

<b>Policy Reference Number:</b>	Policy Number 2.34
<b>Classification:</b>	Legislative
<b>Last Reviewed:</b>	12 February 2019 (Res 318/2019) 12 February 2020 (Res 232/2020) 09 February 2022 (Res 223/2022)
<b>Next Review Date:</b>	May 2023
<b>Responsible Officer:</b>	Manager Tourism & Events
<b>Approved by:</b>	Council Resolution
<b>Applicable Legislation:</b>	<i>Local Government Act 1999 Section 225 Food Act 2011 South Australia Public Health Act 2011 Environment Protection Act 1993 Local Nuisance and Litter Control Act 2016 Motor Vehicle Act 1959 and the Road Traffic Act 1961 Legislation relating to electrical or gas installations or appliances; and relevant legislation relating to health, safety or the environment</i>
<b>Related Policies, Procedures and Standards:</b>	Nil

### 1. Introduction

A mobile 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 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 225 of the *Local Government Act*.

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

### 2. Location Rules

#### 2.1. Mobile vending business excluded sites

A mobile vending business holding a permit issued by the Council may operate anywhere in the Council area other than in:

- Main Road from Harold Street to Robe Street.
- Victoria Street.
- Mundy Terrace.
- Bagot Street.
- Smillie Street.
- the town beach foreshore carpark before 9.00pm each evening.

The excluded areas may be used by mobile vending business where specific approval is given by Council.

## 2.2. Operational considerations

### Location rules

A mobile vending business must select a site for operation which allows for a reasonable distance between the mobile vending business, by taking into consideration:

- Clause 2.1;
- Number of mobile vending businesses;
- Operating hours of fixed food businesses;
- Distance between fixed premises and the mobile vending business.

The onus is on the mobile vending business, be aware that you may be required to provide an explanation of your reasoning to Council.

A mobile vending business must select a site for operation which takes into account the effect of the operation of the mobile vending business and will not cause an obstruction:

- to vehicles and pedestrian traffic, footpaths, driveways and access points to buildings;
- parking areas for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*);
- the requirements relating to, and availability of, parking spaces or vehicles standing on roads, and will not breach parking requirements applying to the site;
- public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
- residents and businesses; and
- other road related infrastructure.

## 3. Consequences

Failure to comply with the applicable legislation may lead to:

- cancellation of the mobile vendor's permit; and/or
- the issuing of expiation notices.

## 4. Definitions

A 'fixed food business' is '*a business the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premises*'. Fixed food businesses include cafes, restaurants, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets and, in some cases, service stations.

A 'reasonable distance' will depend on the circumstances and may vary from location to location.

## 5. Amendment and disputes of these location rules

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

If an operator of a business in the Council area is directly adversely affected by these location rules then the operator may apply to the Council for a review of the location rules.

### **Further information**

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.robe.sa.gov.au](http://www.robe.sa.gov.au)

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

### **Policy Review**

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment) and within six months of Council elections.

### Mobile Vendor Exclusion Locations

