

THE BAROSSA COUNCIL

MOBILE FOOD VENDORS POLICY



1. Purpose

- 1.1. The purpose of this Policy is to provide a framework for which Mobile Food Vendors may operate within The Barossa Council area in a manner that supports mobile food vendors, established food businesses and satisfies Council's obligations under the Local Government Act 1999.

2. Scope

- 2.1 This Policy applies to all mobile food vendors operating on a public road or reserve within the Barossa Council.

Exclusion from this policy:

- Mobile Food Vendors operating as part of a Council-approved event or function.
- Mobile Food Vendors operating on private land with the consent of the owner of the land;
- Food delivery services;

3. Policy Statement

- 3.1 Mobile Food Vendors must operate in a manner that enhances and contributes to the vibrancy of the region and within defined Location Rules as per the prevailing Council Mobile Food Vendors Location Rules.

Council seeks to apply a balanced approach to the management of Mobile Food Vendors through the provision of areas and guidelines where Mobile Food Vendors may operate whilst acknowledging and supporting fixed food businesses.

- 3.2 General Principles

Mobile Food Vendors shall not:

- Operate in contravention of Council's Mobile Food Vendor Location Rules or without a current Mobile Food Vendor Permit;
- Operate on main arterial roads under the management of Department of Planning, Transport and Infrastructure, or other State or Federal Government Department or authority without consent;
- Create or permit an adverse impact on road, traffic or pedestrian safety;
- Detract from the amenity of an area, or otherwise create a nuisance or hazard;
- Result in any increase in Council's existing levels or service levels in relation to rubbish removal, maintenance or civil works unless formally approved by Council;
- Operate in a manner that overtly diverts business or customers away from existing Fixed Food Businesses;
- Operate unless food or beverage is the primary product being provided.



Approval date:
18 August 2020

Review date:
18 August 2021

Approved by: Council
Council Minute Book Ref: 2018-
22/225

Ref: CD/135/20

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4. Supporting Processes and Documents

- The Barossa Council Location Rules – EDRMS 19/74178
- Department of Planning, Transport and Infrastructure Mobile Food Vending Operational Guidelines – EDRMS 20/6118
- Relevant guidelines, codes or rules issued by the State Government.
- Mobile Food Vendors Application – *To be developed*
- Mobile Food Vendor Permit – *To be developed*

5. Related Policies

6. Legislation and References

- 6.1. Local Government Act 1999 – Section 222
 6.2. Local Government (General) Regulations 2013


7. Review

This Policy will be reviewed within 12 months or as legislation or Council's need change.

8. Further Information

- 8.1. This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 8.2. Any complaint in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer, PO Box 867, Nuriootpa SA 5355 or barossa@barossa.sa.gov.au.

9. Document Control

Corporate Plan Link:		6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Document Owner:	Manager, Regulatory Services		Document Control Officer:	Administration and Technical Support – Regulatory Services
Consultation Rating:	A	Audience:	External	Next Review Date: 12 Months from approval
Version history				
Version No.	Date		Description of Change	
1.0	DD/MM/YYYY		New Policy	
2.0				

10.	Definitions
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Authorised Person	Authorised Person means a person appointed by a council as an authorised person under Chapter 12 Part 3 of the Local Government Act 1999.
Mobile Food Vendor	Means the operation of a business or activity involving the provision or sale of food or beverages from a vehicle.
Mobile Ice Cream Vendor	Refers to a mobile food vendor that is primarily engaged in the sale of ice cream. These vans have increased mobility and do not remain standing for any extended period of time, generally only stopping as hailed by customers, primarily in residential areas.
Vehicle	Has the same meaning as the Road Traffic Act and includes: Motor Vehicles, Trailers, Caravans or Bicycles.
Fixed Food Business	An established and approved business on private property which has the primary purpose of, or a significant proportion of business relating to, the retail sale of food or beverages direct to the public, and includes: Cafes, restaurants, takeaway food businesses, bakeries, butchers, supermarkets, fast food outlets and some service stations.
Food	As Per the Food Act 2001, means any substance prepared or grown for human consumption.
Private Land or Private Property	Means any land or area under private ownership or not under the care or control of The Barossa Council. For the purposes of this policy, private land also includes land or assets under the care and control of the State Government or a State Government body or agency.
Public Road	Has the same meaning as the Local Government Act, being— any road— <ul style="list-style-type: none"> (i) that is vested in a council under the Local Government Act, or another Act, or; (ii) that is placed under a Council's care, control and management as a Public Road after the commencement of the Local Government Act. And includes the areas commonly known as the road verges, nature strips and footpath areas.
Reserve	Reserve means community land reserved or dedicated as a Reserve or designated by the council as a Reserve;
Highway	Highway means— <ul style="list-style-type: none"> (a) A main road or a controlled-access road within the meaning of the <i>Highways Act 1926</i>; or (b) A road vested in the name of the Commissioner of Highways or the Minister to whom the administration of the <i>Highways Act 1926</i> is committed; or (c) A road that is subject to a notice under section 26 of the <i>Highways Act 1926</i>
Movable Sign	Has the same meaning as Council's Movable Sign By-law.
Application Fee	The relevant fee that is payable upon submitting an application for a Mobile Food Vendor Permit; which has been approved by Council and contained within the Fees and Charges Register.