

Temporary Street Traders Guidelines

1. BACKGROUND

The City of Holdfast Bay 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 can occur to ensure an appropriate balance between the interests of the Council, local business operators, residents, 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, appropriate conditions and the relevant fees and charges are imposed.

Council land/properties under a lease agreement are not considered under these guidelines as they are deemed private property and are not required to have a permit. The only requirement is that a Food Business Notification is provided as required under the *Food Act 2001*.

A Street Trading or Vending Permit is not required for trading on private property however, development approval may be required. Fitness groups and personal trainers are not considered under these guidelines and are managed via the Personal Trainers Policy and Permit System.

2.1 MOBILE VENDING PERMITS – FOOD TRUCKS – PRE-APPROVED LOCATIONS (CITY PERMITS)

Mobile vending permit holders may trade at any of the pre-approved locations and only between the hours of sunset and sunrise. Permits are issued on a quarterly or annual basis. See Appendix 1 for pre-approved locations.

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 product. It is to be recognised that these vehicles are permitted to only stop to trade as hailed by customers and they primarily service residential homes. Trading along the esplanade including the reserves along the Esplanade, precinct areas is not permitted. Four residential zones are approved. Permits are issued on a quarterly or annual basis. See Appendix 2 for approved residential zones.

2.3 HAND-CART COAST PARK VENDING

Hand-cart coast park permit holders are engaged in the sale of pre-packaged food and drink only or a prescribed (or permitted) commercial activity which are considered on a case-by-case basis. Four approved zones have been allocated. Permit holders are only permitted to stop to

serve customers and cannot remain stationary in one location. Permit Holders must not block the flow of traffic or pathways. Motorised vehicles are not permitted to be utilised as part of this activity. See Appendix 3 for approved zones.

2.4 EVENT VENDING

Is the service of items at an organised event, whereby the vendor is attending on invitation only by an event organiser and offers food or beverages for sale to the public attending the event.

Private event organisers can engage a mobile food vendor for their private event eg. birthday party or corporate event, if held on a reserve. A Day Event Food Permit is required for such activities.

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.

3. MOBILE VENDING PERMITS – FOOD TRUCKS

3.1 PRE-APPROVED LOCATIONS (CITY PERMITS)

Mobile vending permit holders may only trade at any of the approved mobile vending locations. Exclusive use of an area is not permitted, and areas are not to be reserved. Occupation of each site is per day on a first in basis. There is no limit on the total number of permits issued. Permits are issued on a quarterly or annual basis. City Permit holders will be placed on Council's approved food vendors list for event organisers to choose should they require food vendors to trade at their event.

Council may impose any special conditions for each site as it deems fit. The mobile food vehicle must be contained within one designated parking bay.

No permanent structures or fixtures are permitted, including but not limited to, umbrellas, tables, chairs, signage etc.

3.2 ASSESSMENT AND REVIEW OF APPROVED LOCATIONS

Potential locations are considered by a panel of staff, with final approval provided by the Administration.

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 has been conducted of the proposed location.

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

3.4 SAFETY AND AMENITY

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

Mobile 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 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

The sale of ice-cream and ice confection products is only permitted on a mobile basis where the vehicle is hailed. Vehicles must not set up to attract trade. Trading excludes the Esplanade, reserves along the Esplanade and precinct areas. One ice-cream vendor is only permitted in each zone.

4.2 HAND-CART VENDING ALONG THE COAST PARK

Hand-cart vending of ice cream and iced confection products is only permitted along the coast park. Hand-carts are mobile in nature and therefore, no infrastructure is permitted. Only one hand-cart food vendor is permitted in each zone. Hand-cart food vendor permits are issued on an annual basis.

One commercial trading vendor is also permitted in each zone. Commercial trading vendors are assessed on a case-by-case basis and may be issued on a daily, monthly, annual basis or as determined between the parties.

Motorised vehicles are not permitted.

4.3 EVENT VENDING

Event vending requires the consent of the event organiser and is permitted only at the site, date and time of the event. Annual Event Food Permits and Day Event Food Permits are available. Annual Event Permit Holders are placed on an approved food vendors list for other event organisers to choose from.

Private events, such as a birthday party at a reserve, where a mobile vendor attends to serve food to the guests of the private event, strictly no money is to be exchanged on the day of the private event and selling food to the general public is not permitted. The mobile food vendor must complete the online application for a Day Event Food Permit and provide the supporting documentation, however, no fees are applicable.

Glenelg Jetty Road Traders are permitted to trade within the inclusion zones as indicated in Appendix 4 with the consent of the event organiser. Traders are only permitted to trade at the site, date and time of the event. An application to trade is required and must be submitted along with the supporting documentation, however, no fee is applicable. If traders wish to trade outside the inclusion zones, fees will apply.

Brighton Jetty Road Traders are permitted to trade within the inclusion zones as indicated in Appendix 5 with the consent of the event organiser. Traders are only permitted to trade at the

site, date and time of the event. An application to trade is required along with supporting documentation, however, no fee is applicable. For traders wishing to trade outside the inclusion zone, fees will apply.

Food Vendors trading on Council land which is in the care and control of clubs/community groups and other entities that have a lease agreement in place, do not require a permit, however, evidence of Food Business Notification under the Food Act 2001 is required. No fees are applicable.

Recognised Charities and not-for-profit organisations attending events are required to submit an application and provide the supporting documentation, however, fees may not be applicable if documentation from the Australian Taxation Office demonstrating such status is provided or other form of evidence.

4.4 COMMERCIAL ACTIVITIES

Commercial trading 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-Up Stalls are generally short term in nature. Permits are issued on an ad hoc basis.

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

5.1 CONDITIONS APPLICABLE FOR ALL PERMITS

Permit Holders are required to adhere to the Terms & Conditions specified on Council's website and must be agreed upon when making application including other conditions imposed for each site or as Council deems fit.

5.2 FOOD SAFETY

Permit Holders must comply with the *Food Act 2001*, Food Regulations and Food Safety Standards. Permit Holders may be subject to food safety inspections by Environmental Health Officers during events, however, there are no fees applicable with these inspections.

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

5.3 ADVERTISING

No advertising or other devices permitted.

5.4 NOISE

Amplified noise including excessive noise from generators is prohibited.

Permit Holders must ensure they comply with the Local Nuisance and Litter Control Act 2016.

Noise from generators must not be at a level that affects the peace and comfort of residents. Noise complaints received by Council will be investigated under the Local Nuisance and Litter Control Act 2016. If complaints are justified, Council reserves its right to cancel the permit or as it deems fit.

5.5 SUSTAINABILITY

Council is committed to environmental care and management that goes beyond doing less harm, and recognises the intrinsic link between the health of the natural world and the health and wellbeing of our human community. Council has a long-term vision of environment and community thriving together. To this end, we strongly encourage all Permit Holders to not just adhere to the law but to go beyond it – think about impacts on the coast, the climate, our air and water, our nature, and each other, then encourage vendors to do what they can to give back.

Some specific ideas Permit Holders could utilise to ensure the care of our environment include: using electric or low greenhouse gas emissions trucks, using packaging and/or food containers that are compostable and can therefore be disposed of in the green bin (consistent with the single-use plastic bans coming in September 2024 and 2025), or in the recycling bin, throwing your greywater into the sewage system (not into the stormwater system where they wash directly into the sea), using as many repurposed or recycled materials as possible in stalls, in vans and in products being sold, and not setting up where you could impact on natural vegetation or garden borders.

5.6 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, wastewater 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.

5.7 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.

5.8 INSURANCE

The Permit Holder must hold insurance whenever the business is operating on Council/public land. Evidence of public liability insurance to the value of \$20 million must be held by the Permit Holder and a copy be provided to the Council.

5.9 DEALING WITH MEMBERS OF THE PUBLIC

Permit Holders must not disturb, harass, or annoy other people, street traders, business owners, residents or visitors. Permit Holders must not prevent other Permit Holders and business owners from trading. Abusive, offensive or use of indecent language or behaviours is prohibited. The permit will be revoked if the allegations are substantiated or as Council sees fit.

5.10 REVOCATION

The permit may be revoked if the Permit Holder fails to comply with the applicable conditions or as Council deems fit to do so. Fees will not be refunded in such cases.

5.11 PERMIT FEE

Permit fees are payable before trading can commence. If the permit fee is not paid, Council reserves its right to cancel the permit.

All Annual Event Food Permits expire 30 June with no pro rata and the full annual amount is payable. Day Event Permits are valid for the day of the event.

Annual City Permits are charged at the beginning of each financial year with no pro rata and the full annual amount is payable. Quarterly City Permits are charged at the beginning of each financial quarter with no pro rata and the full annual amount is payable.

Permit fees for commercial activities may be issued on a daily, monthly, annual basis or as determined between the parties.

The Fees and Charges Schedule outlines the fees applicable for each type of permit.

5.12 RELEVANT LEGISLATION

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

- the Local Government Act 2001
- 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
- the Single-use and Other Plastic Products (Waste Avoidance) Act 2020
- Legislation relating to electrical or gas installations or appliances and relevant legislation relating to health, safety or the environment.

6. PERMIT APPLICATION PROCESS

An online permit application form is available on Council's website. The application must include:

- A completed online application form.
- Evidence that the mobile food vendor has notified their governing Council of their food business activities.
- Public liability insurance certificate of currency to the value of \$20 million.
- Payment of the applicable fees before trading can commence.

APPENDIX 1 - MOBILE VENDING PERMITS – FOOD TRUCKS – PRE-APPROVED LOCATIONS (CITY PERMITS)

City Permit – Permit Zone 1

Angus Neill Reserve, Seacliff – 2 Mobile Trading Vehicles Only



City Permit – Permit Zone 2

Wattle Reserve, Wattle Avenue, Hove – 1 Mobile Trading Vehicles Only



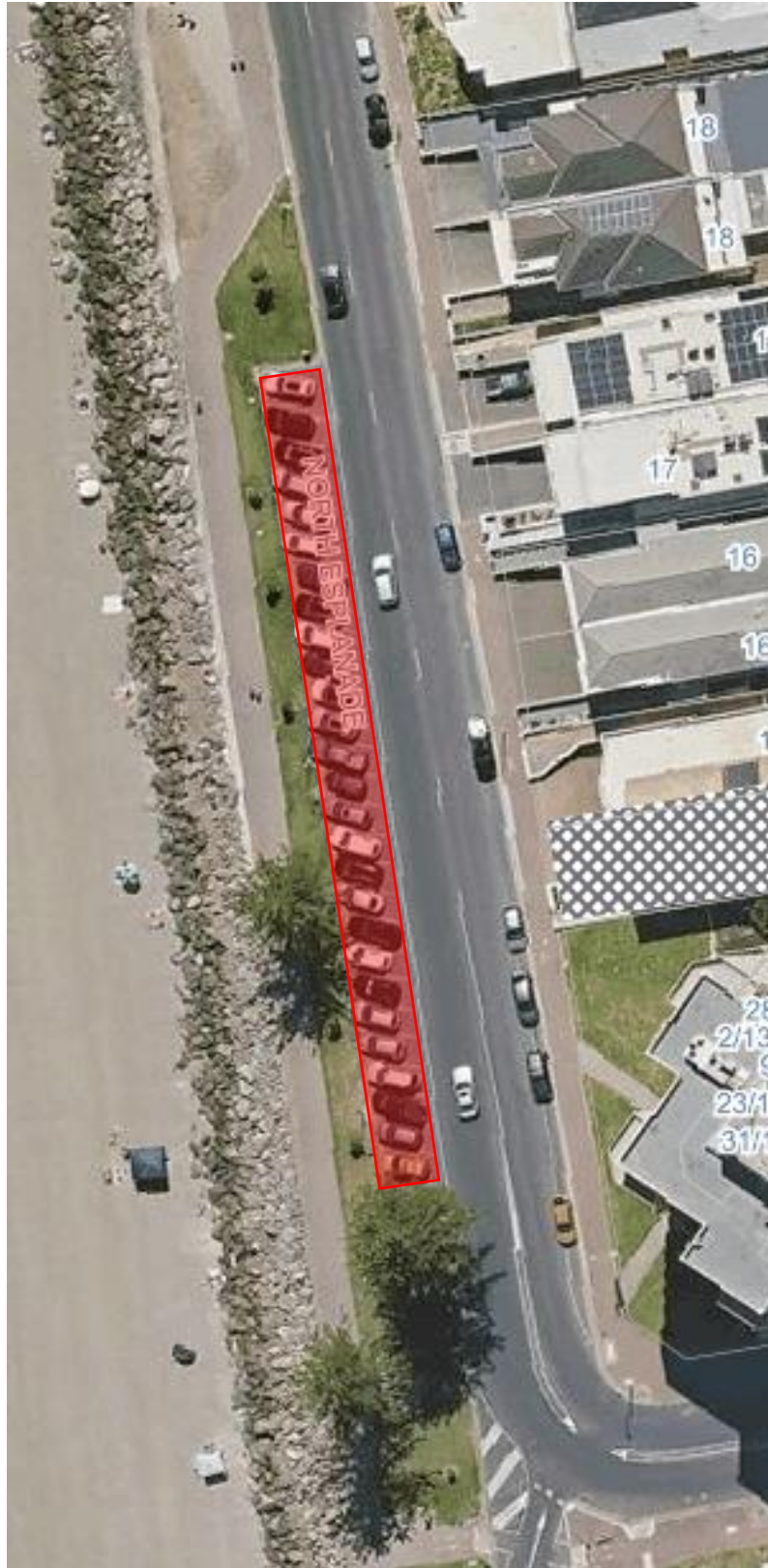
City Permit – Permit Zone 3

John Miller Reserve – 26a Esplanade, Somerton Park - 2 Mobile Trading Vehicles Only



City Permit – Permit Zone 4

North Esplanade, Glenelg North – Between King and Margaret Streets, Glenelg North- 2 Mobile Trading Vehicles Only



Appendix 2 - ICE-CREAM FOOD VENDING VANS – MOBILE VENDING ONLY – Residential Zones

Ice Cream Vendor - Zone 1:



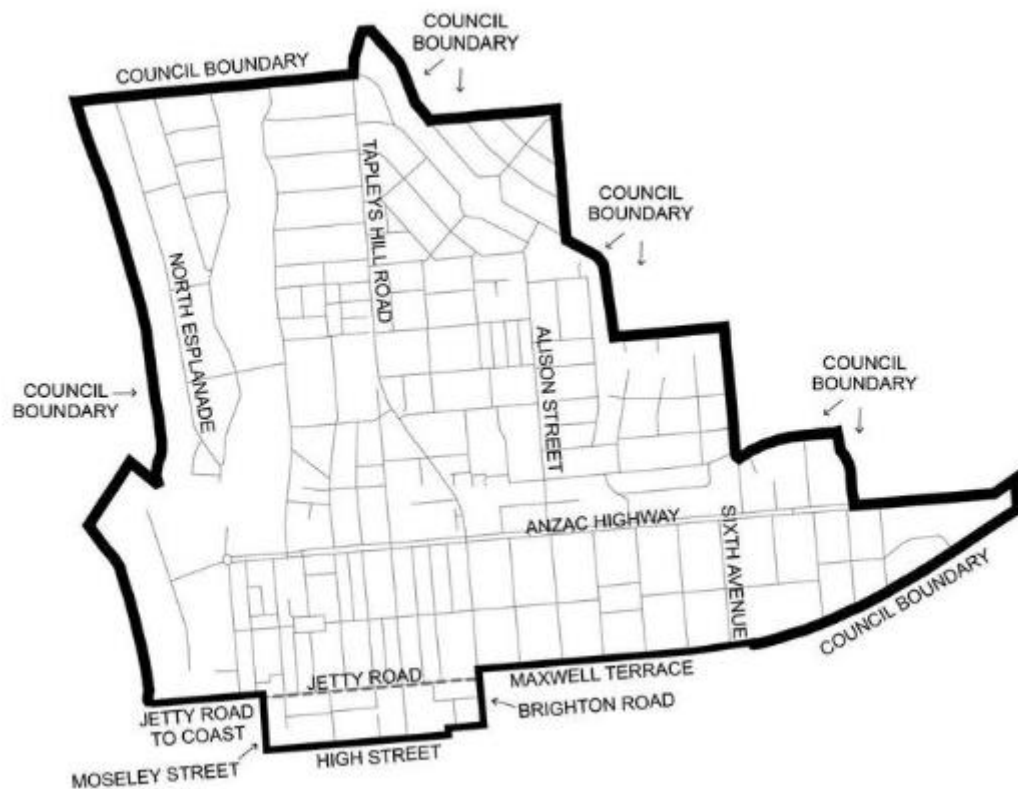
Conditions applicable to Zone 1:

Mobile Vendors must not trade within 250 meters of a fixed business.

Trading along the Esplanade and reserves along the esplanade is not permitted.

Vans only stop to trade as hailed by customers and service residential homes.

Ice Cream Vendor - Zone 2:



Conditions applicable to Zone 2:

Mobile Vendors must not trade within 250 meters of a fixed business.

Trading along the Esplanade and reserves along the esplanade is not permitted.

Vans only stop to trade as hailed by customers and service residential homes.

Ice Cream Vendor - Zone 3:



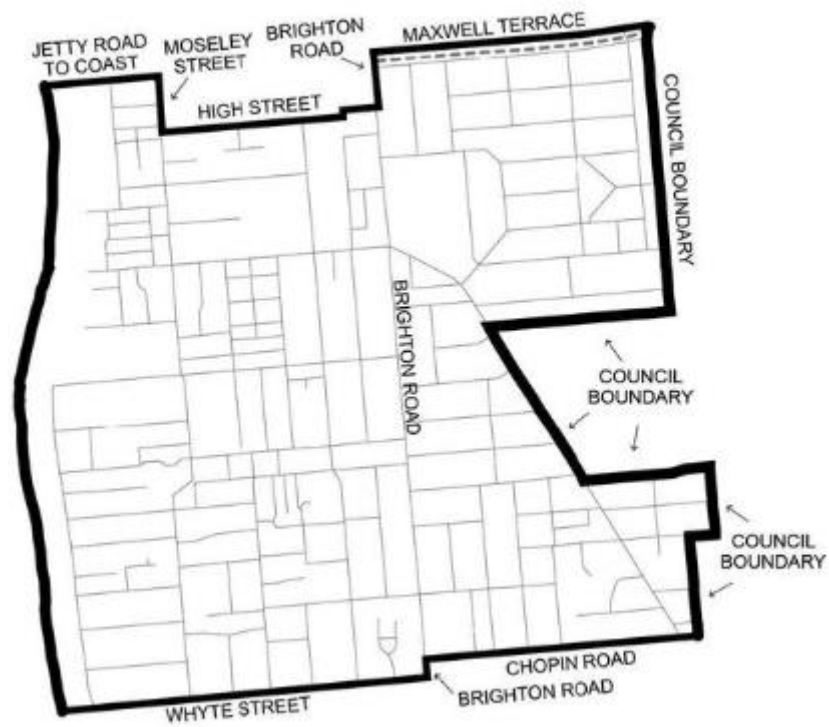
Conditions applicable to Zone 3:

Mobile Vendors must not trade within 250 meters of a fixed business.

Trading along the Esplanade and reserves along the esplanade is not permitted.

Vans only stop to trade as hailed by customers and service residential homes.

Ice Cream Vendor - Zone 4:



Conditions applicable to Zone 4:

Mobile Vendors must not trade within 250 meters of a fixed business.

Trading along the Esplanade and reserves along the esplanade is not permitted.

Vans only stop to trade as hailed by customers and service residential homes.

APPENDIX 3 - ICE CREAM/ICE CONFECTION HAND CART VENDING ON THE COAST PARK

Hand Cart - Zone 1

Along the North Esplanade between Anderson Avenue, Glenelg North and along North Esplanade – as indicated in green on the map below:



Hand Cart - Zone 2

Along the Esplanade between Weewanda Street, Glenelg South to Harrow Street, Somerton Park – as indicated in green on the map below:



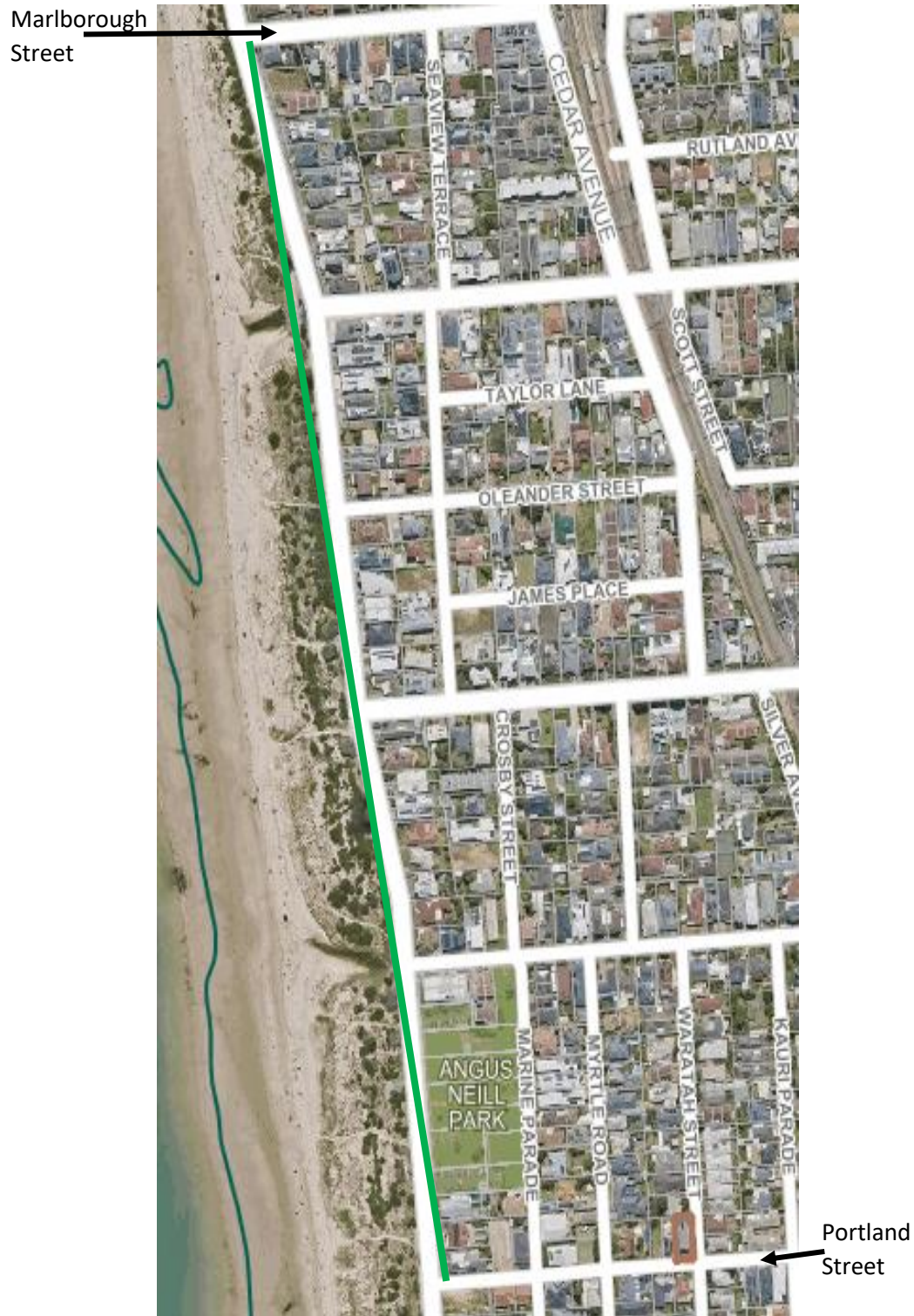
Hand Cart - Zone 3

Along the Esplanade from Gladstone Road, North Brighton to Alfreda Street, Brighton – as indicated in green on the map below:

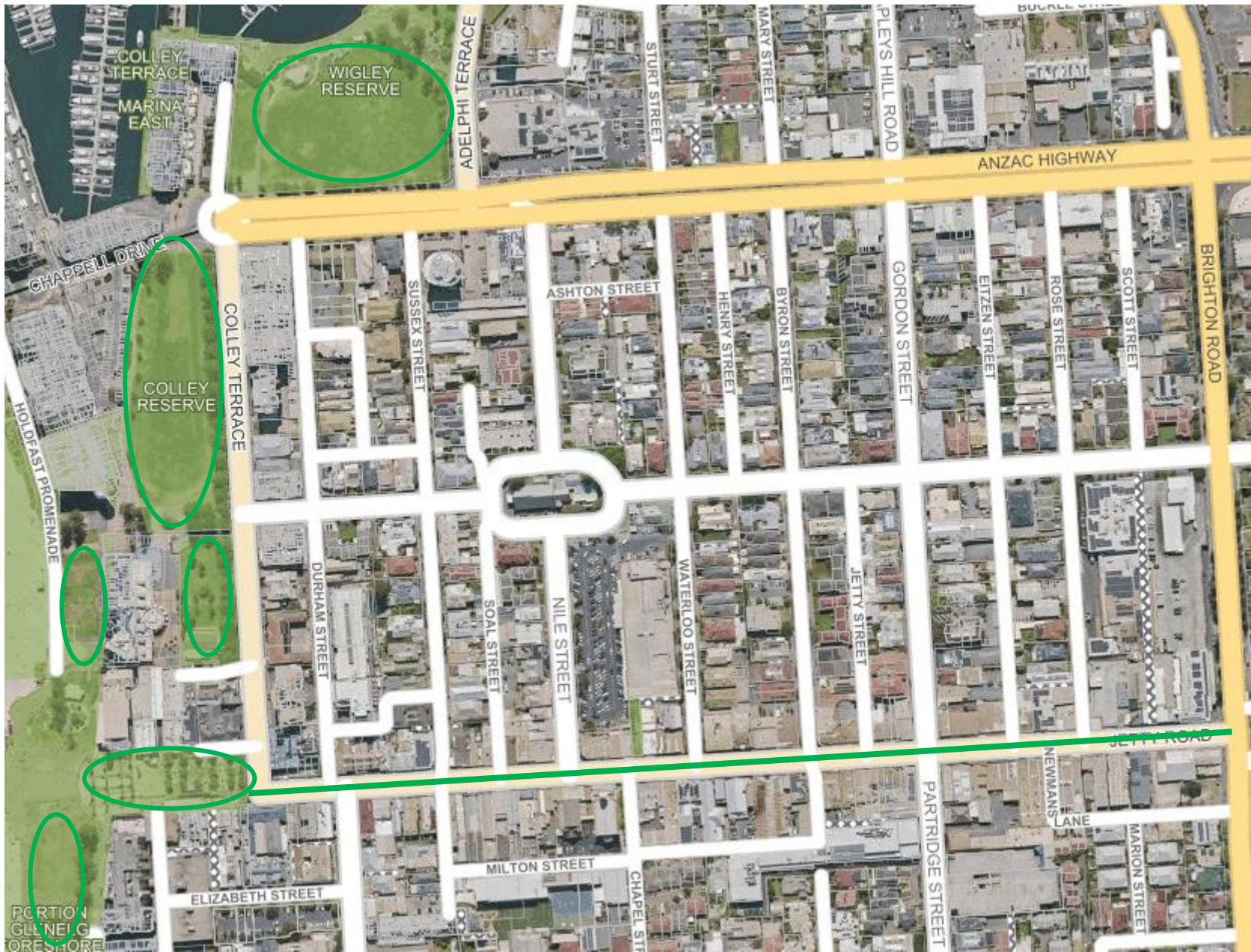


Hand Cart – Zone 4

Along the Explanade between Marlborough Street, Brighton and Portland Street, Seacliff– as indicated in green on the map below:



APPENDIX 4 - Jetty Road Glenelg Traders Permit Inclusion Zones (as indicated in green on the map below)



APPENDIX 5 - Brighton Jetty Traders Permit Inclusion Zone (as indicated in green on the map below)

