



# Mobile Vendors

Permit Guidelines and Locations



# Mobile Vendors

These Guidelines are intended for the operation of mobile vending businesses in the Copper Coast Council area at approved locations by Council. These guidelines should be used in conjunction with the *Mobile Vending Policy*.

Council's guidelines are structured to support the appropriate use of public roads and reserves.

## What is a mobile vendor?

A mobile vendor is the operator of a business involving the sale from a vehicle (within the meaning of the Road Traffic Act 1961) or a *vending vehicle* as defined in the *Mobile Vending Policy*.

## I am a mobile vendor, do I have to apply for permission to trade in the Copper Coast?

Yes, mobile vendors are required to seek Councils approval to trade in the area. The following is required to be included with application:

- Application form
- Food Business Notification form (if selling food)
- Public Liability insurance of \$20million
- Payment of permit fee as outlined in Council's *Fees and Charges*.

Please note if selling food an inspection of your vehicle will also take place before approval is issued. (Additional food inspection fee applies unless waived by resolution of Council) **Please refer to "How to apply for a new permit" section in this document for further info.**

## Festivals, Events and Private Functions

These guidelines do not include applications for mobile vendors that wish to trade at Festivals and Events.

A permit is not required if the mobile vendor is catering (by invitation) for an event on public land where a Permit or Licence has already been issued to the *Event Holder*.

**\*Locations may be added, removed or altered occasionally. Please check Council's website for the current details.\***

## Types of Permits

**Mobile Vendors:** may set up and trade at any of the approved locations as identified in this document and in the *Mobile Vending Policy*. The permits issued in accordance with these *guidelines* and the *Mobile Vending Policy* are subject to

adherence to *location rules* and individual site specific conditions referenced in these *guidelines*.

**Mobile Ice Cream Vendors:** only to stop trade as hailed by customers and primarily service residential homes. These permits are not subject to the 'location rules' under *Section 224 of the Local Government Act 1999* or restricted to the approved locations as referenced in these Guidelines.

# Mobile Vendor Permit Guidelines

## 1. Scope

These guidelines have been prepared to provide guidance to *mobile vending businesses* that wish to operate in the Copper Coast Council area within locations that have been approved by Council. These guidelines should be read in conjunction with the *Mobile Vendor Policy* and associated location maps attached to the *Policy*.

## 2. Methodology

The locations in this document where *Mobile Vendors* are permitted to trade have been assessed against the legislative requirement of the *Local Government Act 1999 and Regulations 2017* and Council's objective to enhance and complement existing businesses.

Council's *guidelines* are structured to enable a merit based assessment of applications that supports the appropriate use of public roads and reserves.

## 3. Definitions

**Council** means the Copper Coast Council.

**Handling of food** includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

**Location Rules** means the document attached to the *Mobile Vending Policy* that is titled "*Mobile Vending Locations*" which identifies the approved locations from where *Mobile Vending Permit Holders* may operate from and includes conditions that may apply to any of the approved locations.

**Mobile Vendor** means any person or persons operating or taking part in operating a *Temporary Vending Business*.

**Mobile Food Vendor** includes any *Mobile Vendor* taking part in the *handling of food*.

**Mobile Vending Permit Holder** means any *Mobile Vendor* who obtained a permit from Council to operate a *Temporary Vending Business*.

**Mobile Vendor Guidelines** means the guidelines attached to this *Policy*.

**Sell** means:

- Offer or attempt to sell; or
- Receive for sale; or

- Display for sale; or
- Have in possession for sale; or
- Dispose of by any method for valuable consideration; or
- Dispose of by way of raffle, lottery or other game of chance; or
- Offer as a prize or reward.

A **Temporary Vending Business** includes any structure, vending stall or mobile vending stall, any van, truck, trailer or moveable module, tent or gazebo used for the purpose of selling or renting any article, including any food article. A temporary vending stall includes any structure that is built or designed to enable it to be dismantled and removed from the site when required. It does not include Not-for-Profit organisations or fundraising activities or charity/community fund raising events.

**Vending** means selling and renting of any article, including any food article.

A **Vending Vehicle** includes any vehicle, whether mobile or stationary, used for the purpose of preparing/handling and/or selling of any article, including any food article (within the meaning of the Road Traffic Act 1961), either free of charge or at a cost.

**Mobile Ice Cream Vendor** is a *Mobile Food Vendor* that is primarily engaged in the sale of ice cream. These vendors only stop as hailed by customers and primarily service residential homes.

## 4. Strategies for effective implementation

Council supports the 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.

A *Temporary Vending Business* must be self-sufficient. No provision for power or water at any of the approved sites.

- 4.1. A *Mobile Vendor* must hold a valid permit to operate within the Copper Coast Council area. (pursuant to Section 222 of the Local Government Act 1999)

- 4.2. *Mobile Ice Cream Vendors* can utilise designated areas but are also able to be hailed by customers in a residential area.
- 4.3. For *Mobile Vendors* to set up and operate on a public road, legislation requires a condition of the permit to be that the permit holder complies with the 'location rules' adopted by the Council under *Section 225A of the Local Government Act 1999*.

The Council has adopted the 'location rules' as set out in the *Mobile Vendor Policy*.

- 4.4. Pursuant to legislation, a copy of Council's *Location Rules* are available on Council's website, with the approved locations shown by the use of maps.
- 4.5. In the adoption of the *Location Rules* Council has considered the effect of the mobile vending business operation on:
  - 4.5.1. Vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
  - 4.5.2. The requirement relating to, and availability of, parking spaces at the locations in which mobile vending businesses may operate under the location rules; and
  - 4.5.3. Residents and businesses at the locations in which mobile vending businesses may operate under the location rules.
- 4.6. The approved locations that are attached to the *Mobile Vending Policy* and published on Council's website have taken into account the location, number of vendors trading at one time, opening hours and distance from nearby fixed businesses.
- 4.7. *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.
- 4.8. A *Temporary Vending Business* may display one (1) 'A' frame sign to advertise their business within a maximum of five (5) metres from the vehicle. The construction must comply with Council's *Moveable Sign By-Law*.

## 5. Operational Guidelines

- 5.1. Core guidelines, essential to the achievement of the *Mobile Vending Policy* for *Mobile Vendors* to operate at the approved locations include:

- 5.1.1. *Mobile Vending Permit Holders* are only permitted to trade at Council's approved designated locations. (or as approved by Council staff).
- 5.1.2. Most sites allow for one (1) *Mobile Vendor* only at one time unless it is specified on the individual site conditions.
- 5.1.3. Occupation on an approved site is on a 'first in' basis.
- 5.1.4. Operation hours for each site are stipulated in the *Location Rules*.
- 5.1.5. There is no minimum or maximum stay limit within the listed hours of the approved site.
- 5.1.6. 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.
- 5.1.7. The permit holder must not leave a *Vending Vehicle* unattended on site or leave the *Vending Vehicle* overnight to secure a location for trading.
- 5.1.8. Areas are not able to be reserved.
- 5.1.9. The *Mobile Vending Permit Holder* must not sell or provide alcohol without prior Council approval.
- 5.1.10. The permit does not include the right to sell or provide cigarette or tobacco products.
- 5.1.11. All liquid waste (including waste water and oil) must be contained and disposed of appropriately.
- 5.1.12. No waste or other material is to be deposited into any storm water system.
- 5.1.13. The use of amplified noise is prohibited.
- 5.1.14. All signs, boards and other equipment used in connection should be placed so as not to cause a hazard to member of the public.
- 5.1.15. All equipment used for cooking and heating must be adequately screened to prevent



accidental burn injuries to members of the public / staff.

**5.1.16.** The *Mobile Vending Permit Holder* must provide a bin for their customers to use to keep the site clean and free of litter.

**5.1.17.** The removal and disposal of all rubbish and equipment is the responsibility of the *Mobile Vending Permit Holder* and must not dispose of rubbish in Council bins.

**5.2.** The operation of a *Temporary Mobile Vending Business* must not interfere with;

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

### 5.3 Permit fee

A permit fee is payable before an approved permit is issued. Fees are determined as per Council's *Fees and Charges*, which are reviewed annually. Permits are not transferrable if a business changes ownership.

### 5.4 Compliance with legislation

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

- South Australian Local Government Act 1999
- South Australian Local Government (Mobile Food Vendors) Amendment Act 2017
- South Australian Development Act 1993
- South Australian Food Act 2001
- South Australian Food Regulations 2002
- South Australian Public Health Act 2011
- South Australian Environment Protection Act 1993
- Local Nuisance and Litter Control Act 2016
- Motor Vehicle Act 1959 and the 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.

Also refer to the *Safework SA* website.

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

### 5.5 Disputes

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.

### 5.6 Amendment of the Location Rules

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.

### 5.7 Approved locations and site specific conditions

The maps for the approved locations noting the individual specific conditions are detailed on page 7 of this document and are also available on Council's website.

## 6. Applying for a permit

### 6.1. What the permit allows

**6.1.1.** 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*

**6.1.2.** The permit is for the *Vending Vehicle* as shown on the application form.

**6.1.3.** A permit for a *Temporary Mobile Vending Business* does not have any exclusive right,

entitlement or proprietary interest in the Permit area.

### 6.2. Where to apply

An application form can be provided at Council's main office or on Council's website:

[www.coppercoast.sa.gov.au](http://www.coppercoast.sa.gov.au)

### 6.3. How to apply for a new permit

The following information is required as part of an application for a *Mobile Vending Permit*;

- A completed application form
- 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).
- 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.
- Payment of the prescribed fee.
- *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.

### 6.4. Permit Approval

Approval is granted by Council under delegated authority with reference to Council's *Mobile Vending Policy* and these *Guidelines*. If approved, Council staff will notify the applicant 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*.

Permits are valid for either 12 months or on a monthly or weekly basis, dependent on the information provided with the application and fees paid. Permits are not transferable to a new proprietor.

### 6.5. Permit holder responsibilities

Permit holder must;

- Comply with the permit conditions
- Ensure that the operation of the *Temporary Mobile Vending Business* obeys to the criteria specified in these *Guidelines*.

- Not create a hazard for pedestrians and/or motorists.

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.

### 6.6. Removal or Relocation of an operating Vendor Vehicle

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 vendor operator does not have an approved permit for the *Vendor Vehicle*.

## 7. Legislation and Compliance

### 7.1. Compliance

**7.1.1.** 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.

**7.1.2.** 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*.

**7.1.3.** 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.

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*.

## Mobile Vendor Permit Approved Locations

The following standard conditions apply for all sites unless otherwise stipulated on the individual site specific conditions or approved by Council.

- Only one (1) mobile vendor permitted unless otherwise stipulated on the individual site specific conditions.
- Mobile Vehicles can trade sunrise to sunset unless otherwise stipulated on the individual site specific conditions.
- Occupation of a site is on a 'first in' basis. The permit holder must not leave a *Vending Vehicle* unattended on site or leave *Vending Vehicle* overnight to secure a location for trading.
- There is no minimum or maximum stay limit between the listed hours of operation.
- *Mobile Vendors* should serve away from moving traffic and other vehicles and serve towards footpaths, reserves or beach.
- *Mobile Vendors* should not restrict other users of the parking areas.
- *Mobile Vendors* may be excluded from certain locations dependent on size and movability of the *Vending Vehicle*.
- *Vending Vehicles* must be self-sufficient as there is no opportunity for connection to water / power.

**\* 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.\***



## **Mobile Vending Locations**



## 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

1. Four (4) mobile food vendors permitted to operate at any one time.



*lifestyle location of choice*

## Site 2 – Carpark Windjammer Lane, Wallaroo

### Operating hours:

- Sunrise to Sunset

### Site Specific Conditions

1. One (1) mobile food vendor permitted to operate at any one time.



*Lifestyle location of choice*

## Site 3 – Mines Road, Kadina

### Operating hours:

- Sunrise to Sunset

### Site Specific Conditions

1. No limit on food vendors on site, space permittance.



*lifestyle location of choice*



## Site 4 – Kadina Hockey Field Car Park, Kadina

### Operating hours:

- Sunrise to Sunset

### Site Specific Conditions

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



*lifestyle location of choice*

## Site 5 – Simms Cove, Moonta Bay

### Operating hours:

- Sunrise to Sunset

### Site Specific Conditions

1. Two (2) mobile food vendor permitted to operate at any one time.



*lifestyle location of choice*



## Site 6 – Bay Road, Moonta Bay

### Operating hours:

- Sunrise to Sunset

### Site Specific Conditions

1. One (1) mobile food vendor permitted to operate at any one time.



*lifestyle location of choice*



*Copper Coast* lifestyle location of choice



## Site 7 – Minnie Terrace, Port Hughes

### Operating hours:

- Sunrise to Sunset

### Site Specific Conditions

1. One (1) mobile food vendor permitted to operate at any one time.



*Lifestyle location of choice*



*Lifestyle location of choice*



## Site 8 – Information Stop, Paskeville

### Operating hours:

- Sunrise to Sunset

### Site Specific Conditions

1. One (1) mobile food vendor permitted to operate at any one time



*lifestyle location of choice*



## 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

1. No limit on food vendors on site, space permittance.



*Lifestyle location of choice*

## 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.



*lifestyle location of choice*



## 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.



*lifestyle location of choice*

## Site 12 – Wallaroo Jetty

### Operating hours:

- Only when other businesses are closed.

### Site Specific Conditions

1. One (1) mobile food vendor permitted to operate at any one time.



*lifestyle location of choice*



## Site 13 – Moonta Bay Jetty

### Operating hours:

- Only when other businesses are closed.

### Site Specific Conditions

1. One (1) mobile food vendor permitted to operate at any one time.



*lifestyle location of choice*



## Site 14 – Port Hughes Jetty

### Operating hours:

- Only when other businesses are closed.

### Site Specific Conditions

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



*lifestyle location of choice*