



Mobile Food Vendors

Permit Guidelines and Locations



Mobile Food Vendors

The City of Victor Harbor welcomes Mobile Food Vendors to operate at specified locations within the Council area to enhance and complement existing food businesses by cultivating a vibrant community culture through the activation of streets and public places.

What is a mobile food vendor?

A 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).

I am a mobile food vendor. Do I have to apply to permission to trade in Victor Harbor?

Yes. Mobile food vendors are required to seek Council's permission by submitting an application form.

This application form is available at www.victor.sa.gov.au or from the Civic Centre, 1 Bay Road Victor Harbor.

Types of Permits

Mobile food vendors: may set up and trade at any of the approved locations as identified on Council's website. These permits are subject to adherence to 'location rules' and individual site specific conditions as referenced in these Guidelines.

Mobile ice cream vendors: only stop to trade as hailed by customers and primarily service residential homes. These permits are not subject to the 'location rules' or restricted to the approved locations as referenced in these Guidelines.

Festivals, Events and Private Functions

These guidelines do not include applications for mobile food vendors that wish to trade at Festivals and Events Please refer to Council's Festival's and Events documents.

A Permit is not required if the mobile food vendor is catering (by invitation) for an event on public land where a Permit or Licence has already been issued to the Event Holder.

Where are the approved locations for Mobile Food Vendors?

The current locations approved for the mobile food vendor Permits include:

- The Bluff
- Kent Reserve
- Barker Reserve
- Corner of Inman Street and Esplanade
- Youth Park (Bridge Terrace)
- Bridge Point
- Hayward Court Lookout
- Investigator Car Park

Detailed maps and descriptions of the locations are provided from page 10.

Locations may be added, altered or removed from time to time. Please check Council's website for current details.

Mobile Food Vendor Permit Guidelines

*Pursuant to: Section 222 Local Government Act 1999
Council By- Law No. 4*

1. Scope

These Guidelines have been prepared to provide guidance to mobile food vending businesses that wish to operate within the City of Victor Harbor Council area at locations that have been approved by Council and that are not subject to other Council policies or local government regulations. These guidelines should be read in conjunction with the Mobile Food Vendor Permit Policy and associated location maps.

2. Methodology

Each location where mobile food vendors are permitted to trade, supports Council's objective to enhance and complement existing fixed food businesses by cultivating a vibrant community culture and make sure each site does not cause an obstruction to vehicle and pedestrian traffic.

Council's guidelines are structured to enable a merit-based assessment of applications that supports the appropriate use of public roads and reserves.

3. Definitions

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*).

Mobile food truck: is an all-in-one vehicle e.g transit van. May contain a cooking / food preparation area. May serve from inside or from back of vehicle.

Mobile food trailer: is a vehicle that is required to be attached to a vehicle and

towed. May contain a cooking / food preparation area.

Mobile food cart: is the smallest option, either attached to a vehicle or a push bike. No food cooking / preparation area.

Mobile ice cream vendor: refers to a mobile food vendor that is primarily engaged in the sale of ice cream. These vans only stop as hailed by customers and primarily service residential homes.

Vehicle: within the meaning of the *Road Traffic Act 1961*, includes:

- (a) a motor vehicle, trailer and a tram; and
- (b) a bicycle; and
- (c) an animal;-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
- (d) a combination; and
- (e) a motorised wheelchair that can travel at over 10 kilometres per hour (on ground level),

but does not include another kind of wheel chair, a train or a wheeled recreational device or wheeled toy.

4. Strategies for effective implementation

Council supports the appropriate use of public roads and reserves for mobile food vendors to operate at approved locations and mobile ice cream vendors to traverse the streets, whilst considering public safety, the local economy, fixed food business operators and residential amenity.

A mobile food vendor vehicle must be self-sufficient i.e. there is no provision for power or water at any of the approved sites.

4.1 A mobile food vendor must hold a valid permit to operate within the Victor Harbor Council area. (pursuant to Section 222 of the *Local Government Act 1999* 'the Act' and Council By-Law No.4)

4.2 Mobile ice cream vendors will be assessed on an individual basis and are **not** subject to the 'locations rules' as described in these Guidelines (unless applying to trade at the eight approved sites, then location rules apply). Only one Permit within the Council area will be approved at any one time.

Mobile Food Vendors

4.3 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.

4.4 The Location Rules considers the effect of the mobile food vending business operation on:

4.4.1 Vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and

4.4.2 The availability of parking spaces; and

4.4.3 Residents and businesses in the vicinity.

4.5 The approved locations as published on Council's website have taken in to account the location, opening hours and the distance of the nearby fixed food businesses.

4.6 Mobile food vendor vehicles may be restricted at certain locations depending on their size or type of vehicle and / or the size of the parking area in an approved location. i.e. if the operator serves from inside or outside of the vehicle or if the vehicle is a food truck or food trailer.

4.7 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 which must comply with Council's *Moveable Sign By-Law No.2*

5. Operational guidelines

Mobile Food Vendors

5.1 Core guidelines and location rules are essential for the implementation of the Mobile Food Vendors Permit Policy r and includes the following directions:

5.1.1 Permit Holders are only permitted to trade at any of Council's designated sites (or as approved by Council staff).

5.1.2 Most sites allow for one (1) mobile food vendor only (unless specified on the individual site-specific conditions).

5.1.3 Occupation on an approved site is on a 'first in' basis.

5.1.4 Operating hours are from sunrise to sunset unless otherwise stated.

5.1.5 There is no minimum or maximum stay limit within the listed hours of operation on the approved sites.

5.1.6 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.

- 5.1.7 When an approved location offers more than one car parking area to operate, this means the operator is able to choose which space within that site to operate but does not permit for more than one mobile food vending operator to utilize that site (unless specified on the individual site-specific conditions).
- 5.1.8 The Permit Holder must not leave a mobile food vending vehicle unattended on site i.e. leave a vehicle overnight as to secure a location for trading.
- 5.1.9 Exclusive use of an area is not permitted and areas are not to be reserved.
- 5.1.10 The Permit Holder must not sell, serve or provide alcohol without prior Council approval.
- 5.1.11 The Permit does not include the right to provide or sell cigarette or tobacco products.
- 5.1.12 All liquid waste (including waste water and waste oil) must be contained and removed or disposed of appropriately.
- 5.1.13 No waste or other material is to be deposited into the storm water system.
- 5.1.14 The use of amplified noise is prohibited.
- 5.1.15 All sign boards, ropes wires etc and other equipment used in connection mobile food premises should be placed so as not to cause a hazard to members of the public.
- 5.1.16 All cooking and heating equipment should be adequately screened to prevent accidental burn injuries among members of the public or staff.

5.1.17 The Permit Holder must provide a bin for the use of their customers and keep the site clean and free of litter and waste materials.

5.1.18 The Permit Holder is responsible for the removal of all rubbish and equipment from each site and must not dispose of rubbish in to Council bins.

5.2 Mobile food and Ice Cream Vendors

The operation of a mobile food or mobile ice cream vending business must not unduly interfere with:

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

5.3 Permit fee

A permit fee is payable before an approved permit is issued.

Fees are determined as per Council's fees and charges, which are reviewed annually.

Permits are not transferable if a business changes ownership.

5.4 Compliance with legislation

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 a mobile ice cream business.

Legislation includes but is not limited to the:

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

Also, refer to the Safework SA website (www.safework.sa.gov.au).

Permits do not allow parking contrary to the Australian Road Rules

5.5 Design and construction

Mobile food and mobile ice cream vending vehicles must be suitably constructed for the type of food preparation, handling and sale activities that are intended to take place.

Mobile food vending vehicles must provide adequate protection for any food that may be contaminated by adverse environmental effects such as dust, insects, rain and direct sunlight.

5.6 Enforcement

A Permit Holder must make available for inspection, a current Permit at any time when requested by an Authorised Officer and comply with any direction provided by such an officer.

Any breach of conditions of the Permit may result in further action by the Council, including the issue of an infringement notice and / or cancellation of the Permit.

A Council may, under section 225 of the Act and the City of Victor Harbor By-Law 1, by notice in writing to the Permit Holder, cancel a Permit if a breach is sufficiently serious to justify cancellation of the Permit.

5.7 Amendment of the location rules

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

5.8 Approved locations and site-specific conditions

The maps for the approved locations noting the individual specific conditions are detailed from page 9 of this document and are available on Council's website.

6 Applying for a permit

Approved locations as shown on Council's website may be subject to change at any time dependent on feedback relating to the location.

6.1 What the permit allows

6.1.1 The permit allows for 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 the Mobile Food Vendors Permit Policy and 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 derogate from Council's powers under the *Local Government Act 1999* or any other legislation.

6.2 Where to Apply

An application form can be obtained from Council's office or online www.victor.sa.gov.au

6.3 How to apply for a new Permit

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

- a completed application form
- a current copy of public liability insurance* 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). Noting the City of Victor Harbor as an interested party. The Policy must not be allowed to lapse during the period of the Permit.
- provide proof of notification of a food business with their local Council's Environmental Health Officer and address where the vehicle is garaged
- an image of registered mobile food vehicle/s and proposed set up including any signage
- a copy of the vehicle registration certificate
- evidence of a police clearance
- payment of the prescribed fee

- a copy of the mobile food business emergency management plan
- **Mobile ice cream vendors** should supply information on any audible or visual devices that are proposed as a means of attracting customers. There may be conditions imposed that restrict the trading of mobile ice cream vendors near the CBD and immediate foreshore areas.

6.4 Permit Approval

Approval is granted by Council under delegated authority with reference to Council's Mobile Food Vendor Permit Policy and these Guidelines. If approved, Council staff will notify the applicant and issue a written Permit.

The Permit becomes valid when all of the following has been completed:

- all information and fees are received and application approved
- an executed Permit has been issued to the applicant

Permits are valid for either a 12 or a monthly basis dependent on the application and as stated on the approved Permit.

Permits are not transferable to a new proprietor.

6.5 Schedule of Permit Fees

Fees associated with the issuing of a Mobile Food Vendor Permit are detailed in the Council's Schedule of Fees and Charges.

6.6 Permit Holder Responsibilities

Permit holders must:

- comply with the permit conditions

- ensure that the operation of the food vendors business conforms to the criteria specified in these Guidelines
- not create a hazard for pedestrians or motorists, particularly during adverse weather conditions.

The permit holder must not cause, suffer or permit any damage to Council land or property.

The permit holder is liable to pay Council the costs of making good any damage caused to Council land of property in connection with the mobile food vending activities authorised by the permit. This includes pavement repairs or cleaning that Council considers to be necessary by reason of the permit holders use of the permit areas, which Council costs may be recover as a debt from the permit holder.

The permit holder must notify Council immediately of any damage to the area or any Council owned property located within or adjacent the area.

6.7 Removal or Relocation of an operating Food Vendor Vehicle

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 out of the location of the vehicle

- Removal is considered necessary to facilitate occasional events such as road or footpath works, parades, festivals, etc.
- If permit conditions are not complied with, or
- The food vendor operator does not have an approved permit for the vehicle.

7 Legislation and compliance

Refer to Council's Mobile Food Vendors Permit Policy for relevant legislation.

7.1 Compliance

7.1.1 Using a public road for business purposes without a Permit issued by Council is an offence under Section 222 and may be liable to pay a penalty as specified under the *Local Government Act 1999*.

7.1.2 A person who commits a breach of any By-Law of the Council is guilty of an offence and may be liable to pay a penalty as specified by the *Local Government Act 1999*.

7.1.3 Should an area of the public road or Council reserve be used that is outside an approved location boundary then it is considered to be an offence (no permit). Any continued breach may attract further expiations fines issued at a timeframe set by Council's delegate.

7.1.4 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 1999* and the City of Victor Harbor By-Law 1.

Mobile Food Vendor Permit Approved Locations and Site Specific Location Rules.

The following standard conditions apply for all sites (unless otherwise stated or approved by Council):

- Only one (1) mobile food vendor permitted unless otherwise stated on the individual site specific conditions
- Mobile food vehicles must be self –sufficient as there is no opportunity for connection to water or power.
- Operating hours – sunrise to sunset
- Occupation of a site is on a ‘first in’ basis
- There is no minimum or maximum stay limit between the listed hours of operation
- When an approved location offers more than one car parking area to operate, this means the operator is able to choose which space within that site to operate but does not permit for more than one mobile food vending operator to utilize that site (unless otherwise stated on the individual site-specific conditions)
- Exclusive use of an area is not permitted and areas are not to be reserved
- Mobile food vendors must serve away from moving traffic / other vehicles and towards footpaths / reserves / beach
- Mobile food vendors should park as not to restrict other users of the parking areas
- Mobile food vehicles may be excluded from certain locations dependent on size and movability of the vehicle.

Currently there are eight (8) approved sites within the Council area of Victor Harbor and are listed as an annexure A to these Guidelines and at www.victor.gov.au

***Locations may be subject to change at any time dependent on feedback received relating a location. Permit holders should check Council’s website regularly for updates.**

**These locations do not apply to mobile ice cream vendors.*

List of eight approved mobile food vendor sites

Annexure A



0 700 1,400 2,800 Metres

**Eight Approved
Mobile Food Vendor Sites**



This map may contain inaccuracies and errors and the City of Victor Harbor does not give warranty of accuracy, reliability or completeness.

Site 1: The Bluff – Corner of Franklin Parade and Jagger Road, Victor Harbor

Description:

Popular tourist area overlooking Encounter Bay

Operating hours:

- Sunrise to sunset only

Site Specific Conditions:

Two (2) mobile food vendors permitted to operate at any one time at the Bluff sites 1a to 1e

- 1a** Sealed carpark looking toward Granite Island
 - Limited to food trucks and carts only
 - Trading permitted in car park space on either end of parking indent, highlighted areas and facing away from other vehicles
- 1b** Gravel parking bay in-between site 1a and 1c
- 1c** Sealed parking off road- looking toward Waitpinga – top of Bluff
 - Limited to food trucks and carts only
 - Food vehicle to use car park space at entrance to walking trail to Bluff summit
- 1d** Gravel off road parking – Petrel Cove
 - Food vehicle to park at far end of parking area as not to restrict other users of the parking area – near steps
- 1e** Gravel parallel parking area at picnic area on way to Bluff exit



Site 2: Kent Reserve – Corner Franklin Parade and Harbour View Terrace, Victor Harbor

Description:

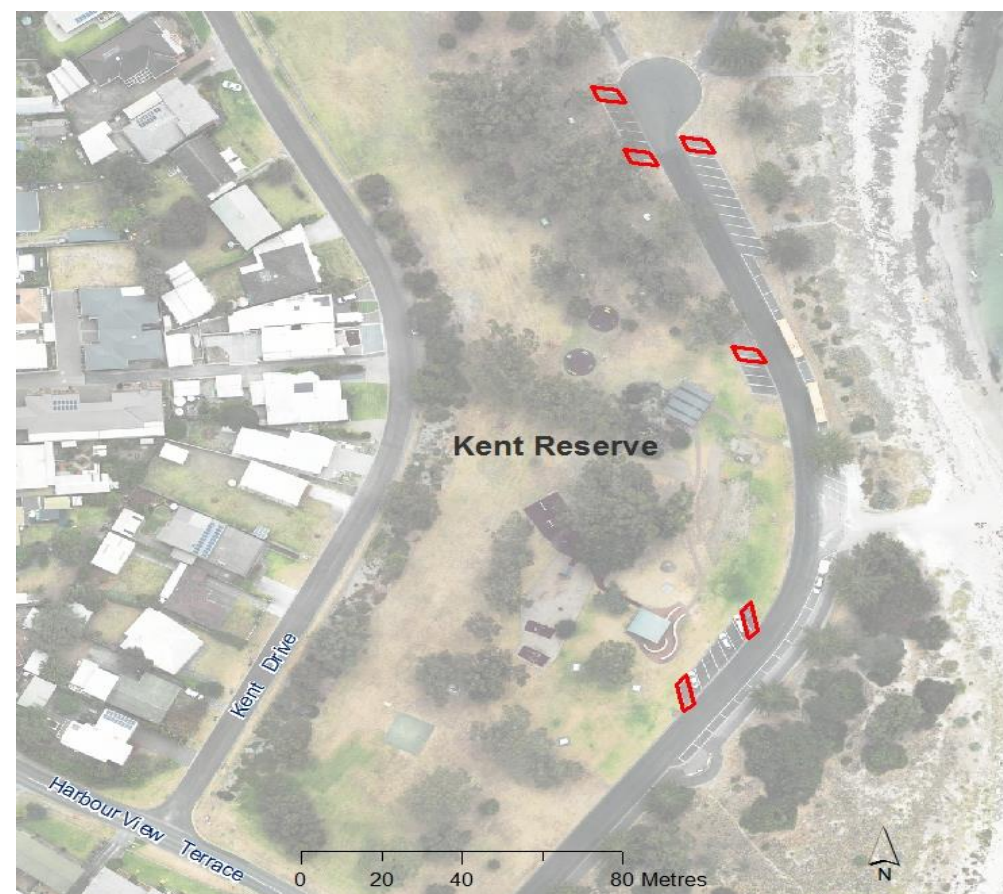
- Maintained Reserve
- Three indented angle car parking areas facing Reserve
- One area facing beach
- All located within the Reserve, includes playground, toilets and picnic area

Operating hours:

- Sunrise to sunset only

Site Specific Conditions:

- Two (2) mobile food vendors permitted to operate at any one time
- Limited to food trucks and carts
- Trading permitted in end car park space of each indent (highlighted areas)
- Food vendors must serve away from moving traffic / other vehicles and towards the reserve.



Site 3: Barker Reserve – Bay Road, Victor Harbor

Description:

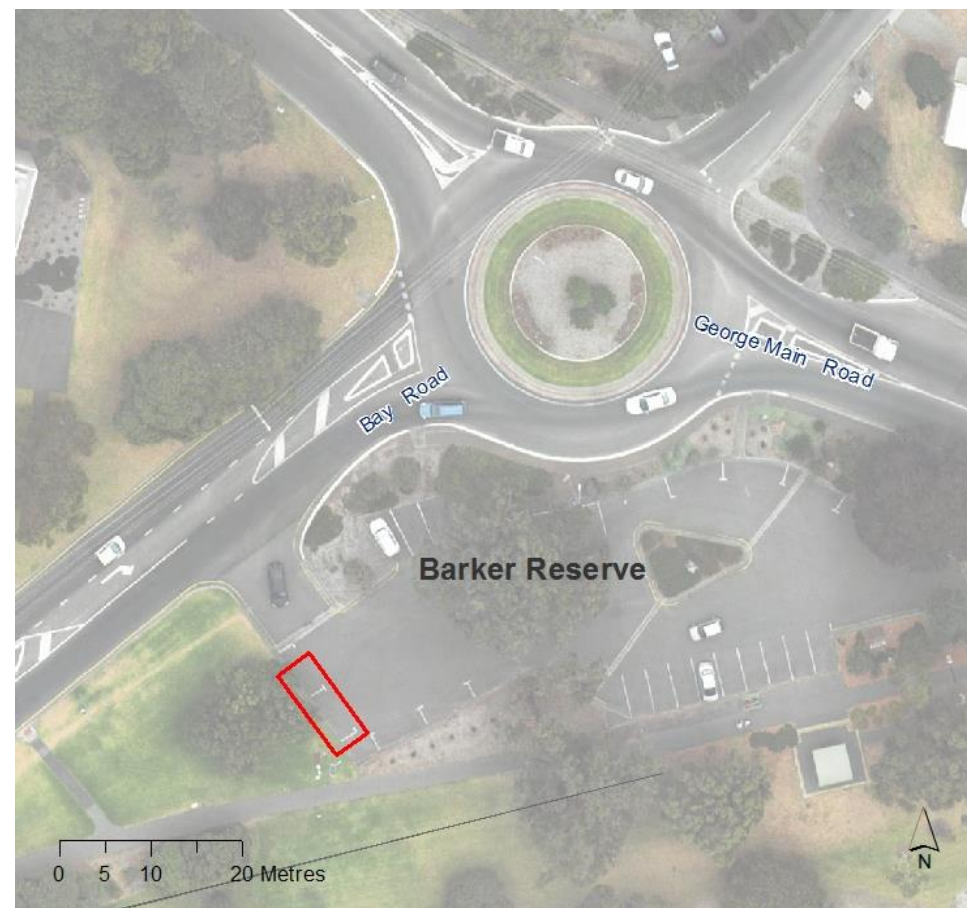
- Maintained Reserve, picnic area and toilets by Inman River Bridge
- Sealed car parking within Reserve

Operating hours:

- From 4pm to sunset Monday to Friday
Sunrise to sunset, weekends and public holidays

Site Specific Conditions:

- One mobile food vendor permitted at any one time
- Limited to food truck and carts
Trading permitted in or up to two (2) car parallel park spaces located near entrance (highlighted areas)
- Food Vendors must serve away from moving traffic / other vehicles and towards the reserve.



Site 4: Inman River Mouth – Corner Inman and Esplanade, Victor Harbor

Description:

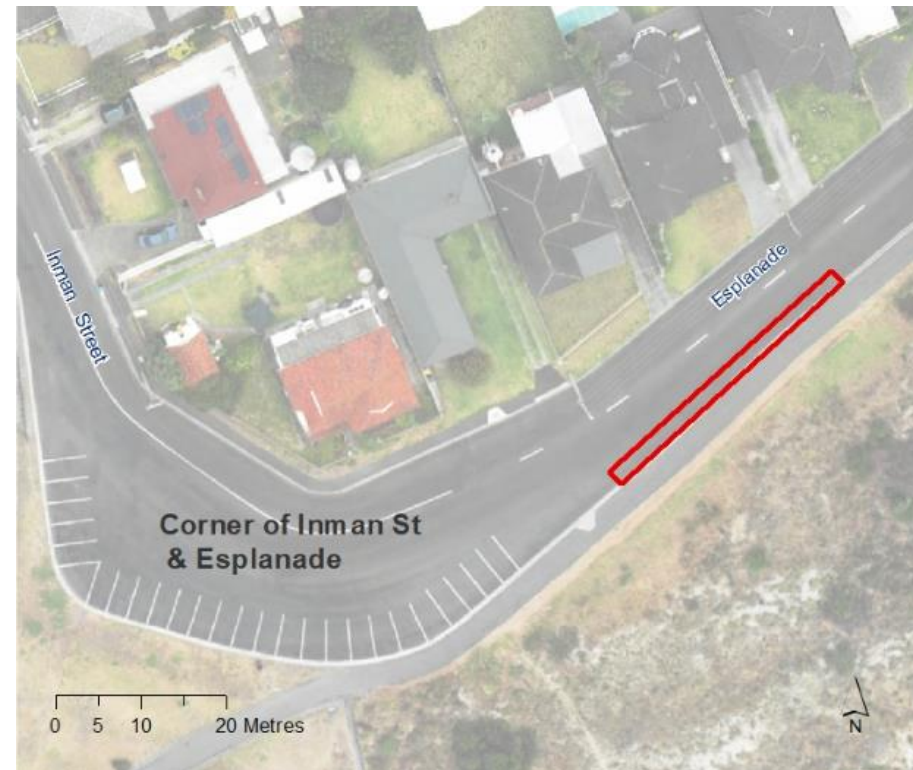
- Parallel car parking on roadside
- Popular beach viewing spot at mouth of Inman River
- Adjoining walking / bike track

Operating hours:

- Sunrise to sunset only

Site Specific Conditions:

- One mobile food vendor permitted at any one time
- Trading permitted to occupy parallel car park spaces (unmarked up to 40 metres from pram ramp to garden bed, highlighted area) along the esplanade.
- Food vendors must serve facing away from moving traffic and towards beach.



Site 5: Youth Park – Bridge Terrace, Victor Harbor

Description:

- Near Grantley Avenue rail crossing
- Parallel parking on road (unmarked) adjacent Youth Park.
- Near Skate Park and toilets

Operating hours:

- Sunrise until sunset
- Hours limited to when nearby shop on corner of Hindmarsh Road and Breckan Avenue is closed

Site Specific Conditions:

- One mobile food vendor permitted at any one time
- Trading permitted in unmarked car park area in front of Youth playground (highlighted area)
- Food vendors must serve facing away from moving traffic and towards youth playground



Site 6: Bridge Point – Bridge Terrace, Victor Harbor

Description:

Roadside parallel car parking (unmarked) Bridge Terrace

- Popular beach access
- Commonly known as Groynes Beach
- At Bridge Point near rail bridge
- Toilets and change room

Operating hours:

- Sunrise to sunset only

Site Specific Conditions:

- One mobile food vendor permitted at any one time
- Trading permitted along unmarked road parallel to beach and avoid parking on curve of road (highlighted area)
- Food vendors must serve facing away from moving traffic and facing beach



Site 7: Hayward Court Lookout – Hayward Court, Hayborough

Description:

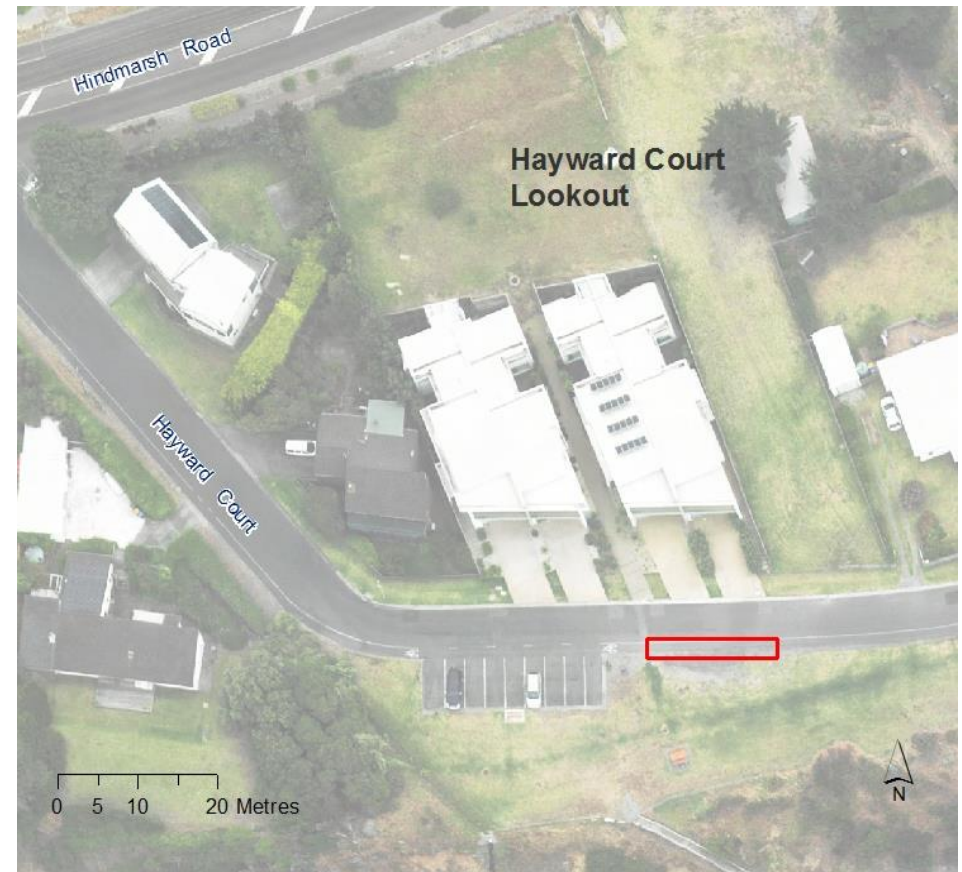
Unmarked parallel car parking on roadside at popular viewing and beach access area

Operating hours:

- Sunrise to sunset only

Site Specific Conditions:

- One mobile food vendor permitted at any one time
- Trading permitted along unmarked parallel car park spaces adjoining marked angle parking area (highlighted area)
- Food vendor must serve facing away from moving traffic and towards beach.



Site 8: Investigator Car Park – Corner Olivers Parade and First Avenue, Hayborough

Description:

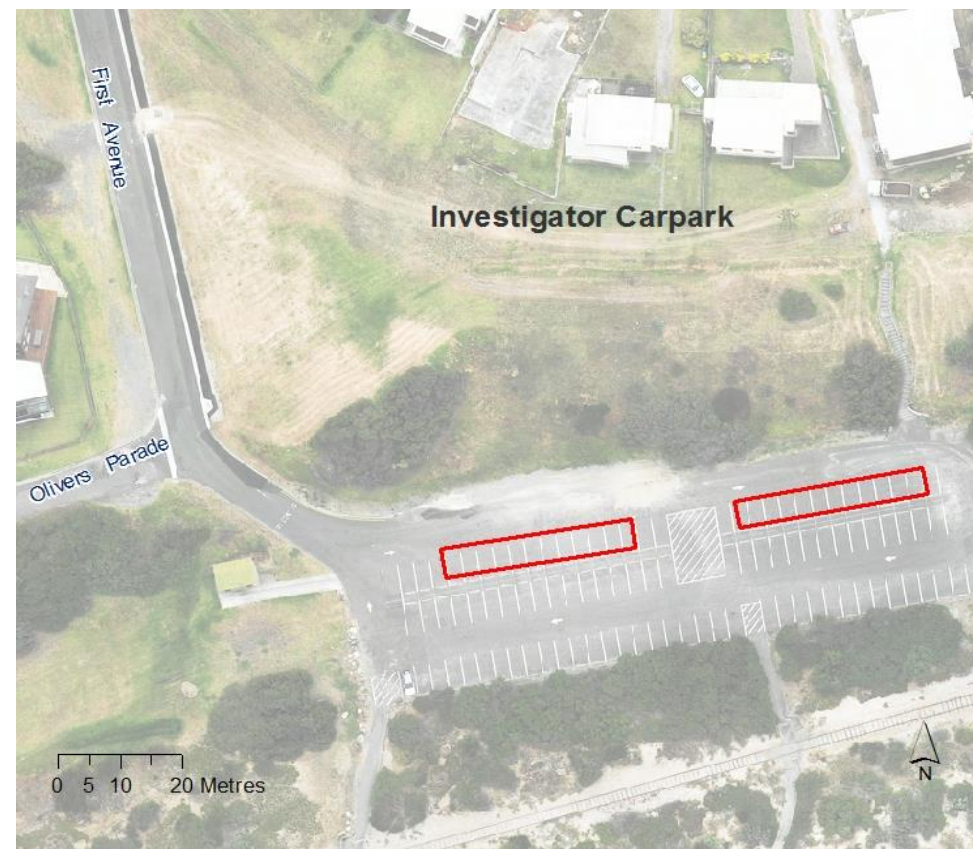
- Large sealed car park for popular beach access
- Toilets available

Operating hours:

Sunrise to sunset only

Site Specific Conditions:

- **Two** (2) mobile food vendors permitted to operate at any one time
- Trading permitted using up to three (3) car park spaces each (highlighted area)
- Permitted along first row of car park from entrance only
- Food vendors must serve facing away from moving traffic toward central pedestrian pathway that separates adjoining row of car parking.





Feedback: Mobile Food Vendors

If you have feedback relating to the mobile food vendor permit locations or mobile food vendors in general, please provide your feedback online or by completing the form below, and returning to council by email (localgov@victor.sa.gov.au); post (PO Box 11, Victor Harbor SA 5211) or in person (1 Bay Road, Victor Harbor).

Name:

Address:

Email*:

Please note, your feedback may be made publicly available in a Council agenda.

Comments:

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If you require more space please use the other side of this form or attach further pages.

Signed:

Date: