
The Barossa Council Mobile Food Vendor Location Rules

Local Government Act 1999
Section 225A



Conditions and Location Rules

An application shall be accompanied by the applicable fee and all relevant or required information specified in Mobile Food Vendors Application form, or as required by an Authorised Officer; including but not limited to:

- Certificate of Currency of a minimum of \$20,000,000 public liability insurance policy.
- Certificate of Currency for gas and/or electrical installations
- Risk assessment for the activity and locations
- Any relevant accreditation, approval or results of an inspection or assessment in relation to food safety

Permits will only be offered on an annual or monthly basis.

Upon receipt of a permit, a Mobile Food Vendor must select a suitable site after having regard to the following, and must operate within Council's location rules and general conditions at all times.

Location rules

A Mobile Food Vendor shall not operate:

1. In a residential area or in an area within 150m of a residential premises;
2. Within 150m of any Fixed Food Business while that business is open to the public;
3. Within 50 metres of another mobile food vending business, unless specific approval is provided by Council.

**Mobile Ice Cream Vendors are exempt from complying with requirements 1-3. Instead must ensure that a reasonable distance is kept from other mobile food vendors and fixed food businesses.*

Nuisance and Amenity

4. In a manner where the activity causes, or is likely to cause any nuisance, in the form of noise, odour, dust or smoke (or similar agents) to any nearby premises.

Road Safety

5. On any road designated as a freight route;
6. In or on any area, including road verges or Reserves, where the parking or movement of vehicles is otherwise not permitted.
7. In an area, or in any manner that, in the opinion of an Authorised Person, the activity or customers (including vehicles parking, entering, leaving or congregating) creates, or is reasonably likely to create a hazardous or unsafe situation, obstruction, restriction or hindrance to pedestrians, cyclists, vehicular traffic or roadworks;
8. On any part of the Sturt Highway or any other road, including the road verges or nature strips under the care of The Department of Planning Transport and Infrastructure (DPTI) without approval from DPTI, or in contravention of DPTI Mobile Food Vending Operational Instructions.

A Mobile Food Vendor must:

Litter and waste

9. Be self-sufficient and not rely on access to water, electricity or any other service;
10. Ensure that all waste and waste water is contained on the vehicle and disposed of in an approved manner;
11. Not use Council provided public rubbish bins for the disposal of litter or waste. All rubbish or waste created by the business must be removed from the site.

Parking

12. Select a site that does not unduly interfere with the movement or parking of vehicles or pedestrians.
13. Select a site that does not obstruct access to any parking spaces or areas, including parking areas for people with disabilities;
14. Comply with all existing signs or laws relating to the parking and movement of vehicles and pedestrians;

Signage

15. Display no more than one movable sign directly adjacent the selected location in accordance with Council's Movable Sign By-laws;
16. Not attach signage or any other object associated with the activity to any other structure, object, tree or other vegetation;
17. Only display signage which advertises the Mobile Food Vendor or products available for purchase from the Mobile Food Vendor.

General

18. Not operate in any caravan park without the permission of the Park Manager.
19. Not operate outside of any Bushfire Safer Place on a day of Severe Fire Danger as declared by Country Fire Services (CFS);
20. Not operate on any day of Extreme or Catastrophic Fire Danger as declared by CFS;
21. Not provide or offer alcohol, including for sale, tasting or sampling;
22. Ensure that the activity does not result in any deliberate damage to any asset, object or structure. Any damage including accidental damage deemed to be caused by the Mobile Food Vendor activity will be the responsibility of the permit holder.
23. Comply with any reasonable direction or request from an Authorised Person, a member or officer of the South Australian Police or South Australian Country Fire Service.

Hours of operation

24. Not operate between the hours of sunset and 7.00am unless formally approved by Council or a delegated officer.

Approvals or legislative requirements

Ensure compliance with any relevant provision of any relevant legislation, including (but not limited to):

- a) The Mobile Food Vendor permit issued by The Barossa Council;
- b) The Fire and Emergency Services Act 2005
- c) The Barossa Council's By-laws
- d) The Barossa Council's Policies and Processes
- e) Local Nuisance and Litter Control Act 2016
- f) Motor Vehicle Act 1959, Road Traffic Act 1961 and Australian Road Rules
- g) The Food Act 2001
- h) South Australian Public Health Act 2011
- i) The Environment Protection Act 1993
- j) Relevant laws, regulations, guidelines or rules relating to mobile food vending businesses or an aspect of that business, or electrical or gas installations or appliances;
- k) The Local Government Act 1999 and associated Regulations
- l) Work Health and Safety Act 2012

Fees

An application for a Mobile Food Vendor permit within The Barossa Council area must be accompanied by a completed application form.

Prior to a Mobile Food Vendor permit being issued, the following fees are payable:

Monthly Permit:	\$200.00
Annual Permit:	\$2,000.00

Application fees will be reviewed annually as part of Council's Annual Budget and Business Plan review Policy and Process.

Refunds will only be provided for annual permits where a permit is cancelled or surrendered by the permit holder. Refunds will be calculated on a pro-rata basis based on the unused portion (whole months only).

Review

These Location Rules will be reviewed after a period of 12 months, or sooner if considered necessary.