

MANAGEMENT GUIDELINE– MOBILE FOOD VENDING

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RESPONSIBLE BUSINESS UNIT	City Operations & Procurement
RESPONSIBLE OFFICER	General Manager Infrastructure & Environment
LEGISLATION	Australian Road Rules Environmental Protection Act 1993 Food Act 2001 Local Government Act 1999 – Section 200, 222 and 225A Local Nuisance and Litter Control Act 2016 Motor Vehicle Act 1959 and Road Traffic Act 1961 Public Health Act 2011
RELEVANT DELEGATIONS	Section 200, 201, 222 and 225A
RELATED POLICIES MANAGEMENT GUIDELINES FRAMEWORKS	Mobile Food Vending Policy
COUNCIL RESOLUTION	902.1
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PREVIOUS REVISIONS	

1. CONTEXT

- 1.1 The Rural City of Murray Bridge (RCMB) offers excellent opportunities for mobile food vending.
- 1.2 A vibrant and successful mobile food vendor sector can showcase and take advantage of the strengths of our region with active river lifestyle experiences, events, arts, tourism and favourable climate.
- 1.3 Mobile food vending provides an opportunity to expand business opportunities within our region, support increased visitation, promote the local economy and provide a variety of experiences for visitors and residents.
- 1.4 These Guidelines are designed to assist the operation of a mobile food business in the RCMB.

2. WHAT IS MOBILE FOOD VENDING?

- 2.1 **Mobile food vending** is defined as the selling of any food and/or drink from a vehicle, whether mobile or stationary. This definition includes vehicles used for on-site food preparation (e.g. hamburgers or kebabs), one-step food preparation (e.g. coffee or juices) or pre-made or pre-packaged food sales.
- 2.2 **Vehicle** has the same meaning as defined in the Road Traffic Act 1961:

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- 2.2.1 a motor vehicle, trailer and a tram
- 2.2.2 a bicycle
- 2.2.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle
- 2.2.4 a combination or
- 2.2.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

3. GUIDELINE AIMS

These Guidelines aim to:

- 3.1 Provide guidance on the requirements for operating a mobile food vending business within the Rural City of Murray Bridge.
- 3.2 Encourage mobile food vendors to operate in locations that support activation of public spaces and positively contribute to the experience of that place.
- 3.3 Ensure mobile food vendors operate in a way that complements existing food and beverage businesses.
- 3.4 Ensure mobile food vendors do not unreasonably compromise the amenity of the surrounding area.
- 3.5 Ensure mobile food vendors practice safe food handling.

4. WHEN IS A PERMIT REQUIRED?

- 4.1 All mobile food vendors operating in the Rural City of Murray Bridge must hold a valid mobile food vending permit.
- 4.2 Section 200 of the Local Government Act 1999 specifies that a person must not use community land for a business purpose unless the use is approved by the Council.
- 4.3 Section 201 of the Local Government Act 1999 specifies that Council may grant a lease, licence, authorisation or permit under this act over Local Government Land.
- 4.4 Section 222 of the Local Government Act 1999 specifies that a person must not use a public road, including any part of the road reserve such as the footpath area, for business purposes unless authorised by Council.
- 4.5 When issuing a permit, the Council may impose any appropriate conditions. Such conditions will generally relate to matters referred to in these Guidelines and may include works or actions required by the applicant to satisfy public safety and liability considerations.
- 4.6 If the permit or licence is to be used in or occupy any street, road or other public place, the Permit Holder or Licensee must have all other licences, registrations or permits and pay any site fees which may be required under the provisions of any relevant Act, Regulation or By-law.
- 4.7 A Mobile Food Vending Permit is typically not required when part of catering for an event on public land where a permit or licence has already been issued to the Event Holder or another arrangement

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(such as a stall holder permit) has been provided by Council.

- 4.8 A mobile food vending permit is also not required for trading on privately owned land, but a vendor may require development approval in circumstances where the development reflects a change in land use, or exceeds a total floor area of 30 square metres and has a significant detrimental effect on the amenity of the locality.

5. OPERATIONAL GUIDELINES

Mobile food vending applications will be considered on their individual merits and assessed against these Guidelines.

Council aims to support Mobile Food Vendors in locations where it does not cause a danger to pedestrian safety, provides easy access, limits the loss of car parking, avoids impact on amenity, limits impacts on businesses in the area and supports high amenity.

5.1 Where can a Mobile Food Vendor operate?

- 5.1.1 A mobile food vendor can trade across the Rural City of Murray Bridge providing these Guidelines are adhered to.
- 5.1.2 Council has identified a list of preferred sites (below) but will consider all permit applications.

Murray Bridge

- Johnstone Park Car Park
- Long Island Reserve Car Park
- Railway Terrace Car Park
- Sturt Reserve Charles Sturt Drive Car Park
- Wharf Precinct Car Park

Outer Townships

- Avoca Dell Car Park, Riverglades
- Baker Reserve Car Park, Wellington
- Monarto War Memorial Hall Car Park, Monarto
- Woodlane Reserve Car Park, Woodlane

- 5.1.3 A mobile food vendor must not operate within 200 metres from a fixed food business with the same food offering during such times that the fixed food business is open to the public.
- 5.1.4 A fixed food business could include cafes, restaurants, delicatessens, takeaway food businesses, bakeries, green grocers, health food shops, butchers, supermarkets and in some cases, service stations.
- 5.1.5 Further, mobile food vendors will be limited to a maximum of three (3) at any location at the same time, and permitting preference will be given to achieve a variety of products at any one site and to avoid duplication of service offerings between Mobile Food Vendors.

5.2 General Safety and Amenity

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- 5.2.1 The serving area should be from the footpath and/or reserve-side of the vehicle only (i.e. away from the flow of vehicle traffic).
- 5.2.2 All cooking and heating equipment should be adequately screened to prevent accidental burn injuries.
- 5.2.3 All sign boards, ropes, wires and other equipment used in connection with the mobile food vendor should be placed so as not to cause a hazard to members of the public and, in particular, must not slow egress in the case of fire or other emergency.
- 5.2.4 Electrical appliances, outlets and wiring must comply with all electrical safety requirements.
- 5.2.5 Gas installations must comply with the requirements of the Gas Act 1997 and Regulations, with all valves, hoses and safety devices being maintained in good condition.
- 5.2.6 The use of externally amplified noise is prohibited.
- 5.2.7 The mobile food vendor must comply with the noise levels specified under the Environmental Protection (Noise) Policy 2007.
- 5.2.8 All liquid waste (including waste water and waste oil) must be contained and removed or disposed of appropriately at the end of trading. No waste or other material is to be deposited into the storm water system. No hosing down of areas is to take place. Mobile food vendors must contact SA Water to determine appropriate disposal of trade waste for their business.
- 5.2.9 The mobile food vendor must adhere with Fire Danger Restrictions that apply in SA. [Learn more about What You Can & Can't Do and updates on Fire Danger Season dates.](#)

5.3 Operating Hours

- 5.3.1 A mobile food vending business should generally only operate between 8.00am and 10:30pm during Daylight Savings and between 9.00am and 9.00pm at other times.
- 5.3.2 A mobile food vending business and the vehicle from which it operates must not be situated or parked in one location for more than 24 hours (regardless of whether or not the business is operating).

5.4 Food Safety

- 5.4.1 A mobile food vendor must comply with all health and food safety aspects of the entire operation as contained in the Food Act 2001, Food Regulations 2002 and Food Safety Standards.
- 5.4.2 Permit holders may be subject to routine food safety inspections by the Council's Environmental Health Officers.
- 5.4.3 Further information regarding the Food Act and Food Safety Standards may be obtained from the Council's Environmental Health Services Team on (08) 8539 1100.

5.5 Road Safety

- 5.5.1 The mobile food vehicle must be parked in a location that does not unduly interfere with:
 - vehicles driven on roads
 - vehicles parking or standing on roads

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- pedestrian access and safety
- a parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules)
- public transport and cycling infrastructure
- other road related infrastructure; or
- infrastructure designed to give access to roads, footpaths and buildings.

5.5.2 Mobile food vehicles will generally not be supported in a location adjoining a high-speed road environment (e.g. in road speed zones of 80 kilometers per hour or above).

5.5.3 No advertising, except for one (1) 'A' frame or sandwich board sign or an inverted 'T' sign, or other devices shall be installed or displayed that causes undue distraction to drivers of vehicles on an adjacent roadway.

5.5.4 The construction, design and placement of an 'A' frame or sandwich board sign or an inverted 'T' sign must comply with Rural City of Murray Bridge's Moveable Signs By-law no. 4.

5.5.5 A mobile food vendor set up must not encroach or interfere with loading zones, disabled parks, taxi ranks, bus stops, permit or residential permit parking or no stopping conditions.

5.5.6 A mobile food vending vehicle must always avoid encroachment on bike lanes.

5.6 Design and Construction

5.6.1 All mobile food vehicles must be constructed to the satisfaction of the Council's Environmental Health Officers. Sharp edges or projections should be avoided and must be suitably constructed for the type of food preparation, handling and sale activities that are intended to take place.

5.6.2 The vehicle must provide adequate protection for any food that is likely to be contaminated by insects, birds, rain and direct sunlight.

5.6.3 All surfaces such as floors, walls, ceiling, shelving and benches must be smooth, impervious and easily cleanable.

5.6.4 Unless otherwise approved by Council, mobile food vendors must not erect any structures, place any objects (not including a vehicle) or install any permanent fixtures or fittings on Council land or roads or buildings in connection with the mobile food vending business.

5.7 Site Maintenance

5.7.1 The mobile food vendor shall keep the area surrounding their vehicles free of litter and in a clean, hygienic state at all times.

5.7.2 Mobile food vendors must provide bins for use by their customers and ensure the area around their site is kept clear of rubbish at all times.

5.7.3 Mobile food vendors shall carry the cost of any damage to Council property.

5.7.4 Trees and other significant streetscape elements such as public art, benches, rubbish bins and bus shelters shall not be obstructed, covered, removed, damaged, relocated or modified as a result of a mobile food vending area operation.

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6. PERMIT ADMINISTRATION

6.1 The Application Checklist

6.1.1 A Mobile Food Vending Application must include the following:

- A completed Mobile Food Vending Application Form.
- A location plan specifying the siting of the vehicle and area designated for consuming products.
- Images showing the mobile food vehicle including registration number(s), vehicle type, make and model for vehicle(s) to be used for food and beverage preparation/serving.
- Images showing the proposed serving set up which may include chairs, tables and umbrellas.
- The period for which the permit is sought.
- Evidence of payment of the Permit Fee.

6.2 Permit Fee

6.2.1 A Permit Fee is payable at the time of application. The fee structure is outlined in the Permit Application Form.

6.3 Permit Term

6.3.1 Permits can be purchased on a 'per day', 'per month' or on an 'annual' basis.

6.4 Insurance

6.4.1 The Permit Holder is required to take out and hold a **public liability insurance** policy of not less than \$20,000,000 (twenty million dollars) and must cover injury, loss or damage arising out of the activity carried out under the Permit or the granting of the Permit by the Council.

6.4.2 The Permit Holder is required to take out and hold a **product liability insurance** policy of not less than \$5,000,000 (five million dollars) to cover injury, loss or damage arising out of the products sold by the Permit Holder.

6.4.3 Enforcement of Conditions

6.4.4 A Permit Holder shall comply with all conditions of the Permit.

6.4.5 The Permit shall be subject to inspections by officers of the Council to determine that the conditions of the Permit are being satisfied. A Permit Holder is required to comply with any direction provided by such an officer.

6.4.6 A person to whom a permit has been issued shall produce this permit for inspection by an authorised officer of the Council upon demand, at any time during which the permit is valid or the mobile food vehicle is in operation.

6.4.7 Any breach of the conditions of the permit may result in further action by the Council, including revocation of the permit.

6.5 Change of Business Owner

6.5.1 In the event that the Mobile Food Vehicle and its business changes ownership, the new business operator and vehicle owner must apply for a new permit.

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7. MORE INFORMATION

- 7.1 For more information please contact the Rural City of Murray Bridge (08) 85391100 or e-mail Council@murraybridge.sa.gov.au.