

# Mobile Food Vending Permits

## Application Information, Location Rules, and Operating Guidelines

Approved by the Chief Executive Officer on: 5 March 2018

---

### PURPOSE

The purpose of these operating guidelines is to set out the objectives of Mobile Food Vending (MFV), the Location Rules for the purpose of MFV permits, process of applying for a MFV permit and the Operating Guidelines for mobile food vendors trading within the City of Adelaide (CoA).

---

### INTRODUCTION TO MOBILE FOOD VENDING

Mobile Food Vending (MFV) aims to reinforce Adelaide as a creative and vibrant city by supporting new creative ventures; activating City places with input from business, community, and entrepreneurs; supporting vibrant streets and public places as a part of daily life throughout the year; incubating and developing new and creative ideas; and enriching the life of the City in streets, laneways and Park Lands.

#### WHAT IS MOBILE FOOD VENDING?

Mobile food vending is defined as the temporary use of the public realm for preparing and dispensing food and drink products. Mobile food vendors can trade in any location within the city that complies with the MFV Location Rules and permit conditions. Mobile Food Vending is governed by Section 222 of the *Local Government Act 1999* and the Local Government (General) Regulations 2013.

Please note that trading in **Rundle Mall** is governed by the *City of Adelaide Act 1998* and therefore separate from the CoA MFV Permits. It is an arrangement between the mobile food vendor and Rundle Mall Management Authority (RMMA). If you would like to discuss opportunities for trade in the Mall, please contact RMMA on (08) 8203 7200. You can find out a bit more information about their concession program [here](#).

---

### OTHER USEFUL DOCUMENTS

#### LEGISLATIVE REQUIREMENTS

[Local Government Act 1999](#)

[Local Government \(General\) Regulations 2013](#)

[Food Act 2001](#)

[Food Safety Standards](#)

[Food Regulations 2017](#)

[The Local Nuisance and Litter Control Act 2016](#)

### [The Local Nuisance and Litter Control Regulations 2017](#)

#### **CREATING OPPORTUNITIES AND ADDING VALUE TO THE CITY**

City of Adelaide encourages the use of the public realm for outdoor mobile food vending because it adds value to the city for all who use it, and it creates opportunities for entrepreneurs and established fixed food business (FFB) in the City. Mobile Food Vending aims to:

- Activate underutilised City streets and public spaces to create places for creative and social activities.
- Activate various times of day, including less active times, with unique and creative food vending activities in the public realm.
- Provide choice and complement food offerings provided by permanent food outlets, without negatively impacting existing businesses.
- Consider the needs of all users of the public realm, including the safety of pedestrians, and adhere to safe food handling practices.

---

#### **THE APPLICATION PROCESS**

##### **WHO CAN APPLY FOR A MFV PERMIT?**

- Mobile food vendors already operating in the city or trading at events
- New entrepreneurs applying for the first time
- Fixed food business operators wanting to explore new opportunities

##### **WHEN CAN YOU APPLY FOR A MFV PERMIT?**

Applications for a MFV permit can be made anytime throughout the year

##### **HOW LONG WILL THE PERMIT LAST?**

Permit duration is elective:

- Minimum 1 month (from date of issue)
- Maximum 12 months (from date of issue)

##### **HOW SHOULD YOU APPLY FOR A MFV PERMIT?**

All applications must include the following:

- A complete [Mobile Food Vending Application Form](#) which is available on the City of Adelaide website
- A detailed site plan showing your mobile food vehicle and proposed layout, including dimensions, service window, counter, power source etc.
- The size and weight dimensions of the vehicle. Please note trading in the Park Lands will be determined by the Horticulture Team at City of Adelaide dependent on how much impact the vehicle will have on its surroundings.

Mobile food vendors will be asked to provide the following prior to a permit being issued:

- A current copy of Public and Product Liability Insurance to the value of \$20,000,000 which notes City of Adelaide as an interested party.
- Proof of notification of a food business with the local Council where your vehicle is housed, or where most of the food preparation and food handling is occurring.
- Proof of trade waste approval with either the local council where your vehicle is housed or where most of the food preparation and food handling is occurring, or with SA water.

- Further application information is available on the City of Adelaide website.

Mobile food vending applications will be reviewed and upon vehicle regulations and documentation requirements being met, a permit will be issued for the nominated duration.

### **APPROVAL PROCESS**

Once your application is assessed you will be notified of the outcome. The power to issue a mobile food vending permit under Section 222 of *the Local Government Act 1999* is delegated to relevant City of Adelaide employees.

A City of Adelaide employee will notify the applicant, and if the permit application is approved will issue a mobile food vending permit upon the full payment of fees.

### **TURNAROUND TIME**

If all required documentation is provided, and the permit fee is paid in the turnaround time for a permit to be issued will be a minimum of 2 working days.

### **REFUSAL OF PERMIT**

Council can reject an application if the proposed vehicle dimensions would unduly restrict the use of public roads and impact on shared trading locations. Additionally, any disqualification from another council or outstanding fees with another council may result in a permit not being issued.

### **CANCELLATION OF PERMIT**

Council may conduct unannounced inspections to determine compliance with the conditions of permit, Local Government Act, the Food Act 2001 and Food Safety Standards. A Mobile Food Vending Permit may be cancelled or amended if:

- The permit holder fails to comply with the permit conditions;
- There are changed conditions affecting the mobile food vending area, such as increased risk to health or safety;
- Other valid reasons which require cancellation, such as streetscape upgrades or refurbishment.

Depending on the severity of a permit breach, mobile food vendors will receive two warnings before their permit is revoked for a third breach. In the case of a serious breach, the permit will be revoked immediately. Fines and other penalties will apply. A person must not breach or fail to comply with a condition of a permit. Maximum penalty \$2500, Expiation fee \$210.

Disqualification by any other Local Council must be reported by the Mobile Food Vendor disqualified to any other Council to whom they wish to apply. Failure to do so will result in a \$500 maximum penalty.

### **CONTACT**

#### **City of Adelaide Customer Centre**

Address: Pirie Street, Adelaide SA 5000

Phone: (08) 8203 7203 (8:30am to 5pm, weekdays)

Fax: (08) 8203 7588

E-mail: [city@cityofadelaide.com.au](mailto:city@cityofadelaide.com.au)

For additional information on food safety requirements, please contact the Environmental Health Services Team on (08) 8203 7405 or e-mail [Health@cityofadelaide.com.au](mailto:Health@cityofadelaide.com.au)

---

### OPERATING GUIDELINES FOR MOBILE FOOD VENDING

#### GENERAL CONDITIONS OF OPERATION

To ensure public safety Mobile food vending requires a permit be issued by Council.

- Permits are valid for optional durations from 1-12 month periods.
- Permits are non-transferable unless written permission is granted from Council.
- The permit is to be carried at all times while vending and produced upon request by an authorised Council Officer or Police Officer.
- Council can condition, modify or revoke a mobile food vending permit as it sees fit.
- The sale of alcoholic beverages is not permitted.
- Free samples are only to be given in conjunction with sales.

#### AMENITY AND APPEARANCE

A mobile food vending area shall relate to its surroundings, to protect and enhance the urban, heritage and streetscape appearance and character.

- A mobile food vending vehicle may be a van, truck, cart or bike. Stalls and marquees are not considered.
- Trees and other significant streetscape elements such as public art, benches, rubbish bins and bus shelters shall not be obstructed, covered, removed, damaged, relocated or modified because of a mobile food vending area operation.
- All advertising must be fixed to the food vehicle and not encroach on the public realm.

#### MAXIMISING THE VALUE OF MOBILE FOOD VENDING

There is an expectation that mobile food vendors will work with Council to continually maximise the value of the MFV permit for the city. City of Adelaide has developed a product to support this:

##### Street Eats App

The Street Eats App notifies Council and customers of vendors operating locations. It is important that Council knows where and when vendors are trading. This information will assist Council in the review and improvement of the guidelines, identifying hot spots and assisting with enquires from the community.

- Food vendors must notify Council of their operating locations. Please note this does not reserve the location and Council does not coordinate locations for vendors. Council must be notified by checking-in on the 'Street Eats' smart phone app.
- Checking in is a daily requirement of the vendors and a condition of the permit.
- Please note that the Street Eats App is to be used for Street Trading only. This excludes private functions, events and markets\*. If a MFV is trading outside of their street trade it is expected MFVs advertise or promote this via their own social media outlets.

*\*NB: A special event is a sporting, cultural, business or other type of unique activity, occurring for a limited or fixed duration (one-time, annual) and presented to a live audience, that adds vibrancy to the City by involving the use of, or having impact on, the public realm or in some instances private property.*

## LOCATION RULES AND OPERATING HOURS

Mobile food vending is permitted in those streets, footpaths and Park Lands where there is adequate footpath space to accommodate it, while not compromising pedestrian access, safety or other street activities. Location conditions include:

- The safety of the public must be the primary consideration.
- Not obstructing pedestrian flow, vehicular traffic, driveways (including line of site for motorists), bicycle lanes, queuing and other waiting areas.
- Ensure wheelchair access to pedestrian ramps ('pram ramps') and footpaths are not compromised.
- Maintain access to parking, taxis, loading zones and bus zones.
- Ensure the safety of adjoining buildings is not compromised by restricting access or adding unreasonably to fire potential.
- Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, telephone booths and post boxes is not compromised.
- The proximity between any fixed food business and a mobile food vendor is a minimum of 25 metres (unless written permission is obtained from the fixed food business)
- Exclusive use of an area is not permitted and areas are not able to be reserved.
- In the interests of building relationships, collaborating and attracting consumers to the City, mobile food vendors are encouraged to engage with adjacent businesses to notify of a proposed location and seek acceptance of a mobile vending operation.
- If a fixed food businesses raises concerns on the location of a mobile food vendor, CoA may require the Mobile Food Vendor to relocate.
  - A fixed food business may apply to the Small Business Commissioner for a review of the location rules if they feel they are directly adversely affected by the location rules set by council
- Mobile food vendors must alternate locations regularly; vendors may only attend prime locations once per week during standard lunch trade (11am-3pm), unless otherwise advised and agreed upon by council.
  - Prime locations include Victoria Square, Hindmarsh Square and North Terrace (from King William-East Terrace)
  - Additionally, vendors may not trade in the same location for longer than 4 hours at any one time (not including set up and pack down)
- Mobile food vendors will be permitted to trade at prime locations more than once a week if trading on a weekend or weekday outside of standard lunch trade hours (11am-3pm).
- Vendors will only be permitted to setup 1.5 hours before lunch time trade (11am-3pm) in the City Squares to reduce the possibility of vendors reserving spaces.
- If required to relocate, CoA holds no responsibility for losses incurred by the mobile food vending business.
- Mobile food vending permits do not apply to trading at events, markets or on road closures.
- Trading in Park Lands (including City Squares) is permitted, however vendors are advised they must ensure there is no conflict with scheduled events. Vendors may be required to relocate if scheduled events conflict with the trading location
- Provided a MFV has a current permit with CoA, the use of areas in the Park Lands which are under a Sporting Licence is permitted only with direct agreement from the licence holder. Contact details for the licence holders can be found [here](#).
- Trading on private land is only permitted if written consent has been received from the Landlord.

### **The following locations are not available for mobile food vending**

The *Major Events Act 2013* facilitates the holding and conduct of major events in South Australia. It is the responsibility of each Mobile Food Vendor to stay up to date with all declared major event controlled areas and ensure they do not sell or distribute in this area during the event. Maximum penalty \$5000. This information is updated on a regular basis and can be found here [under the Notices 1976+ section](#).

- Streets, roads and laneways with a footpath width of less than 3.2 metres
- King William Street (between North Terrace and the northern tip of Victoria Square/Tarntanyangga)
- National War Memorial on North Terrace (between King William Street and Kintore Avenue)
- Indigenous Cultural Marker on Recreation Plaza/Victoria Square/Tarntanyangga South (trading near the marker is available, you may not park/trade on top of the marker)
- Rundle Mall
- Rundle Street
- Hindley Street
- Grote Street
- East Terrace (between North Terrace and Grenfell Street)
- Additional locations may be excluded from trading as notified by Council

### **PARKING CONDITIONS SPECIFIC TO TRUCKS AND CARAVANS**

- The food truck or caravan must be parked in one legitimate parking space that is for 1 hour or more, parallel to the footpath. Permission will not be granted for any 15 or 30-minute parking space, nor loading zones, disabled parks, taxi ranks, bus stops, permit or residential permit parking or no stopping conditions.
- Parking fees are waived during operation for food trucks or caravans. A copy of the permit must be available at all times.
- The food truck or caravan must avoid encroachment on bike lanes at all times.
- Serving area to be from footpath-side of the vehicle only.
- Vehicle must not require external power or water connection and be self-sufficient.
- Parking for one towing vehicle may be permitted for a fee upon application.
- The towing vehicle must be parked in a legitimate parking space that is for 1 hour or more.
- The permit for towing vehicles must be clearly displayed and is valid only whilst the vendor is operating (including set up and pack down) and must not be directly next to the parking space where their trading van is set up.
  - If the towing vehicle permit is used outside of the vendors operating times parking fines may be issued and cannot be waived by administration.
- Vans and trucks must be of dimensions which enable them to easily park in a standard parking space of 2.3 metres wide and 6.0 metres long (as per *the Local Government (Parking) Regulations 1991*)
- If the van or truck is longer than a standard carpark vendors are only permitted in non-delineated car parks.
- If the van or truck is wider than a standard carpark vendors will not be permitted to trade from any car parks and may only utilise the Squares and Park Lands at the discretion of Council and the Council's Horticulture Team.

## **CONDITIONS SPECIFIC TO CARTS/BIKES ON THE FOOTPATH AND SMALLER VANS**

- Smaller MFV vehicles may trade on the footpath of North Terrace (between Kintore Avenue and Frome Road).
- Smaller MFV Vehicles shall not exceed 2 tonnes in weight to ensure minimal impact on pavers and any underground infrastructure.
- Food vendors on the footpath must be setback 1.8 metres from building fronts, allowing clear pathways and not interfering with pedestrian movement.
- Food vendors on the footpath must be setback 0.6 metres from the kerb line, not interfering with opening of vehicle doors.
- Food vendors on the footpath cannot set up adjacent to bus zones, taxi zones and loading zones, designated disabled parking spaces or a roadway or footpath construction zone.
- Food vendors on the footpath must not require external power or water connection and be self-sufficient, unless otherwise agreed upon by Council.
- Larger MFV vehicles must meet the dimension/weight requirements to occupy any footpath.
- Parking for one towing vehicle may be permitted for a fee upon application.
- The towing vehicle must be parked in a legitimate parking space that is for 1 hour or more.
- The permit for towing vehicles must be clearly displayed and is valid only whilst the vendor is operating (including set up and pack down) and must not be directly next to the parking space where their trading van is set up.
  - If the towing vehicle permit is used outside of the vendors operating times parking fines may be issued and cannot be waived by administration.

## **CITY SQUARES, INCLUDING VICTORIA SQUARE / TARNTANYANGGA**

- Up to six vans can trade in City Squares (Hindmarsh Square/Mukata, Victoria Square/Tarntanyangga, Light Square/Wauwi, Whitmore Square/Iparritya) at any one time
- Vendors will only be permitted to setup 1.5 hours before lunch time trade (11am-3pm) in the City Squares to reduce the possibility of vendors reserving spaces.
- Parking on hard surfaces is required when trading in City Squares.
- Food vendors are encouraged to trade on the Northern Plaza of Victoria Square/Tarntanyangga (Flinders Street end) and the Eastern Promenade.
- When necessary, CoA has the right to alter location guidelines or invite/deny specific food vendors to trade in Victoria Square/Tarntanyangga.

## **MAINTENANCE, CLEANING AND WASTE**

The permit holder is required to comply with all maintenance aspects of the mobile food vending operation. Specific requirements are:

- Mobile food vending vehicle and fixtures must be kept in a safe and well-maintained condition at all times.
- The mobile food vending area (including food preparation areas) must be regularly cleaned during all hours of operation presenting a continuous well cared for image.
- The mobile food vending area must be maintained at a high level of cleanliness. No trade waste or litter may be disposed of in Council rubbish bins. Mobile food vendors must provide bins for use by their customers and ensure the area around

- their position is kept clear of rubbish and refuse always. Refuse shall be removed by the operator at the completion of trading.
- Where the Council must undertake cleaning and/or tidying of the area, the permit holder will be liable to reimburse the Council for all costs incurred by the Council in relation to the cleaning and/or tidying of the area.
  - All liquid waste (including waste water and waste oil) must be contained and removed or disposed of appropriately at the end of trading. No waste or other material is to be deposited into the storm water system. No hosing down of areas is to take place. Vendors must contact their local council or SA Water to determine appropriate disposal of trade waste for their business.
  - Where practical, mobile food vendors should choose power sources which generate low or no noise and air pollution.

### **MANAGEMENT**

The mobile food vending permit holder is to take full responsibility for the care, appearance, maintenance and operation of their activity area and vehicle and the effect on other street life. The permit holder is also responsible for abiding by all legislative requirements relating to business operations, occupational health and safety, employment conditions and any other relevant requirements.

It must be understood that mobile food vending area remains public space. This means operators and patrons do not have exclusive occupancy of the area.

The following principles apply:

- Permanent fixtures and elements are not permitted.
- The mobile food vending set up should be sturdy and windproof, made of quality materials and be well designed and constructed to be safe to use, without sharp edges or other features likely to cause injury.
- Fixtures must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street or kerbside usage by motorists.
- Must be positioned to allow reasonable access to service covers and existing services.
- All items positioned within the permitted boundaries for mobile food vending are the permit holder's responsibility.
- The permit holder assumes responsibility for any liability issues which arise and that are associated with the mobile food vending area.

### **INSURANCE**

Mobile food vending permit holders must take out and keep current a public and product liability insurance policy noting specifically City of Adelaide as an interested party. If vendors have similar requests from other councils, the following wording may be used 'all Councils and Shires across Australia'.

The policy must insure for at least TWENTY MILLION DOLLARS (\$20,000,000) and must cover injury, loss or damage to persons or property arising out of the activity carried out under this permit or the granting of this permit by the Council. A lesser amount public and product liability insurance might be accepted by Council but this decision will be subject to a risk assessment process. A Certificate of Currency for the policy must accompany the application of a mobile food vending permit.

### **REMOVAL OF FIXTURES FOR MOBILE VENDING OPERATION**

A mobile food vending area must be vacated of all mobile food vending equipment daily when food vending operation ceases. Removal of mobile food vending items is at the permit holder's expense. If mobile food vending items are not removed, Council

can remove the items under *Section 144 of the Local Government Act*, and issue an invoice to the permit holder for the works.

### **SAFETY**

Safety measures may be required at mobile food vending locations and are assessed on a case-by-case basis. If safety cannot be reasonably addressed, approval will not be issued.

- All permit holders are required to comply with all health and food safety aspects of the entire operation as contained in the *Food Act 2001* and *Food Safety Standards*.
- Council has the right to charge a fee for inspections from the Environmental Health Services Team as per the Council endorsed Fees and Charges schedule.
- BBQs, grills and heat sources must be protected to prevent public access and accidental burning.
- Gas bottles, gas lines and firefighting equipment must comply with safety requirements recommended by the South Australian Metropolitan Fire Service.
- All electrical installations must comply and be fully tested to meet the current Australian Standard (AS/NZS 3000:2007/Amdt 1:2009).
- Generators must be compliant, make minimal noise so as not to create a local nuisance and be safely secured from the public's access at all times.
- Firefighting equipment must be provided by operators where cooking and heating appliances are used.
- Further information regarding the Food Act and Food Safety Standards may be obtained from City of Adelaide's Environmental Health Services Team on (08) 8203 7405 or email [Health@cityofadelaide.com.au](mailto:Health@cityofadelaide.com.au)

### **FEE STRUCTURE**

Permit fee structure for all mobile food vendors:

- Permit fees for a Fixed Food Business (within City of Adelaide), who has not previously held a Mobile Food Vending permit will be waived for the first 12 months of trade.
  - \$2000 per year for all new and existing MFV's
    - (Payment must be made in full before a permit is issued)
  - \$200 per month for all new and existing MFV's
    - Optional permit durations available from 1 month-12 months. (Payment must be made in full before a permit is issued).
  - Towing vehicle permits (for one car per MFV) will be issued upon application for \$50. Registration of the towing vehicle must be included in the Mobile Food Vending application.
-

### ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed for currency at least annually as part of the review of delegations. Those requiring detailed consideration are flagged in the current forward Council Policy Program.

**Review history:**

*ACC2018/39334 Approved by CEO on 5 March 2018*

**Contact:**

For further information contact the Customer Experience Program

City of Adelaide  
25 Pirie ST, Adelaide, SA  
GPO Box 2252 ADELAIDE SA 5001  
+61 8 8203 7203  
[city@cityofadelaide.com.au](mailto:city@cityofadelaide.com.au)