



**DISTRICT COUNCIL OF  
KIMBA**

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**1.27**

**MOBILE FOOD VENDOR  
LOCATION RULES &  
PERMIT**



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This document has been endorsed and approved for use by:

*Debra Larwood*

Debra Larwood  
Chief Executive Officer

10/01/2024

Date

### Document Version Control

<b>Document Name:</b>	1.27 Mobile Food Vendor Location Rules Policy
<b>Document Status:</b>	Final
<b>Version Number:</b>	4
<b>Author:</b>	Deb Larwood, CEO
<b>Authorised By</b>	Deb Larwood, CEO

### Change History

Version	Issue Date	Author	Reasons for Change	Review Date
1	13/02/2018	D Larwood	New Policy	February 2020
2	15/01/2020	D Larwood	Review	January 2022
3	19/01/2022	E Maxwell	Review	January 2024
4	10/01/2024	E Maxwell	Review	January 2026

This document sets out a location rules for the purposes of section 225a of the Local Government Act 1999 (**LG Act**) and regulation 25C of the Local Government (General) Regulations 2013.

## **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 District Council of Kimba has adopted the location rules set out in this document.

## **2. Council determined mobile food vending business sites**

The District Council of Kimba has determined that mobile food businesses may operate from the sites shown on the attached map as long as they hold a permit issued by the Council.

The permit holder must comply with these location rules and any other requirements of its permit as below:

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

Council applies the following fee structure for the Mobile Food Vendor Permit

- 1 month - \$100
- 12 months - \$1,000

### **4. Compliance with legislative requirements**

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

- the *Food Act 2001*
- the *South Australian Public Health Act 2011*;
- the *Environment Protection Act 1993*;
- the *Local Nuisance and Litter Control Act 2016*;
- the *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

### **5. 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.

### **6. 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 to do so by the Small Business Commissioner or to satisfy a requirement of the Minister for Local Government.

### **7. Review of Policy**

The effectiveness of the policy will be reviewed and evaluated annually. The CEO will report to Council on the outcome of the evaluation, and make recommendations for amendment, alteration or substitution of a new policy. Council has the right to review this policy at any time, if considered desirable.

### **8. Adoption of Policy**

This policy was adopted by Council at its Ordinary Meeting on Wednesday, 10<sup>th</sup> January 2024.

**Attachment 1 – Locations**

Locations	Site Description	Constraints	
Lions/Apex Central Park	Along the verge of the road from the edge of the playground to the north to the edge of the carpark to the south on Park Terrace and Schaefer Avenue.	Maximum No. of Sites	1
		No. of operators (at any one time)	1
		Trading period	9am to 9pm 7 days/week
Silo Art Viewing Platform	Adjacent to the viewing area to a depth of 6 metres in from the edge of the road.	Maximum No. of Sites	1
		No. of operators (at any one time)	1
		Trading period	9am to 9pm 7 days/week



**Lions/Apex Central Park – Park Terrace and Schaefer Avenue Kimba**



**The Silo Art Viewing Platform – Railway Terrace Kimba**