the Local Government Act 1999.

13.3. Should an area of a public road or Council reserve be used that is outside of the approved location boundary, then it is considered to be an offence. Any continued breach may attract further penalties.

13.4. Any breach or continued breach of the permit conditions may result in the permit being revoked or cancelled for a period of time as determined by Council's delegate (maximum of six months) and after notice has been given in writing to the permit holder pursuant to Section 225 of the Local Government Act 1999 and Copper Coast Council By-Law 2.

14. Disputes

14.1. If an operator of a similar permanent business in the Council area is directly affected by Council's *Location Rules* they are able to put in writing a request to Council for a review of the *Location Rules*. The operator may also apply to the *Small Business Commissioner* for a review of the location rules.

MOBILE VENDOR LOCATION RULES

Site 1 – Pommern Way and Spencer Highway, Wallaroo

Operating hours: Sunrise to Sunset, only in school holidays, weekend and public holidays (9.00am-2.30pm during school terms)

Site Specific Conditions: Four (4) mobile food vendors permitted to operate at any one time.



Site 2 – Carpark Windjammer Lane, Wallaroo

Operating hours: Sunrise to Sunset

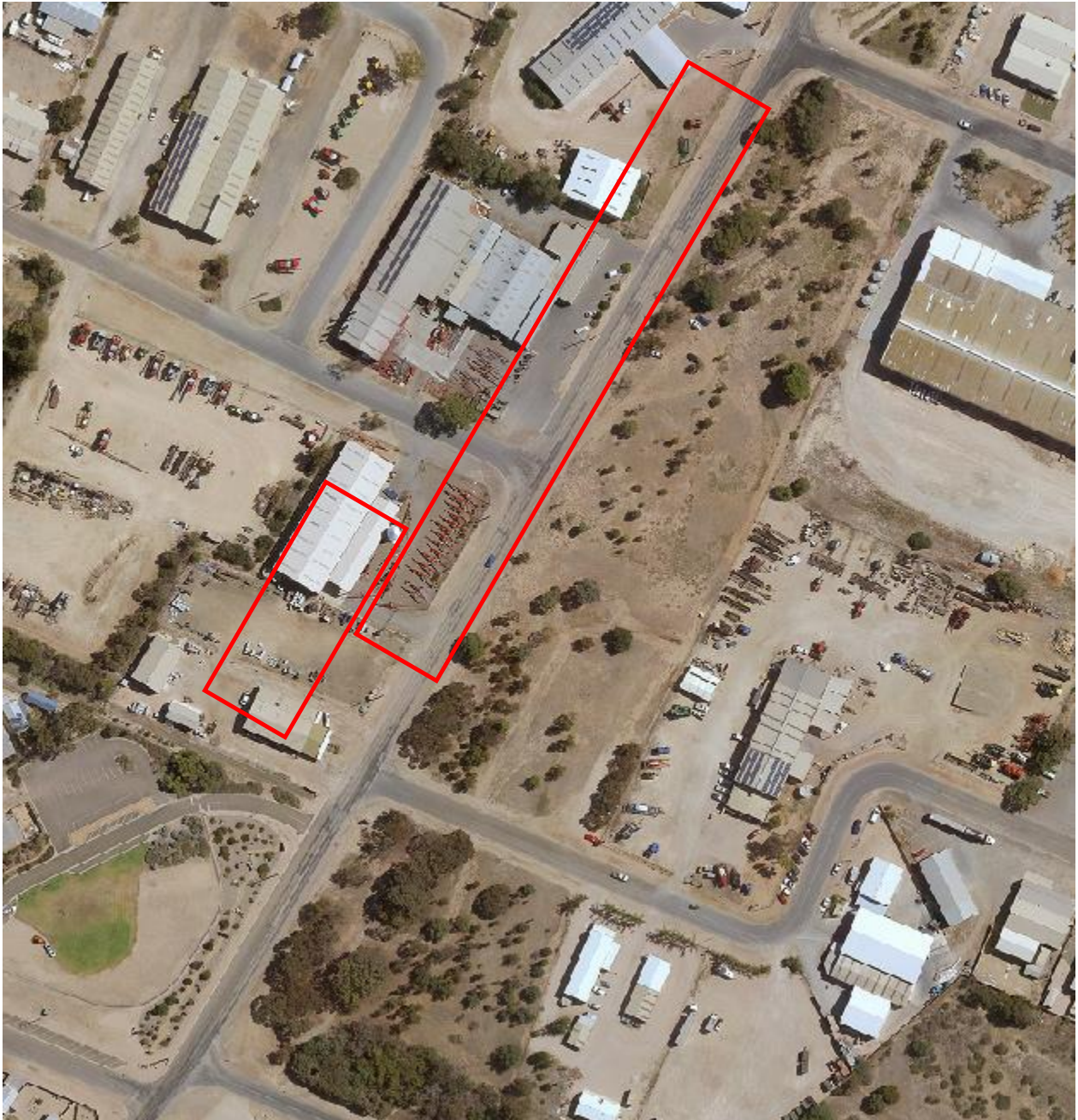
Site Specific Conditions: One (1) mobile food vendor permitted to operate at any one time.



Site 3 – Mines Road, Kadina

Operating hours: Sunrise to Sunset

Site Specific Conditions No limit on food vendors on site, space permittance.



Site 4 – Kadina Hockey Field Car Park, Kadina

Operating hours: Sunrise to Sunset

Site Specific Conditions: Two (2) mobile food vendor permitted to operate at any one time, 1 in each circled location. In the instance of an event or development, this spot will not be for use as the parking and area will be required.



Site 5 – Simms Cove, Moonta Bay

Operating hours: Sunrise to Sunset

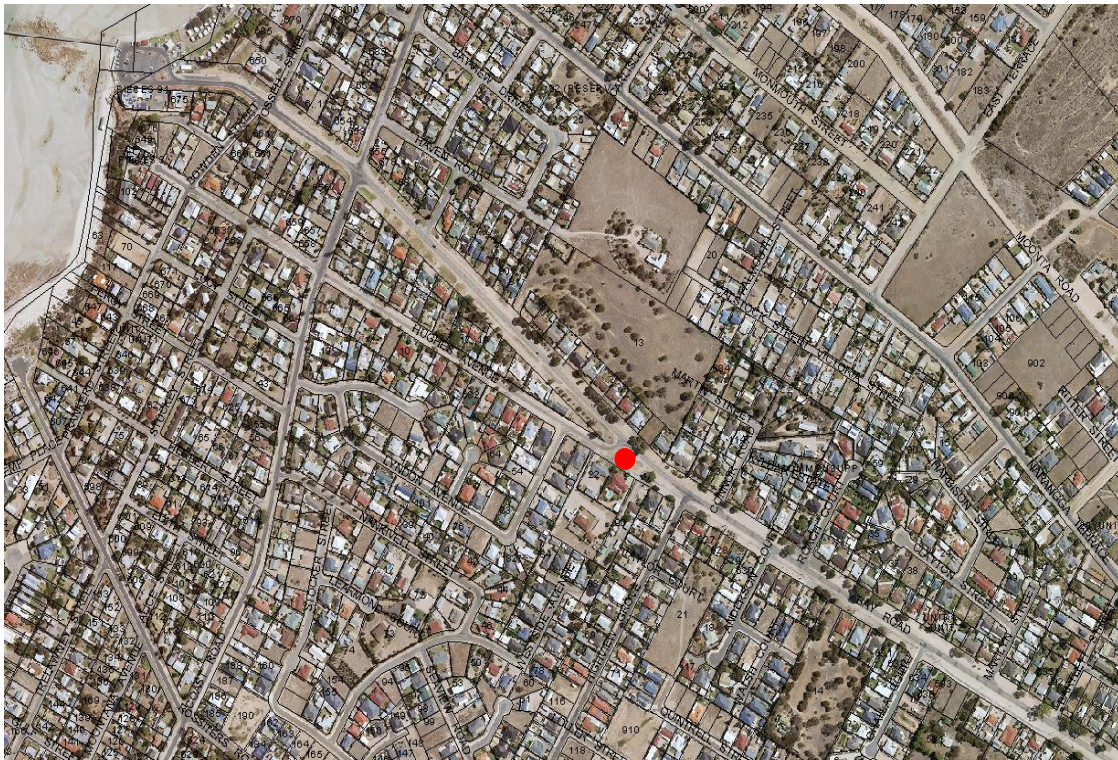
Site Specific Conditions: Two (2) mobile food vendor permitted to operate at any one time.



Site 6 – Bay Road, Moonta Bay

Operating hours: Sunrise to Sunset

Site Specific Conditions: One (1) mobile food vendor permitted to operate at any one time.



Site 7 – Minnie Terrace, Port Hughes

Operating hours: Sunrise to Sunset

Site Specific Conditions: One (1) mobile food vendor permitted to operate at any one time.



Site 8 – Information Stop, Paskeville

Operating hours: Sunrise to Sunset

Site Specific Conditions: One (1) mobile food vendor permitted to operate at any one time



Site 9 – Heritage Drive, Across from Ferry Terminal

Operating hours: Sunrise to Sunset (during peak tourist times may stay later than sunset)

Site Specific Conditions: No limit on food vendors on site, space permittance.



Site 10 – North Beach

Operating hours: Sunrise to Sunset

Site Specific Conditions:

1. No limit on food vendors on site, space permittance.
2. Must be 200m away from established food businesses.



Site 11 – Polgreen Park

Operating hours: Sunrise to Sunset

Site Specific Conditions

1. No limit on food vendors on site, space permittance.
2. Must be 200m away from established food businesses.



Site 12 – Wallaroo Jetty

Operating hours: Only when other businesses are closed.

Site Specific Conditions: One (1) mobile food vendor permitted to operate at any one time.



Site 13 – Moonta Bay Jetty

Operating hours: Only when other businesses are closed.

Site Specific Conditions: One (1) mobile food vendor permitted to operate at any one time.



Site 14 – Port Hughes Jetty

Operating hours: Only when other businesses are closed.

Site Specific Conditions: One (1) mobile food vendor permitted to operate at any one time at this location, irrespective of the two marked areas.



Other Site – Additional Temporary Locations as Adopted by Council

- The Director of Development Services is authorised to allow currently licenced local Mobile Food Vending businesses to operate at Moonta Bay until such time as a business opens. (Adopted 7th July 2021).