

	<h1>District Council of Cleve</h1>	Version No:	1.1
		Issued:	August 2022
		Next Review:	July 2026

Policy Name: 14.5 - 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 District Council of Cleve pursuant to Section 225A of the Local Government Act and Regulation 25C of the Local Government (General) Regulations 2013.

The District Council of Cleve has adopted a set of location rules set out in this Policy taking into consideration Regulation 25C of the Local Government (General) Regulations 2013, 'Requirements relating to location rules'.

2. MOBILE FOOD VENDING BUSINESS SITES

The District Council of Cleve has determined that mobile food businesses may operate from the sites described and shown on attachment 1 provided they hold a current 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 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 is appropriate for their vehicle.
- A mobile food vending business must operate from a site where it will not cause an obstruction to persons using the public road or interfere with residents living, or businesses operating, in the vicinity of the site.
- 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.

3. PERMIT FEES

The following fee structure applies to Mobile Food Vendor Permits

- 1 Month - \$200
- 12 Months - \$2,000

4. REVIEW

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
- the Road Traffic Act 1961
- legislation relating to electrical or gas installations or appliances, and
- legislation relating to health, safety or the environment

5. DISPUTES

Disputes may be referred to the Small Business Commissioner.

Should the operator of a food business (fixed or mobile) consider their business to be 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 LOCATION RULES

The location rules may be amended from time to time by 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 by the Minister for Local Government.

7. COUNCIL ENDORSEMENT

This Policy was adopted by resolution of the Council on 16 August 2022.

8. REVIEW AND EVALUATION

This Policy is scheduled for review by Council in July 2026.

9. AVAILABILITY OF POLICY

This policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.cleve.sa.gov.au. Hard copies of the policy can be obtained upon request and payment of the relevant fee as per Council's schedule of fees and charges.

Locations

Location	Site Description	Restrictions	
Fourth Street, Cleve	Parallel parking spaces adjacent to the side of lot 127, 22 Main, Street	Maximum sites	1
		Operators (at any one time)	1
		Trading period	9am to 6pm
Foreshore, Arno Bay	North Eastern corner of Foreshore carpark, Arno Bay	Maximum sites	1
		Operators (at any one time)	1
		Trading period	9am to 6pm

Aerial View

Fourth Street, Cleve



Foreshore Carpark, Arno Bay

