

MOBILE FOOD VENDOR LOCATION RULES



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.

A 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 Council under section 225A of the Local Government Act.

The Council has adopted the location rules set out in this document.

2. Council determined mobile food vending business sites

The Council has determined that mobile food businesses may operate from the sites shown on the attached map.

3. Mobile food vending business determined sites

A mobile food vending business holding a permit issued by the Council may operate anywhere in the Council area, subject to complying with these location rules and any other requirements of its permit.

3.1. Operate a reasonable distance from a fixed food business

Location rule

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.

3.2. Take into account the effect of the operation of the mobile food vending business

Location rule

A mobile food vending business must select a site for operation which takes into account the effect of the operation of the mobile food vending business on:

- (a) vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
- (b) the requirements relating to, and availability of, parking spaces; and
- (c) residents and businesses.

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.

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3.3. No undue interference with vehicles or road related infrastructure

Location rule

A mobile food vending business must select a site for operation where the mobile food vending business will not unduly interfere with:

- (a) vehicles driven on roads;
- (b) vehicles parking or standing on roads;
- (c) a parking area for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*);
- (d) public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
- (e) other road related infrastructure; or
- (f) infrastructure designed to give access to roads, footpaths and buildings.

3.4. Compliance with legislative requirements

Location rule

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

- (a) the *Food Act 2001*;
- (b) the *South Australian Public Health Act 2011*;
- (c) the *Environment Protection Act 1993*;
- (d) the *Local Nuisance and Litter Control Act 2016*;
- (e) the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
- (f) legislation relating to electrical or gas installations or appliances; and
- (g) relevant legislation relating to health, safety or the environment.

Explanation

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

4. Disputes may be referred to the Small Business Commissioner

If an operator of a food business in the Council 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.

5. Amendment of these location rules

The location rules may be amended from time to time by the Council. 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.

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Name of Council	City of Marion
File reference	
Responsibility:	
Version:	1
Effective date:	1 March 2018
Last revised date:	
Minutes reference:	
Next review date:	31 August 2020
Applicable Legislation:	<i>Local Government Act 1999, s225A</i>
Related Policies:	
Related Procedures:	

Glade Crescent Reserve, Quailo Avenue, Hallett Cove



Glandore Oval, Margaret Street, Glandore



Glandore Community Centre, Naldera Street, Glandore



Harbrow Grove Reserve, Harbrow Grove and Eurundee Avenue, Seacombe Gardens



Hessing Crescent Reserve, Hessing Crescent, Trott Park



Reserve Street Reserve, Adams Road Trott Park



Southbank Boulevard Reserve, Station Crescent and Encounter Road Sheidow Park



Jervois Street Reserve, Jervois Street and Waterhouse Road, South Plympton

