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Mobile Food Vendors

On 9 August 2017 the South Australian Parliament passed the Local Government (Mobile Food Vendors) Amendment Act 2017. This amendments to the *Local Government Act 1999* now requires Council to:

- a) *Issue permits to mobile food vendors;*
- b) *Not restrict operating hours of mobile food vendors (outside of special events or dependant of proximity to fixed food businesses);*
- c) *Not restrict what types of food may be sold by mobile food vendors;*
- d) *Introduce maximum permit fees, that are annual or monthly, and;*
- e) *Establish trading location guidelines.*

A **'Mobile food vending business'** means a business involving the sale of food or beverages from a vehicle (within the meaning of the *Road Traffic Act 1961*) and can include any of the following:

- a) a motor vehicle, trailer and a tram; and
- b) a bicycle; and
- c) an animal-drawn vehicle, and an animal that is being ridden or drawing a
- d) vehicle; and
- e) a combination; and
- f) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a
- g) wheeled recreational device or wheeled toy;

Council has developed a draft policy for mobile food vendors to trade in the Town of Gawler which takes into consideration fixed premises food traders and traditionally established businesses. We have also identified potential locations suitable for mobile food vending opportunities. The policy and map of locations can be viewed at <https://www.gawler.sa.gov.au/your-voice>

There are approximately 170 permanent food business within the Town of Gawler. Mobile food vendors must be at a reasonable distance to fixed food businesses. Council has determined that a distance of 200 metres would be considered reasonable.

Mayor Redman said, "Council must ensure that the location rules provide for a reasonable distance between mobile food vending businesses and fixed food businesses during the operating hours of fixed food businesses, taking into account the location, number and operating hours of fixed food businesses in the Town of Gawler. Council has taken into account the effect of the operation of mobile food vending businesses on vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities. Furthermore, it has taken into consideration requirements relating to availability of parking spaces at the locations in which mobile food vending businesses".

The *Local Government Act 1999* regulates the conditions of authorisation of a permit and the conditions imposed on permits for mobile food vending businesses. In accordance with the *Local Government Act 1999*, the following requirements relating to conditions of a permit for the purposes of a mobile food vending business have been prescribed:

- a) a council is prohibited from imposing a condition restricting the kind of food that may be sold by the mobile food vending business;
- b) a condition imposed by a council requiring the payment of a fee in relation to the permit—
 - i. must allow the permit holder to elect to pay either an annual or monthly fee; and
 - ii. must not require the payment of a fee exceeding—

(A) in the case of an annual fee—\$2000 per year (excluding GST); or

(B) in the case of a monthly fee—\$200 per month (excluding GST);

These fees are proposed amendments and have yet to be endorsed by legislation.

Feedback is now being sought over a three week period as part of community engagement.

So please log onto Councils "Your Voice" community consultation portal at <https://www.gawler.sa.gov.au/your-voice> and tell us what you think.



You can make an online submission or ask a question via the tabs below. Alternatively, written submissions can be sent to: Team Leader Environment and Regulatory Services, Town of Gawler, PO Box 130, Gawler SA 5118.

For further information please contact: Jack Darzanos, Team Leader Environment and Regulatory Services on 8522 9211 or email council@gawler.sa.gov.au

Consultation closes 5pm on Friday 6 April 2018.

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The media may make contact with Mayor Karen Redman on 0421 839 359