



STREET TRADERS GUIDELINES (LOCATION RULES)

1. BACKGROUND

The City of Charles Sturt recognises the practice of vending certain products and services from public areas within the City. However, it also acknowledges the need to regulate (via a permit) the types of activities that occur to ensure an appropriate balance between the interests of the Council, local business operators, residents and street traders and vending permit holders. The permit approval process for issuing permits will consider the opportunity to enhance the vibrancy of the Council area whilst not unreasonably compromising the amenity of the surrounding area.

2. TYPES OF PERMITS

Permits are required for street trading and vending activities in the public realm.

Section 222 of the Local Government Act 1999 specifies that a person must not use a public road, including any part of the road reserve including footpath area, for business purposes unless authorised to do so by a permit from Council.

Section 200 of the Local Government Act 1999 specifies that a person must not use community land, including reserves, for a business purpose unless the use is approved by the Council and the approval is consistent with the community land management plan.

When issuing a permit (or lease or licence in the case of community land), appropriate conditions and the relevant fees and charges are imposed.

A Street trading or Vending Permit is not required for trading on private property however a development approval may be required. Fitness groups and personal trainers are not considered under these guidelines and are managed via the Public Reserves for Commercial Fitness Activities Policy.

2.1 MOBILE VENDING PERMITS – FOOD TRUCKS

Mobile Vending Permit holders may trade at any of the pre-approved food truck locations. Permits are issued on a monthly or annual basis.

2.2 ICE-CREAM FOOD VENDING VANS – MOBILE VENDING ONLY

Mobile Ice cream vendors are for the primary purpose of selling ice-cream or iced-confection foods. It is to be recognised that these vans are permitted to only stop to trade as hailed by customers and they primarily service residential homes.

2.3 ICE CREAM/ICE CONFECTION HAND CART VENDING ON THE FORESHORE

Foreshore permit holders are only permitted to stop to serve customers and cannot remain stationary in one location. They are to be primarily engaged in the sale of iced confectionary and motor vehicles are not permitted to be utilised as part of the activity.

2.4 EVENT VENDING

Permits issued for approved events or as part of fundraising activities and pop ups are not included in the maximum numbers of permits that can be issued for each section and area of the City. Event Vending requires the consent of the event organiser and is permitted only at the site, date and time of the event.

Note: If a Mobile Vending Permit Food Truck Permit holder has an existing annual permit, the maximum combined permit fee for the year cannot exceed the fees set in regulations.

2.5 COMMERCIAL ACTIVITIES

A business conducted in the public realm that provides goods or a service for a financial gain on a short term / temporary basis. Commercial Activities, including Pop-Ups are generally short term in nature and may be approved as part of an event.

3. MOBILE VENDING PERMITS – FOOD TRUCKS

3.1 APPROVED LOCATIONS (LOCATION RULES)

Mobile Vending Permit holders may only trade at approved food truck locations.

Pre-Approved locations are listed in the Pre-Approved Locations for Mobile Vending.

Mobile Vending is not permitted from any other locations, except as part of a once off event.

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

Vendors are advised to check the list on a regular basis.

3.2 USING AN APPROVED LOCATION

Mobile Vending Permit holders can operate at any of the approved sites and must adhere to any special conditions set out for that site.

Occupation of each site is per day on a first in basis.

In areas where a timed parking control applies, a permit holder may stay for double the time or 6 hours whichever is greater. In areas with no time restriction, there is no maximum stay however vendors are not permitted to park overnight at the location, whether trading or not (ie to secure the site). Mobile Vending Permit holders must not park obstructing any Disability Parking Permit zones, pedestrian access ramps or in any other illegal manner such as in no stopping or no parking areas.

No permanent structures or fixtures are permitted.

The mobile food truck must be contained within one designated parking bay.

3.3 ASSESSMENT AND REVIEW OF APPROVED LOCATIONS

Potential locations are considered by a panel of staff, through the Staff Advisory Group.

Consideration is given to site suitability, safety and access, parking and traffic controls in place and proximity to other bricks and mortar businesses.

New locations may be added after an assessment of the proposed location.

Locations may be added, altered or removed from time to time.

3.4 SAFETY AND AMENITY

The mobile food vendor vehicle must not encroach disabled parking, loading, bus, taxi, no stopping or permit zones.

Mobile food vendors are not permitted to stop in a bicycle lane at any time during its operation.

Service provision should be from the footpath side of the vehicle only.

The vehicle should be suitably constructed for the type of activity and to prevent injury to members of the public or staff.

Mobile food vendors are responsible to ensure that their equipment does not cause a hazard to or impede on access by members of the public.

All appliances and installations, including electrical and gas, must comply with the relevant safety requirements and regulations.

4. OTHER TYPES OF STREET VENDING

4.1 ICE-CREAM FOOD VENDING VANS – MOBILE VENDING ONLY

Service of items is only permitted on a mobile basis (vans may not set up to attract trade) where the van is hailed. (Example: Ice Cream Van hailed at a residential property). Permits are issued on an annual basis.

4.2 ICE CREAM/ICE CONFECTION HAND CART VENDING ON THE FORESHORE

Hand Cart vending of ice cream and iced confection products is permitted along the sand of the foreshore area. Hand carts are mobile in nature and therefore no infrastructure is permitted. Permit holders are not permitted to drive any vehicles onto the foreshore. Permits are issued on an annual basis.

4.3 EVENT VENDING

Service of items at an organised event, such as a sporting event at a reserve, whereby the vendor is attending on invitation of the event organiser and offers food or beverages for sale to the public attending the event. This may also be the case for a private event, such as a birthday party at a reserve where a mobile vendor attends to serve food to guests, but does not sell directly to the public.

4.4 COMMERCIAL ACTIVITIES

Commercial Activities permit applications are assessed on merit.

A business conducted in the public realm that provides goods or a service for a financial gain on a short term / temporary basis. Commercial Activities, including Pop-Ups are generally short term in nature and may be approved as part of an event. Permits are issued on an adhoc basis.

5. GENERAL GUIDELINES (APPLIES TO ALL TYPES OF STREET TRADING PERMITS)

5.1 FOOD SAFETY

Permit Holders must comply with the Food Act 2011, Food Regulations and Food Safety Standards. Permit holders may be subject to routine inspections by Environmental Health Officers.

Mobile Food vehicles or carts must be suitably constructed for the type of food preparation, handling and safe storage of food items.

5.2 ADVERTISING

No advertising or other devices, except for one moveable ('A' frame) sign, shall be displayed. The conditions for Moveable Signs are set under Council's By Law 2.

5.3 RELEVANT LEGISLATION

Permit holders must ensure their operations do not breach any relevant requirements under:

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

5.4 NOISE

Amplified noise including generators are prohibited.

Generators are required to be contained within the mobile food van as to not emit excessive noise.

Permit holders must ensure they comply with the Local Nuisance and Litter Control Act.

5.5 WASTE MANAGEMENT

The Permit Holder is responsible for all waste and litter created by the Mobile Food Vending Business or its customers. The Permit Holder must ensure that all waste and litter caused by the Mobile Food Vending Business or its customers is removed from the location in which the Mobile Food Vending Business has operated prior to leaving that location. Council provided rubbish bins must not be used by the Permit Holder for the disposal of waste or litter.

All waste (including liquid waste, waste water and waste oil) must be contained and disposed of appropriately at the end of trading. Council does not provide waste services to permit holders. Waste material must not be deposited into the storm water system or into Council Public Rubbish bins.

5.6 DAMAGE TO INFRASTRUCTURE

Permit holders are responsible for making good any damage that, in the opinion of the Council, is caused by the permit holders activity.

Trees and street furniture must not be utilised, obstructed, damaged or removed.

5.7 INSURANCE

The Permit Holder must hold insurance whenever the business is operating. Evidence of the insurance held by the Permit Holder must be provided to the Council or an authorised person on request.

5.8 REVOCATION

The permit may be revoked if the permit holder fails to comply with the applicable conditions.

5.9 PERMIT FEE

The Permit Fee is payable at the time of application. The Fees and Charges Schedule outlines the fees applicable for each type of permit.

6. PERMIT APPLICATION PROCESS

Permit application forms are available on the website. An application must include:

- a) A completed application form
- b) Images showing the mobile vending vehicle/cart
- c) Public Liability insurance certificate of currency
- d) Payment of the applicable fees