	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

1. STATEMENT

- 1.1 The Wattle Range Council welcomes the operation of mobile food vendors at specified locations within the Council area to complement existing food businesses and provide more vibrant community spaces.
- 1.2 An active mobile food vendor sector can grow the local economy by increasing business opportunities, help to showcase the food, wine and produce of the region and increase visitations by offering a more diverse visitor experience.

2. SCOPE

- 2.1 These guidelines have been prepared to assist mobile food vending businesses that wish to operate in the Wattle Range Council area at locations that have been approved by Council.
- 2.2 The guidelines describe the procedure for obtaining a mobile food vendor permit, as required by section 222 of the *Local Government Act 1999*, (Local Government Act) and outline the approved mobile food vendor sites and location rules in the Wattle Range Council area.

3. DEFINITIONS

Authorised Officer means an employee of Council who has powers that enable the administration and enforcement of these Operating Guidelines. It includes Environmental Health Officers and General Inspectors.

Council means Wattle Range 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.

Mobile food vendor is the operator of a business involving the sale of food or beverages from a vehicle within the meaning of the *Road Traffic Act 1961* (see definition below.)

Mobile ice cream vendor refers to 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.


Sell means:

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

Vehicle, within the meaning of the *Road Traffic Act 1961*, includes a motor vehicle, trailer, tram, a bicycle, an animal-drawn vehicle and an animal that is drawing a vehicle.

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

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					


	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

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

4. OPERATING PRINCIPLES

- 4.1 Council supports the appropriate use of public roads and reserves for mobile food vendors to operate at approved locations and for mobile ice cream vendors to traverse Council streets whilst giving appropriate consideration to public safety, the local economy, fixed food business operators and residential amenity.
- 4.2 The locations in this document where mobile food vendors are permitted to trade supports Council's objective to complement existing food businesses, cultivate a vibrant community and promote economic activity whilst ensuring that mobile food vendors do not unreasonably compromise the amenity of the area or cause an obstruction to vehicle and pedestrian traffic.
- 4.3 Council's guidelines are structured to enable a merit-based assessment of applications that supports the appropriate use of public roads and reserves.
- 4.4 Mobile ice cream vendors will be assessed on an individual basis and are **not** subject to the location rules as described in these guidelines unless applying to trade at any of the Council's approved mobile vendor locations (refer to Appendix 1).
- 4.5 For mobile food vendors to set up and operate a food vending business on a public road, a condition of the permit is for the permit holder to comply with the location rules as outlined in these guidelines. The location rules consider the effect of the operation of the mobile food vending business on:
 - 4.5.1 vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities
 - 4.5.2 the availability of parking spaces, and
 - 4.5.3 residents and businesses in the vicinity of the location.
- 4.6 The locations approved by Council have taken into consideration the opening hours and proximity to fixed food businesses.
- 4.7 Mobile food vendor vehicles may be restricted at certain locations depending on their size and/or vehicle type and/or the size of the parking area in an approved location.
- 4.8 A mobile food vendor may display one 'A' frame sign to advertise their business within a maximum of five metres from the vehicle. The construction of the sign must comply with Council's Moveable Signs By-Law No. 2.

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					


	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

5. GUIDELINES FOR MOBILE FOOD VENDORS

5.1 Operating Guidelines

- 5.1.1 A mobile food vendor must hold a valid permit to operate within the Wattle Range Council area pursuant to section 222 of the Local Government Act and Council By-Law No. 4.
- 5.1.2 Permit holders are only permitted to trade at Council's designated locations or as approved by Council staff.
- 5.1.3 Most sites allow for only one mobile food vendor unless specified otherwise on the individual site-specific conditions.
- 5.1.4 Occupation of an approved site is on a 'first in' basis.
- 5.1.5 The hours of operation hours for each approved location are specified in the Location Rules.
- 5.1.6 There is no minimum or maximum stay limit within the listed hours of operation of the approved locations.
- 5.1.7 The permit holder must not use or allow the area to be used for any other purpose or activity other than that authorised by the permit.
- 5.1.8 Where an approved location has more than one parking area to operate from, the operator is able to choose the area to use subject to it not already being occupied.
- 5.1.9 The permit holder must not leave a mobile food vending vehicle unattended at an approved location (i.e. a vehicle must not be left overnight at approved location so as to secure a location for trading).
- 5.1.10 Exclusive use of an area is not permitted and areas cannot be reserved.
- 5.1.11 The permit holder must not sell, serve or provide alcohol without prior Council approval.
- 5.1.12 The permit does not include the right to sell or provide cigarette, tobacco and e-cigarette products.
- 5.1.13 All liquid waste, including wastewater and waste oil, must be contained and removed or disposed of appropriately.
- 5.1.14 No waste or other material is to be deposited into the storm water system.
- 5.1.15 The use of amplified noise is prohibited without prior Council approval.
- 5.1.16 All sign boards and other equipment used in connection with the operation of the mobile food vending business should be placed so as not to cause a hazard to members of the public.
- 5.1.17 All equipment used for cooking must be adequately screened to prevent accidental burn injuries to staff and members of the public.
- 5.1.18 The permit holder must provide a bin/s for the use of their customers and keep the site clean and free of litter and other waste materials.
- 5.1.19 The permit holder is responsible for the removal and disposal of all rubbish and must not dispose of rubbish in Council bins.

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					

	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

5.2 No interference with other vehicles or road infrastructure

- 5.2.1 The operation of a mobile food or mobile ice cream vending business must not unduly interfere with:
- 5.2.1.1 vehicles driven on roads
 - 5.2.1.2 vehicles parking or standing on roads
 - 5.2.1.3 parking areas for people with disabilities (within the meaning of rule 203 of the Australian Road Rules)
 - 5.2.1.4 public transport and cycling infrastructure including bus zones, taxi zones and bike lanes
 - 5.2.1.5 other road related infrastructure
 - 5.2.1.6 infrastructure designed to give access to roads, footpaths and buildings.


5.3 Permit fee

- 5.3.1 A permit fee is payable before an approved permit is issued.
- 5.3.2 Fees are determined as per Council's Fees and Charges Schedule, which is reviewed annually and available on the Council's website:
www.wattlerange.sa.gov.au.
- 5.3.3 Permits are not transferable if a business changes ownership.

5.4 Compliance with legislation

- 5.4.1 All permit holders must comply with all relevant Legislation, Laws, Regulations and By-Laws and hold all relevant licences and registrations required in the operation of a mobile food or mobile ice cream vending business.
- 5.4.2 Legislation includes but is not limited to:
- *Local Government Act 1999*
 - *Food Act 2001*
 - *Food Regulations 2017*
 - *South Australian Public Health Act 2011*
 - *Environment Protection Act 1993*
 - *Local Nuisance and Litter Control Act 2016*
 - *Motor Vehicles Act 1959*
 - *Road Traffic Act 1961*
 - Council By-Laws
 - Legislation relating to electrical or gas installations or appliances
 - Relevant legislation relating to health, safety and the environment
 - Also refer to the SafeWork SA website.

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					

	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

5.5 Enforcement

- 5.5.1 A permit holder must make available for inspection a current permit when requested by an Authorised Officer and must comply with any direction provided by such an officer.
- 5.5.2 Any breach of the conditions of the permit may result in further action by the Council, including the issuing of an infringement notice and/or cancellation of the permit.
- 5.5.3 A Council may, under section 225 of the Local Government Act and Wattle Range Council By-Law No. 1, by notice in writing to the permit holder, cancel a permit if a breach is sufficiently serious to justify cancellation of the permit.

5.6 Disputes

- 5.6.1 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.
- 5.6.2 The operator may also apply to the SA Small Business Commissioner for a review of the location rules.

5.7 Amendment of the location rules

- 5.7.1 The location rules may be amended from time to time.
- 5.7.2 Permit holders should check the Council website regularly for the current location rules.

5.8 Approved locations and site-specific conditions

- 5.8.1 The maps for the approved locations and the site-specific conditions are detailed in Appendix 1 of this document and are available on Council's website.

6. APPLYING FOR A PERMIT


6.1 What the permit allows

- 6.1.1 The permit allows a mobile food vending business to operate a mobile food vehicle at approved locations or a mobile ice cream vendor within the Council area provided it meets the criteria outlined in these Guidelines.
- 6.1.2 The permit is for the mobile food vehicle as shown on the permit application form.
- 6.1.3 A Mobile Food Vendor Permit does not confer any exclusive right, entitlement or proprietary interest in the permit area and does not derogate from Council's powers under the Local Government Act.

6.2 Where to apply

- 6.2.1 A permit application form can be obtained from Council's office or online at www.wattlerange.sa.gov.au.

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					

	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

6.3 How to apply for a permit

6.3.1 The following information is required for an application for a Mobile Food or Ice Cream Vendor Permit:

- 6.3.1.1 a completed application form
- 6.3.1.2 a current copy of public liability insurance policy for a minimum of \$20,000,000 (twenty million dollars) against all actions, costs, claims charges and expenses whatsoever to property or persons arising out of or connected with the activities undertaken in respect of the permit. The policy must not be allowed to lapse during the period of the permit and must include the Wattle Range Council as an interested party
- 6.3.1.3 provide proof of notification of a food business to the Council's Environmental Health Officer (i.e., Food Business number (FBN))
- 6.3.1.4 a photographic image of the registered mobile food vehicle/s and proposed set up including any signage
- 6.3.1.5 a copy of the vehicle registration certificate
- 6.3.1.6 evidence of a police clearance
- 6.3.1.7 payment of the prescribed fee
- 6.3.1.8 Mobile ice cream vendors need to supply information on any audible or visual devices that are proposed to be used to attract customers.

6.4 Permit approval

- 6.4.1 Permits are assessed for approval by Council with reference to these guidelines. If approved, Council staff will notify the applicant and issue a written permit.
- 6.4.2 The permit becomes valid when all of the following have been completed:
 - 6.4.2.1 all information and fees are received and the application approved
 - 6.4.2.2 an executed permit has been issued to the applicant.
- 6.4.3 Permits are not transferable to a new proprietor.


6.5 Schedule of permit fees

- 6.5.1 Fees associated with the issuing of a Mobile Food Vendor Permit are set out in Council's Fees and Charges Schedule, which is available on the Council's website: www.wattlerange.sa.gov.au.
- 6.5.2 Fees are reviewed annually.

6.6 Permit holder responsibilities

- 6.6.1 Permit holders must:
 - 6.6.1.1 Comply with the permit conditions
 - 6.6.1.2 ensure that the operation of the mobile food vendor business conforms to the criteria specified in these guidelines.
- 6.6.2 The permit holder must not cause, suffer or permit any damage to Council land or property.

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					

	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

6.6.3 The permit holder is liable to pay to Council the cost of rectifying any damage to Council land/property in connection with the mobile food vending activities authorised by the permit. This includes pavement repairs and/or cleaning that Council considers to be necessary as a result of the permit holder's use of the permit area. These costs may be recovered as a debt from the permit holder.

6.6.4 The permit holder must notify Council as soon as practicable of any damage to Council owned land/property.

6.7 Removal or relocation of an operating food vendor vehicle

6.7.1 The Council reserves the right to request a mobile food vendor to remove or relocate the mobile food vending vehicle if, in the opinion of an authorised/delegated Council officer:

- there is any hazard or obstruction or there is likely to be a hazard or obstruction arising from the location of the vehicle
- removal is considered necessary to facilitate occasional events such as road or footpath works, parades or events
- the permit conditions have not been complied with
- the food vendor operator does not have an approved permit for the vehicle.

7. LEGISLATION AND COMPLIANCE


7.1 Legislation

7.1.1 Section 5 above provides information about legislation relevant to the operation of a mobile food vendor business.

7.2 Compliance

- 7.2.1 Using a public road for business purposes without a permit issued by Council is an offence under section 222 of the Local Government Act and carries a maximum penalty of \$2500 or an expiation fee of \$210.
- 7.2.2 A person who commits a breach of any By-Law of the Council is guilty of an offence and may be liable to a penalty as specified by the Local Government Act.
- 7.2.3 An offence occurs when an area of a public road or Council reserve is used by a mobile food vendor that is outside the boundary of an approved location.
- 7.2.4 Any breach or continued breach of the permit conditions may result in the permit being cancelled pursuant to section 225 of the Local Government Act and Wattle Range Council By-Law No. 1.

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					

	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

8. MOBILE FOOD VENDOR APPROVED LOCATIONS AND LOCATION RULES

8.1 Approved locations

- 8.1.1 There are currently ten approved locations in the Wattle Range Council area for mobile food vendors.
- 8.1.2 These are listed in Appendix 1 to these guidelines and are available on the Wattle Range Council website: www.wattlerange.sa.gov.au.
- 8.1.3 Locations may be subject to change and permit holders should check Council's website regularly for updates.

8.2 Standard conditions applying to approved locations

- 8.2.1 The following standard conditions apply to all approved locations unless otherwise stipulated in the individual site-specific conditions shown in Appendix 1:
 - 8.2.1.1 only one (1) mobile vendor is permitted at each location unless otherwise stipulated
 - 8.2.1.2 approved locations cannot be booked and occupation of a site is on a 'first in' basis. A permit holder must not leave a mobile vending vehicle unattended at a site or leave a mobile vending vehicle overnight to secure a location for trading
 - 8.2.1.3 there is no minimum or maximum stay limit between the permitted hours of operation
 - 8.2.1.4 mobile food vendors should serve away from moving traffic and serve towards footpaths, reserves or the beach
 - 8.2.1.5 mobile food vendors must not restrict other users from accessing parking areas
 - 8.2.1.6 mobile food vendors may be excluded from certain locations depending on the size and movability of the vehicle
 - 8.2.1.7 mobile food vendors must be self-sufficient and provide their own water, power and cooking fuel.

8.3 Amendment to the location rules and operating conditions

- 8.3.1 The location rules and operating conditions may be amended from time to time by the Executive Leadership Team (ELT) . They must be amended by the ELT if directed by the Small Business Commissioner or to satisfy a requirement of the Minister for Local Government.

9. REVIEW

- 9.1 These guidelines will be reviewed every four years or earlier if required.


10. AVAILABILITY

These guidelines are available without charge on the Council website:

www.wattlerange.sa.gov.au.

A copy of the guidelines may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					

	GUIDELINES	Version:	1
	MOBILE FOOD VENDOR OPERATING GUIDELINES	Date Adopted:	25 Jan 2024
		Next Review Due:	25 Jan 2028

11. REFERENCES & FURTHER READING

References	
Relevant Legislation:	<ul style="list-style-type: none"> • <i>Local Government Act 1999</i> • <i>Food Act 2001</i> • <i>Food Regulations 2017</i> • <i>South Australian Public Health Act 2011</i> • <i>Environment Protection Act 1993</i> • <i>Local Nuisance and Litter Control Act 2016</i> • <i>Motor Vehicles Act 1959</i> • <i>Road Traffic Act 1961</i> • Council By-Laws
Relevant Policies / Procedures / Guidelines	<ul style="list-style-type: none"> • Fees and Charges Schedule

12. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of these guidelines.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	25 Jan 2024	CEO	At its meeting on 16/01/2024, Council revoked the Mobile Food Vendor Policy and the Location Rules and authorised the CEO to approve the Mobile Food Vendor Operating Guidelines. The CEO endorsed the Guidelines at the ELT meeting on 25 Jan 2024.	Folio 10952; Item 15.2.2 and Item 11.9 (ELT)

CD:	File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
265	G/F 2.9.1/12	Public	Corporate Services	Director Corporate Services	4 yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.					

Appendix 1: MOBILE FOOD VENDOR APPROVED LOCATIONS

Location 1 - Penola – Greenrise Lake Reserve

Operating hours	Site-specific conditions
<ul style="list-style-type: none">10 am to sunset	<ul style="list-style-type: none">Only two (2) mobile food vendor permitted to operate at any one time.Mobile food vendors must operate from the area shown on the map.



Location 2 - Nangwarry - Hunkin Terrace

Operating hours	Site-specific conditions
<ul style="list-style-type: none">10 am to sunset	<ul style="list-style-type: none">Only one (1) mobile food vendor permitted to operate at any one time.Mobile food vendors must operate from the area shown on the map.



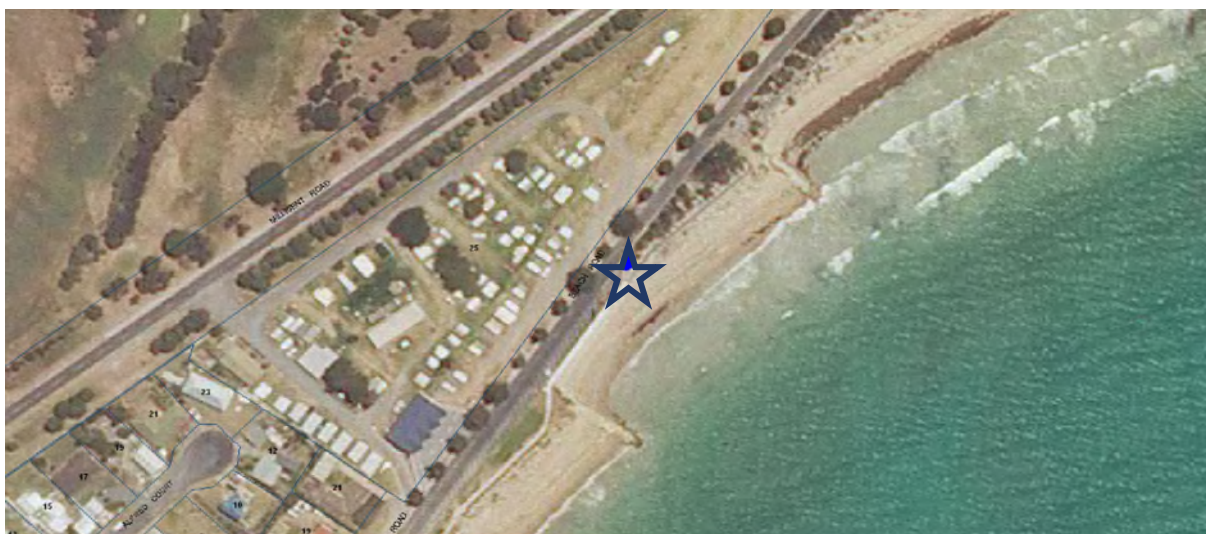
Location 3 - Kalangadoo - Rail Lands

Operating hours	Site-specific conditions
<ul style="list-style-type: none">10 am to sunset	<ul style="list-style-type: none">Only one (1) mobile food vendor permitted to operate at any one time.Mobile food vendor must operate from the area shown on the map.



Location 4 - Beachport – Beach Road

Operating hours	Site-specific conditions
<ul style="list-style-type: none">11 am to 10 pm	<ul style="list-style-type: none">Only one (1) mobile food vendor permitted to operate at any one time.Mobile food vendor must operate from the area shown on the map.



Location 5 - Beachport –Centennial Park

Operating hours	Site-specific conditions
<ul style="list-style-type: none">11 am to 10 pm	<ul style="list-style-type: none">Only one (1) mobile food vendor permitted to operate at any one time.Mobile food vendors must operate from the area shown on the map.



Location 6 - Glencoe - Kirrip Road Reserve

Operating hours	Site-specific conditions
<ul style="list-style-type: none">10 am to sunset	<ul style="list-style-type: none">Only one (1) mobile food vendor permitted to operate at any one time.Mobile food vendors must operate from the area shown on the map.



Location 7 - Tantanoola – Railway Terrace West

Operating hours	Site-specific conditions
<ul style="list-style-type: none">10 am to sunset	<ul style="list-style-type: none">Only two (2) mobile food vendors permitted to operate at any one time.Mobile food vendors must operate from the area shown on the map.



Location 8 - Millicent – Western Carpark behind Civic and Arts Centre

Operating hours	Site-specific conditions
<ul style="list-style-type: none">10 am to 10 pm	<ul style="list-style-type: none">Only three (3) mobile food vendors permitted to operate at any one time.Mobile food vendors must operate from the area shown on the map.



Location 9 - Southend – Bridges Drive Car Park

Operating hours	Site-specific conditions
<ul style="list-style-type: none">10 am to sunset	<ul style="list-style-type: none">Only two (2) mobile food vendors permitted to operate at any one time.Mobile food vendors must operate from the area shown on the map.



Location 10 - Rendelsham – Southern Ports Highway Car Park

Operating hours	Site-specific conditions
<ul style="list-style-type: none">10 am to sunset	<ul style="list-style-type: none">Only two (2) mobile food vendors permitted to operate at any one time.Mobile food vendors must operate from the area shown on the map.

