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Mobile Food Vendor Location Rules

IS175A
Responsible Officer: SCO
Issue Date: 31/05/2019
Next Review Date: June 2021

Extensive changes to the Mobile Food Vendors Policy PO049 were undertaken in April 2018 - to reflect new legislation pursuant to the Local Government Act. A copy of this policy can be found on Council's website.

The changes to legislation include:

- Councils must grant a permit to mobile food vending businesses
- Councils must prepare and adopt rules (location rules) that set out locations within the council area in which mobile food vending businesses may operate and must comply with any requirement specified by the Minister
- Councils are prohibited from restricting the kind of food that may be sold by a mobile vending business
- Councils must allow a permit holder to elect to pay either an annual or monthly fee
- Councils must ensure that a copy of its location rules is published on their web site.

When adopting Location Rules a council must take into account:

- a reasonable distance between mobile food vendors and a fixed food business during the operating hours of fixed food business
- The effect on the operation of the mobile food business on
 - Vehicle and pedestrian traffic, access to buildings and persons with disabilities
 - The availability of parking spaces in the vicinity
 - Residents and Businesses at the locations where a mobile food vending business may operate under the location rules and;

Aggrieved "bricks and mortar" businesses that are adversely impacted by the location rules and Mobile Food Vendors can request a review of the location rules by the Small Business Commissioner (SBC).

The SBC can recommend that Council amend the location rules. If a Council chooses not to amend the location rules as recommended by the SBC, Council needs to supply reasons as to why the location rules are not being amended. If the SBC is not satisfied with the reasons, Council may be directed to amend the location rules.

The Location Rules (IS175A) were adopted by Council on 11 April 2018. Mobile Food Vendors are not able to set up in any other location, except those endorsed by Council. The location rules do not apply to a Mobile Food Vendor who is part of a locally organised event, or for a Mobile Food Vendor whose business primarily is engaged in the sale of ice cream.

Permitted Locations

- East Terrace, Ardrossan - car park adjacent playground
- O'Halloran Parade, Edithburgh - adjacent to Tidal Pool
- Slow Street, Marion Bay - adjacent Community Centre
- Curramulka Road, Minlaton - car park Harry Butter Memorial
- Esplanade Point Turton - adjacent playground
- Edwardes Terrace, Port Victoria - reserve just south of Marshall Road
- Marine Parade, Port Vincent - car park adjacent jetty
- Anzac Parade Stansbury - car park adjacent old boat ramp
- Stansbury Road, Yorketown - car park Weaners Reserve
- Black Point Drive, Harvey Crescent – adjacent Caravan Park
- Marine Parade - Port Moorowie
- Tiddy Widdy Beach Road - Tiddy Widdy
- Esplanade - Wool Bay
- Rogues Point Road - James Well
- Jetty Road Port Julia
- Any of the Council's 19 designated bush camping locations

Maps of these locations can be viewed in IS0175B Mobile Food Vendor Location Rules Maps.

Council has also set some conditions in relation to the use of the approved locations by Mobile Food Vendors. The conditions are contained in SF074 Mobile Food Vendor Permit/Application, which can be located on our web site. The conditions of the permit should be read prior to submitting the application.

Prior to an application being approved by Council for a Mobile Food Vendor, the vehicle must be inspected and passed by Council's Environment Health Officer to ensure it is compliant with the SA Food Act 2001. To assist Mobile Food Vendors comply with legislation, SA Health has produced a guideline to help Mobile Food Vendors comply with Food Safety Requirements entitled South Australia (SA) Food Safety Passport System. A link to this document can be also be located on Council's web site. A fee will apply for this inspection.

Mobile Food Vendors who breach the conditions of their permit or fail to obtain a permit face a maximum penalty or may be issued with an Expiation Notice.

For any enquiries regarding Mobile Food Vendor Permits and Locations Rules please contact the Senior Compliance Officer at Yorke Peninsula Council 8832 0000.