

 DISTRICT COUNCIL of TUMBY BAY	POLICY 6.02 Mobile Food Vendor Location Rules POLICY AREA Regulatory Services	Version No:	1.0
		Issued:	August 2018
		Next Review:	May 2020

POLICY STATEMENT

This document sets out a location rules for the purposes of section 225A of the Local Government Act 1999 (**LG Act**) and regulation 25C of the Local Government (General) Regulations 2013.

1. INTRODUCTION

A mobile food vending business requires a permit under section 222 of the *Local Government Act 1999* to operate a business on a public road in the Council area.

One condition of a permit authorising a mobile food vending business to operate on a public road in the Council area is that the permit holder complies with location rules adopted by the District Council of Tumby Bay under section 225A of the Local Government Act.

The District Council of Tumby Bay has adopted a set of location rules set out in this Policy taking into consideration the convenience to residents, tourism benefits and the opportunity to motivate public spaces.

Council land use permits will continue to apply for applications to operate from Council owned land.

2. COUNCIL DETERMINED MOBILE FOOD VENDING BUSINESS SITES

The District Council of Tumby Bay has determined that mobile food businesses may operate from the sites shown on attachment 1 and aerial map attachment 2 as long as they hold a permit issued by the Council. The permit holder must comply with these location rules and any other requirements of its permit as below;

- A mobile food vending business must select a site for operation which allows for a reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.
- A mobile food vending business must select a site for operation which is appropriate for their vehicle.
- A mobile food vending business must operate from a site where it will not cause an obstruction to persons using the public road or interfere with residents living, or businesses operating, in the vicinity of the site.
- A site cannot be selected which would breach parking requirements applying to the site. This includes locating the mobile food vending business within spaces reserved for people with disabilities.

3. COUNCIL FEES

Council applies the following fee structure for the Mobile Food Vendor Permit

- 1 Month - \$200
- 12 Months - \$2000

4. COMPLIANCE TO LEGISLATIVE REQUIREMENTS

A mobile food vending business must select a site for operation which does not breach any relevant requirements under:

- the Food Act 2001
- the South Australian Public Health Act 2011
- the Environment Protection Act 1993
- the Local Nuisance and Litter Control Act 2016
- the Motor Vehicle Act 1959 and the Road Traffic Act 1961
- legislation relating to electrical or gas installations or appliances and
- relevant legislation relating to health, safety or the environment.

There are many legislative requirements which apply to the provision of food, the operation of a

Electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled.

Before using a printed copy, verify that it is the current version

TRIM R18/11124

business and the use of a motor vehicle. A site must be selected by a mobile food vending business which does not breach any of these legislative requirements.

5. DISPUTES

Disputes may be referred to the Small Business Commissioner, if an operator of a food business in the District Council of Tumby Bays area is directly adversely affected by these location rules then the operator may apply to the Small Business Commissioner for a review of the location rules.

6. AMENDMENT OF THESE LOCATION RULES

The location rules may be amended from time to time by the District Council of Tumby Bay. 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.

7. REFERENCES

- Local Government Act 1999, section 225A
- Local Government (General) Regulations 2013

8. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.tumbybay.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's schedule of fees and charges.

Authority: **Adopted by Council:** 14/08/2018 {Motion 13c/082018}
 Reviewed by Council <insert date> {Motion No Insert Number}<
 Reviewed by Council <insert date> {Motion No Insert Number}>

SIGNED:
 Responsible Officer

Date: ____/____/____

Attachment 1 - LOCATIONS

Locations	Site Description	Constraints	
Esplanade	Car park between North Terrace and Tennant Street	Maximum No. Sites	1
		No. of Operators (at any one time)	1
		Trading Period	9am to 9pm
Tumby Terrace	Car park between Sidney Road and Goode Avenue	Maximum No. Sites	1
		No. of Operators (at any one time)	1
		Trading Period	9am to 9pm

Attachment 2 – AERIAL VIEW



Esplanade Car Park

Car park between North Terrace and Tennant Street



Tumby Terrace Car Park

Car park between Sidney Road and Goode Avenue