



AGENDA

**FOR RESOURCES AND GOVERNANCE COMMITTEE MEETING TO BE HELD
ON**

20 JUNE 2016 AT CONCLUSION OF POLICY AND PLANNING COMMITTEE

IN COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY

MEMBERS

Cr B Vermeer (Chairman)
Mayor G Aldridge (ex officio)
Cr D Balaza
Cr S Bedford
Cr D Bryant
Cr L Caruso
Cr R Cook (Deputy Chairman)
Cr D Pilkington
Cr D Proleta

REQUIRED STAFF

General Manager Business Excellence, Mr C Mansueto
General Manager City Development, Mr T Sutcliffe
Manager Governance, Ms T Norman
Manager Communications and Customer Relations, Mr M Bennington

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 16 May 2016.

REPORTS

Administration

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OTHER BUSINESS

CLOSE



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, 12 JAMES STREET, SALISBURY ON**

16 MAY 2016

MEMBERS PRESENT

Cr B Vermeer (Chairman)
Mayor G Aldridge (ex officio)
Cr D Balaza
Cr D Bryant
Cr L Caruso
Cr R Cook (Deputy Chairman)
Cr D Pilkington
Cr D Proleta

OBSERVERS

Cr S Reardon (*up to and including Item 3.4.1*)

STAFF

General Manager Business Excellence, Mr C Mansueto
Manager Governance, Ms T Norman
Team Leader, Corporate Communications, Mr C Treloar

The meeting commenced at 9:19 pm.

The Chairman welcomed the members, staff and the gallery to the meeting.

APOLOGIES

An apology was received from Cr S Bedford.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Cr D Pilkington
Seconded Cr R Cook

The Minutes of the Resources and Governance Committee Meeting held on 18 April 2016, be taken and read as confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Resources and Governance Committee

Moved Cr L Caruso
Seconded Cr R Cook

1. The information be received.

CARRIED

External Relations

3.4.1 Nominations Sought for the State Bushfire Coordination Committee

Moved Cr D Pilkington
Seconded Cr R Cook

1. The information be received.
2. Cr S Reardon be nominated to the State Bushfire Coordination Committee.

LOST

Moved Mayor G Aldridge
Seconded Cr D Proleta

1. The information be received.
2. Cr S Reardon and Cr D Balaza be nominated to the State Bushfire Coordination Committee.

CARRIED

Corporate Governance

3.6.1 Representation Review - Options Paper

Moved Cr D Pilkington
Seconded Cr L Caruso

1. The information be received.
2. The Representation Options Paper document (Item No. 3.6.1, Resources and Governance Committee, 16/05/2016, Attachment 1) be endorsed to release for community consultation, containing options 1-6.

CARRIED

3.6.2 Summary Reports for Attendance at Training and Development Events - Cr Reardon and Cr Vermeer

Moved Cr L Caruso
Seconded Cr D Proleta

1. The information be received.

CARRIED

3.6.3 Elected Member Stationery

Moved Cr D Pilkington
Seconded Cr D Proleta

1. The Corporate Logo continues to be used as the preferred logo on Elected Member letterhead, business cards, name badges and other relevant stationery.

CARRIED

OTHER BUSINESS

Nil.

The meeting closed at 10:04 pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 June 2016
HEADING	Future Reports for the Resources and Governance Committee
AUTHOR	Michelle Woods, Projects Officer Governance, CEO and Governance
CITY PLAN LINKS	4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	This item details reports to be presented to the Resources and Governance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

1. The information be received.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

2. CONSULTATION / COMMUNICATION

- 2.1 Internal
 - 2.1.1 Report authors and General Managers.
- 2.2 External
 - 2.2.1 Nil.

3. REPORT

3.1 The following table outlines the reports to be presented to the Resources and Governance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
22/06/2015 3.3.2	Amendments to the Dog and Cat Management Act 3. Council note that staff will review the need for a cat by-law 12 months after the implementation of the proposed Bill and provide a further report to Council. Due: December 2016	John Darzanos
28/09/2015 3.6.1	Review of Provision of Elected Member IT Equipment 2. A revised Elected Member Allowances, Facilities and Support Policy be brought back to Council in July 2018. Due: July 2018	Joy Rowett
23/11/2015 NOM2	Local Government Association of SA Governance Review and City of Salisbury Membership status 2. That the City of Salisbury write to the President and Chief Executive of the LGA: <ul style="list-style-type: none"> • Reaffirming its commitment to working with the LGA as the peak representative group for Local Government • Seeking confirmation that concerns raised by the City of Salisbury in relation to regional representation on the LGA Board will be incorporated within the Governance Review scope; • seeking the opportunity to actively participate in the Governance Review to provide a northern region perspective to the process; • requesting the attendance of the LGA President and CEO at an informal gathering to provide Elected Members with details on the scope, committee structure and timeframes for the Governance Review. with a further report to be presented to Council setting out the information provided in response to the above dot points. Due: July 2016 Deferred to: August 2016 Reason: The LGA will be speaking to Council at the August Informal Strategy session.	Charles Mansueto

23/11/2015	Local Government Association of SA Governance Review and City of Salisbury Membership status	Charles Mansueto
NOM2	3. That following release of the adopted recommendations of the LGA Governance Review, the City of Salisbury will consider the role it plays within the Local Government Association, including consultation with other Northern Region Councils on strategies to ensure appropriate representation of the region.	
Due:	July 2016	
Deferred to:	October 2016	
Reason:	Report deferred due to LGA timeframes.	

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Resources and Governance Committee have been reviewed and are presented to Council for noting.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 14.06.16

ITEM	3.2.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 June 2016
HEADING	Local Government (Disability Access Inspections) Amendment Bill 2016
AUTHOR	Chris Zafiroopoulos, Manager Development Services, City Development
CITY PLAN LINKS	3.1 Be an adaptive community that embraces change and opportunities. 3.3 Be a connected city where all people have opportunities to participate. 4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	The Local Government Association is seeking feedback on the Hon Kelly Vincent private member's Bill which provides for councils to develop a policy and carry out mandatory inspections of public buildings to ascertain whether the buildings are compliant with disability access requirements.

RECOMMENDATION

1. The information be received.
2. That the Local Government Association be advised that whilst the intent of the proposed Local Government (Disability Access Inspections) Amendment Bill 2016 is generally supported; greater consideration needs to be given to the relationship of this legislation to the Disability Discrimination Act 1992 and the Development Act 1993, with Item No. 3.2.1, Resources and Governance Committee, 20/06/2016 forming the basis of a response.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Local Government (Disability Access Inspections) Amendment Bill 2016

1. BACKGROUND

- 1.1 This legislative amendment to the Local Government Act aims to require councils to establish a policy regarding the inspection of any publically accessible buildings to ensure appropriate access for persons with a disability, both municipally and privately owned. The sole purpose is to require building owners to alter, renovate or upgrade their building/s with the aim of achieving a more accessible built environment.

- 1.2 It should be noted that for this purpose ‘accessible’ means compliance with the performance requirements of current Building Code of Australia (now National Construction Code), and not those rules or codes in place at the time of construction of an existing building.

2. CONSULTATION / COMMUNICATION

2.1 Internal

- 2.1.1 Staff from the City Infrastructure Department and from the Community Health & Wellbeing Division were consulted in the preparation of this report, and provided input to the report.

2.2 External

- 2.2.1 LGA

3. REPORT

- 3.1 The intent of the Local Government (Disability Access Inspections) Amendment Bill 2016 is generally supported.
- 3.2 Council currently has a program in place to facilitate access equality within its own buildings. The Council is only involved in the upgrade of existing privately owned buildings as part of a development application assessment and an associated regulatory compliance role.
- 3.3 This legislation amendment would therefore impact both Local Government operations and that of private enterprise.
- 3.4 The Disability Discrimination Act 1992 and standards provide some certainty for owners of currently inaccessible buildings, as the Standards apply only when an existing building is upgraded or changes use and where building rules approval is required. Buildings not undergoing such changes are still subject to the complaints provision but these complaints must be lodged by a person with disability affected by the lack of access. This commonwealth legislation would over-ride part of this Bill and it is not clear how this will affect the viability of the Bill.
- 3.5 This legislation would be better aligned with and contained in the State’s Development Act and associated Regulations. The Development Act:
 - 3.5.1 directly relates to the State’s building stock / built environment,
 - 3.5.2 has existing provisions associated around the qualifications of authorised officers which will assist in implementing these requirements,
 - 3.5.3 has existing inspection policy-making provisions and this existing system could be used to capture the additional inspection requirements noted in this amendment and potentially reduce the administrative burden.
- 3.6 This Bill could result in each council having separate inspection policies on the subject matter, thus resulting in an inconsistent approach across the state. A consistent state-based approach with recognised professionals to administer the system would better serve the community.

- 3.7 Councils already run a similar program through the Development Act 1993 concerning the upgrade of buildings which might have deficient fire life safety features. This program is implemented via independent Building Fire Safety Committees
- 3.7.1 These committees are guided by State legislation and decisions in favour of or against upgrades are made by a committee comprised of industry professionals.
- 3.7.2 Building owners have various appeal rights and can implement negotiated outcomes. A similar approach should be adopted for the proposed legislation if it is not to be brought in under the Development Act.
- 3.8 The cost of implementing this system should be investigated and should consider both the impacts on Local Government operations and the cost to the community regarding the expected upgrade work requirements.
- 3.9 Advice should be sought from industry professionals and the State Government's independent advisory committees on development and construction issues, the Development Policy Advisory Committee and Building Advisory Committee.

4. CONCLUSION / PROPOSAL

- 4.1 The intent of this legislative change is generally supported; however it is considered that greater consideration needs to be given to the relationship of this legislation to the Disability Discrimination Act 1992 and the Development Act 1993.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 14.06.16

Draft for the Hon Kelly Vincent MLC
21.3.2016 (1)

South Australia

**Local Government (Disability Access Inspections)
Amendment Bill 2016**

A BILL FOR

An Act to amend the *Local Government Act 1999*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Local Government Act 1999*

- 3 Insertion of section 298A
298A Disability access inspections
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Local Government (Disability Access Inspections) Amendment Act 2016*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Local Government Act 1999*

10 **3—Insertion of section 298A**

After section 298 insert:

298A—Disability access inspections

- 15 (1) A council must, within 2 months after the commencement of this section, prepare and adopt a policy, in accordance with section 259, relating to inspection of buildings under this section.

Local Government (Disability Access Inspections) Amendment Bill 2016
Part 2—Amendment of *Local Government Act 1999*

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- (2) A policy referred to in subsection (1) must set out a regime for the regular inspection of buildings located in the area of the council that are open to members of the public (and may set out different regimes for different classes of buildings specified in the policy).
 - (3) An authorised person who holds prescribed qualifications may, at any reasonable time and in accordance with a policy referred to in subsection (1), enter and inspect any building for the purpose of determining whether the building complies with the performance requirements of the Building Code (within the meaning of the *Development Act 1993*) in relation to access to buildings, and facilities and services within buildings, for people with disabilities (the *access requirements*).
 - (4) If an authorised person who conducts an inspection under this section is satisfied that the building's compliance with the access requirements is not adequate, the authorised person may give a notice to the owner of the building requiring the owner to report to the council on the work or other measures necessary to ensure that the building complies with the access requirements.
 - (5) A report must be provided to the council within 2 months after the notice is given to the owner of the building or within such longer period as may be specified in the notice.
Maximum penalty: \$2 500.
 - (6) The owner may, during the period referred to in subsection (5), make representations to the council about the work or other measures to be carried out or taken.
 - (7) A council may, after receiving a report under subsection (5) (or, in the event of a failure to provide a report in accordance with this section), by notice given to the owner of the building—
 - (a) require the owner to seek an appropriate development authorisation under the *Development Act 1993* and, if granted, to carry out a programme of work or to take other measures to ensure that the building complies with the access requirements; or
 - (b) require the owner to take other action of a kind prescribed by the regulations.
 - (8) On completion of any work required to be carried out by a notice under this section, the owner must notify the council in writing.
Penalty: \$1 250.
 - (9) A council may vary or revoke a notice under this section if satisfied that it is appropriate to do so.
 - (10) An appeal against a notice under this section may be made to the Environment, Resources and Development Court within 14 days after the notice is given, unless the Court allows a longer time for the commencement of the appeal.

Draft

Local Government (Disability Access Inspections) Amendment Bill 2016
Amendment of *Local Government Act 1999*—Part 2

5

- (11) Subject to any order of the Court to the contrary, the operation of a notice under this section is not suspended pending the determination of an appeal.
- (12) A person who contravenes or fails to comply with a notice under subsection (7) is guilty of an offence.
Maximum penalty: \$20 000.
- (13) This section does not authorise any action inconsistent with the *Heritage Places Act 1993* or a provision of the relevant Development Plan that relates to heritage.

ITEM	3.3.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 June 2016
HEADING	Lost Dog and Cat Information
AUTHOR	John Darzanos, Manager Environmental Health & Safety, City Development
CITY PLAN LINKS	2.2 Have a community that is knowledgeable about our natural environment and embraces a sustainable lifestyle. 4.3 Have robust processes that support consistent service delivery and informed decision making.
SUMMARY	<p>At the Council meeting on 22 February 2016 it was resolved to seek a report on the number of stray and lost dogs and cats captured by Council over the last three financial years and how many of those animals were eventually euthanized. The report was also to address potential strategies to reduce the number of captured animals that are euthanized and the potential for achieving a zero kill rate.</p> <p>In addition to this motion a question was taken on notice for information available on the number of captured dogs that are not released and are ultimately euthanized.</p> <p>This report addresses the motion and question and provides information on the dogs and cats seized and impounded by Council and eventually transferred to the Animal Welfare League for further processing which includes rehoming, returning to owners and in some cases euthanasia. The proposed amendments to the Dog and Cat Management Act relating to compulsory de-sexing, microchipping and breeder registration are also discussed, identifying how the legislative changes aim to reduce unwanted or unplanned litters and eventually reduce the number of dogs and cats going into shelters and subsequently reducing euthanasia rates.</p>
RECOMMENDATION	
	1. The information be received.
ATTACHMENTS	
	There are no attachments to this report.

1. REPORT

Dogs

- 1.1 Council's current legislative responsibilities for seizing and impounding dogs are prescribed in the Dog and Cat Management Act (the Act). Under the provisions of the Act, a dog can be lawfully seized and detained and must be held in an approved facility for 72 hours, which is Council's Research Road Pound. After 72 hours if the dog remains unclaimed or if fees and registration remain unpaid the dog can be destroyed or otherwise disposed of.
- 1.2 Council's procedure after the 72 hour holding period is to relocate the dogs to the Animal Welfare League of South Australia (the AWL). Council has a contractual arrangement in place to relocate the dogs to the AWL as the pound is for short term holding and cannot provide the long term care for dogs available at the AWL.
- 1.3 The transfer of dogs to the AWL is on a fee for service basis, and over the last three years, 2012/13 to 2014/15, the average annual cost has been \$53,586.
- 1.4 Once the dogs are transferred to the AWL they become the property of the AWL and subject to their operations and decisions. There are no arrangements in place requiring the AWL to hold or care for the dogs above and beyond their standard practices. Any extra services that may be required by Council would be subject to review of contractual arrangements and would be at extra cost.
- 1.5 The AWL is a leading animal welfare and care provider recognised for the provision and development of services for animals in need. Established in 1964, the AWL operate the state's largest animal shelter and lead the industry in re-homing lost, surrendered and abandoned animals, totaling around 12,000 per annum.
- 1.6 The AWL together with other industry stakeholders provides a high quality animal care facility and related services to the state's animals, their owners and the broader community. They also encourage responsible pet ownership, promote the benefits of the human-animal bond and strive to improve the welfare and care of animal companions.
- 1.7 The outcomes from dogs relocated to the AWL includes dogs being reclaimed by owners, dogs being rehomed after they are temperament tested, de-sexed and micro-chipped, and in some cases dogs are euthanized.
- 1.8 Euthanasia is undertaken for several reasons and this includes
 - 1.8.1 aggressiveness to humans or other animals – where the dog poses a safety risk and danger to place it back in the community; this accounts for approximately 39% of all euthanasia reasons
 - 1.8.2 medical – this includes physical and mental health issues which means the dog would be suffering; this accounts for approximately 37% of the euthanasia reasons
 - 1.8.3 Other untreatable behavioural reasons are approximately 15% of the euthanasia reasons
 - 1.8.4 Council orders such destruction orders are approximately 9% of the euthanasia reasons

- 1.9 The number of dogs seized by Council and relocated to the AWL is presented in the following table.

Table 1 – Total Number of Dogs Seized and Outcome 2013 to 2015

Council Dogs Seized	2013	2014	2015
Return to Owner in the Field	186	264	275
Return to Owner from the Pound	373	316	284
Relocated to Animal Welfare League*	426	364	393
Euthanized by Vet (injury/illness or handover for destruction)	4	3	1
Total Seized	989	947	953

Dogs Relocated to AWL	2013	2014	2015
Return to Owner	83	58	72
Adopted	128	121	139
Euthanized	205	165	172
Total*	416	344	383
	2013	2014	2015
Total Return to Owner /Adopted	770	759	770
Total Euthanized	209	168	173

* Variation in numbers due to timing of reports

Category explanation:

- 1.9.1 Return to Owner in the Field – dogs seized in the field and taken directly to owner's house due to adequate identification and availability of owners
- 1.9.2 Return to Owner from the Pound – dogs impounded and collected from the pound
- 1.9.3 Relocated to Animal Welfare League – dogs relocated to the Animal Welfare League due to no owners coming forward
- 1.9.4 Euthanized by Vet (injury/illness or handover for destruction) – dogs taken by staff to veterinarian for euthanasia due to injury or illness or handover by owners for destruction due to aggression or attack.

Cats

- 1.10 Under the Act, cats can be lawfully seized and destroyed if unidentified in remote areas, greater than one kilometer from any place of residence and in any other areas if seized by a Cat Management Officer. All other persons who trap cats must deliver an unidentified cat to a veterinary surgeon, cat management officer or approved shelter such as the RSPCA or AWL.
- 1.11 A person who seizes, detains, destroys or disposes of an identified cat must, under the Act, as soon as practicable take reasonable steps to inform the owner of the cat of the action taken.
- 1.12 Cats taken to the AWL by Council are usually the result of complaints and in most cases are due to stray and feral cat concerns which means these cats are unidentified and in most cases unsuitable for rehoming for the same reasons as indicated for dogs earlier, namely:
- 1.12.1 aggressiveness – usually related to feral cats or strays

- 1.12.2 medical – related to physical and illness issues
- 1.12.3 other untreatable behavioural reasons
- 1.13 The data presented does not include cats taken in by residents who either hire a trap from Council or take cats in on their own accord for numerous reasons including, age, surrenders or excess kittens from unwanted litters.

Table 2 – Cats Trapped by Council and Outcome 2013 to 2015

Cats Trapped by Council	2013	2014	2015
Returned to Owner	0	0	1
Adopted	0	1	15
Euthanized	29	6	42
Total	29	7	58

- 1.14 Total numbers of cats taken into the AWL from all other sources originating in the City of Salisbury including trapped cats and resident hand overs equate to around 1000 to 1200 per annum. Out of these around 70 to 75% are euthanized for the reasons provided earlier.
- 1.15 The AWL and other shelters have legitimate and practical reasons why a zero kill rate cannot be achieved and as a result euthanasia is undertaken for many reasons as mentioned in the report earlier, with the predominant reasons being animal welfare to reduce suffering and for public safety where the animals should not and cannot be released back into the community.

Strategies to Reduce Euthanasia Rates

- 1.16 Aiming for a zero kill objective for impounded animals would come at a significant cost to the community and Council as holding costs per animal would need to be recouped and in most cases would be charged to Council if this was a requirement of the Council. Holding a dog or cat that should have been euthanized for reasons highlighted earlier does not provide that dog or cat with an increased chance of rehoming, and reduces its quality of life' as it would spend its life within a shelter and cage and in some cases prolong its pain and suffering.
- 1.17 Euthanasia rates of captured animals is currently the product of a growing concern, which is the increasing numbers of unwanted pets and unwanted litters that are being brought into authorities and shelters. The objective is to reduce the supply of unwanted pets and litters which will reduce the number of dogs and cats brought into shelters and subsequently reduce the euthanasia rates.
- 1.18 Reducing euthanasia rates is a community responsibility and not the sole responsibility of Councils, shelters, other authorities or agencies. Responsibility for this issue starts with the community and pet owners and those wanting to be pet owners. All pet owners should ensure that they only purchase or adopt de-sexed pets and if they currently own a pet they should de-sex and microchip their pets. De-sexing will ensure that the number of unplanned or unwanted litters is reduced and this will eventually lead to a reduction in the number of animals being taken into shelters. Identification significantly increases the prospect of found animals being returned to their owners.

- 1.19 The proposed legislative changes to the Dog and Cat Management Act aim to support this strategy as community effort. Unfortunately education and encouragement alone has not seen any significant reduction in the number of animals being taken into shelters.

Legislative Changes

- 1.20 The proposed legislative changes aim to reduce the euthanasia rates by implementing several strategies such as compulsory de-sexing and microchipping of dogs and cats and breeder registration.
- 1.21 Micro chipping provides permanent identification and aims to ensure that all pets are identified so that return to owner rates can be improved. Owners are also held accountable for the actions of their pets and efforts are made to reclaim and find their pets if lost.
- 1.22 Compulsory de-sexing aims to ensure that unwanted and unexpected litters are reduced and eventually eliminated which, will lead to a reduction in the number of unwanted pets and strays and subsequent handovers that occur at shelters.
- 1.23 Breeder registration will also mean that supply will be controlled and the majority of pets will be microchipped and de-sexed prior to sale.

2. CONCLUSION / PROPOSAL

- 2.1 The strategies within the legislative changes have been endorsed by the Minister and the Dog and Cat Management Board and aim to reduce the amount of unwanted litters and pets going into shelters and subsequently lead to a reduction in euthanasia rates.
- 2.2 The legislative provisions will assist in making the decision to own a pet a thought out process and not merely one of opportunity or convenience due to puppies or kittens being given away from an unexpected litter or back yard breeder. This will ensure that ownership is taken seriously and will help reduce the chance of a pet being abandoned or becoming a stray.
- 2.3 Council along with other agencies including shelters and the Dog and Cat Management Board will continue to support the message of de-sexing and microchipping for responsible pet ownership, and encourage compliance, however the Legislative changes will also allow for enforcement of these provisions if required.
- 2.4 Even with all these strategies there will always be a percentage of pets that will eventually be euthanized for a number of reasons, including, health age, temperament and safety reasons. However the number of pets euthanized should reduce over time.

CO-ORDINATION

Officer: EXECUTIVE GROUP

Date: 14.06.16

ITEM	3.6.1
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 June 2016
HEADING	Deputy Mayor Chain and Robe Fastenings
AUTHOR	Joy Rowett, Governance Coordinator, CEO and Governance
CITY PLAN LINKS	3.4 Be a proud, accessible and welcoming community.
SUMMARY	The report provides information concerning the options and costs for a Deputy Mayoral Chain and fasteners to the Elected Member Robes.

RECOMMENDATION

1. The information be received.
2. *Preferred option for Deputy Mayor Chain to be determined (refer to paragraphs 4.2 and 4.3 for recommendation option text)*
3. That Council approve the alterations to Elected Members gowns by having metal buttons positioned both sides at the top of the front opening and joined by a simple chain.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Blashki Quote - Options 1 and 2
2. Blashki Quote - Option 3
3. Quote - Alterations and Mending of Elected Member Gowns

1. BACKGROUND

1.1 At its December 2015 (Council 14/12/2015, OB4, Resolution No. 823/2015) meeting Council resolved the following:

1.1.1 *“Staff report back on the costs associated with:*

- *The design and production of a simple civic chain, bearing the City of Salisbury Crest, to be worn by the Deputy Mayor when representing the Mayor at formal ceremonies such as Citizenship Ceremonies;*
- *The modification of existing Elected Member robes to allow for some sort of fastening to be fitted to the front to assist with the way robes hang when worn.”*

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Nil.

2.2 External

- 2.2.1 Council officers have sought quotes with respect to a simple chain bearing the City of Salisbury Crest and modifications to the existing robes.

3. REPORT

Deputy Mayoral Chain

- 3.1 Staff have consulted with a number of Councils to inform options for a Deputy Mayoral chain. Out of those Councils canvassed only the City of Campbelltown has a chain for its Deputy Mayor, which comprises a navy velvet backing on which a row of standard bars have been sewn with a smaller crest under which the title Deputy Mayor appears at the bottom of the V shaped band at the front.
- 3.2 Staff have received quotes from Blashki, who made the City of Salisbury Mayoral Chain, for a simple chain bearing the City of Salisbury Crest to be worn by the Deputy Mayor when representing the Mayor at formal ceremonies as follows:
- 3.2.1 **Option 1** (Attachment 1) – V-shaped velvet collarette with a duplication of the black S link of the existing Mayoral chain attached to the base of the V at the front. Collarette to be supplied in a Blashki case fitted to hold the collarette with felt foam based cushions – Price \$2950.00 (plus GST).
- 3.2.2 **Option 2** (Attachment 1) – Single chain made in base metal and gold plated joined by a duplication of the black S link of the existing Mayoral chain and attached to a V-shaped velvet collarette at the base of the V at the front. Chain to be supplied in a Blashki case fitted to hold the chain with felt foam based cushions – Price \$3250.00 (plus GST).
- 3.2.3 **Option 3** (Attachment 2) - Chain made in base metal and Gold plated, including 30 standard bars (no engraving). All joined by a duplication of the black S link of the existing Mayoral chain. No drop is required, and all sewn to a black ribbon based backing and joined with curb link chain. Chain to be supplied in a Blashki case fitted to hold the chain with felt foam based cushions – Price \$6495.00 (plus GST).

Modification to Elected Member Robes

- 3.3 Staff have investigated the cost of modifying the existing Elected Member robes to allow for some sort of fastening to be fitted to the front to assist with the way robes hang when worn. In addition, evaluation of the condition of the gowns has revealed that mending and/or reinforcement around the neck of each gown is required. A quote has been received (Attachment 3) indicating that to have the necessary mending/reinforcement completed and buttons positioned both sides at the top of the front opening, joined by a simple chain would cost approximately \$1170.00 (GST not applicable as provider is a cottage industry) or approximately \$65.00 per robe.
- 3.4 There are sufficient funds in the Civic and Ceremonial budget to cover Option 1 or 2 costs for the Deputy Mayor Chain and mending and modification of existing elected member robes. If Option 3 is the preferred option for the Deputy Mayor Chain additional budget will need to be allocated to cover the costs.

4. CONCLUSION / PROPOSAL

- 4.1 This report provides information with respect to the cost of a simple chain bearing the City of Salisbury Crest to be worn by the Deputy Mayor when representing the Mayor at formal ceremonies and the mending and modification of existing elected member robes to allow for fastening at the front.
- 4.2 Council is asked to consider the information provided and provide direction as to its preference for the Deputy Mayoral chain. Resolution text for each Option is set out below:
- 4.2.1 If Option 1 is preferred, the following recommendation should be included for presentation to Council:
- Option 1 - V-shaped velvet collarette with a duplication of the black S link of the existing Mayoral chain attached to the base of the V at the front. Collarette to be supplied in a Blashki case fitted to hold the collarette with felt foam based cushions – Price \$2950.00 (plus GST) be endorsed as the preferred option for a Deputy Mayor Chain.*
- 4.2.2 If Option 2 is preferred, the following recommendation should be included for presentation to Council:
- Option 2 - Single chain made in base metal and gold plated joined by a duplication of the black S link of the existing Mayoral chain and attached to a V-shaped velvet collarette at the base of the V at the front. Chain to be supplied in a Blashki case fitted to hold the chain with felt foam based cushions – Price \$3250.00 (plus GST) be endorsed as the preferred option for a Deputy Mayor Chain.*
- 4.2.3 If Option 3 is preferred, the following recommendation should be included for presentation to Council:
- Option 3 - Chain made in base metal and Gold plated, including 30 standard bars (no engraving). All joined by a duplication of the black S link of the existing Mayoral chain. No drop is required, and all sewn to a black ribbon based backing and joined with curb link chain. Chain to be supplied in a Blashki case fitted to hold the chain with felt foam based cushions – Price \$6495.00 (plus GST) be endorsed as the preferred option for a Deputy Mayor Chain.*
- 4.3 Should Council not wish to proceed with a Deputy Mayor Chain part 2 of the Recommendation can be removed.
- 4.4 Council is asked to endorse the approval of the mending and application of a fastening option to Elected Member robes as this will extend the longevity of the robes and is considered a small investment when compared to replacement cost.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 14.06.16



Joy Rowett
Governance Coordinator
City of Salisbury
25.5.2016

Dear Joy,

The options discussed were to manufacture either a Collarette with a drop hanging off the bottom (the drop being a duplication of the S link in your current full size chain) and a collarette with chain link attached and hanging off the chain link would be the S drop.

I have divided the quote into two parts, the first being the two different collarettes and the second being the drop.

Collarette without metal chain link

1 x collaret ribbon with backing in black or blue velvet with Velcro attachment on the top, and forming into a V at the bottom with clasp to hold a Drop.

\$350.00 + GST

1 x collarette ribbon with backing in black or blue velvet with Velcro attachment on the top and forming into a V at the bottom. Chain link sewn onto the chain and forming into a V at the bottom with a clasp to hold the drop.

\$650.00 + GST

1 x Drop, manufactured the same as the letter S link in the current mayoral chain, with either loops or clasp to hang it from the collarette.

\$2600.00 + GST

Manufacture, would take 6-8 weeks from approval of artwork drawings, and the receipt of an official council purchase order.

Terms: 30 days from date of Invoice.

Should you have any questions, please give me a call and I will be happy to discuss further.

Yours Faithfully
Philip Masters
Director

MELBOURNE Unit 12/5 Kelleets Road Rowville, Victoria 3178 T: 1800 803 584	ADELAIDE "The Regalia Shop" 43/81 Carrington Street Adelaide, South Australia 5000 T: 08 8232 2955	ECHUCA Head Office: 91-93 Nish Street Echuca, Victoria 3564 T: 03 5482 4788
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Karen Boyd
Governance Support Officer
City of Salisbury
26.4.2016

Dear Karen,

Thank you for your enquiry for the manufacture of a new Deputy Mayoral Chain for the City of Salisbury.

As discussed, we would be very happy to manufacture a new design chain for you, and I outline below the options and pricing for your consideration.

Deputy Mayoral Chain, made in base metal and Gold plated, including 30 standard bars (to be chosen at a later date). All joined by a black S with the Salisbury scroll attached (see existing chain). No drop is required, and all sewn to a black ribbon based backing and joined with curb link chain. No engraving is required.

Chain to be supplied in a Blashki black case fitted to hold the chain with felt foam based cushions.

Cost \$6000 + GST for the chain

Cost \$495 + GST for the case

Personal Delivery \$ 1100 +gst (recommended for insurance coverage in transport)

Manufacture, would take 6-8 weeks from approval of artwork drawings, and the receipt of an official council purchase order.

Terms: 30 days from date of Invoice.

I have enclosed a Mayoral chain FAQ sheet for your information also.

Should you have any questions, please give me a call and I will be happy to discuss further.

Yours Faithfully
Philip Masters
Director

MELBOURNE Unit 12/5 Kelleets Road Rowville, Victoria 3178 T: 1800 803 584	ADELAIDE "The Regalia Shop" 43/81 Carrington Street Adelaide, South Australia 5000 T: 08 8232 2955	ECHUCA Head Office: 91-93 Nish Street Echuca, Victoria 3564 T: 03 5482 4788
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Original

TAX INVOICE* / STATEMENT*

78

(*DELETE AS APPROPRIATE)

TO Quote for Salisbury Council DATE 8-6-16
ATT Joy Rowett

ABN (of Recipient) NIGHTMOVES CLOTHING ORDER NO. _____
FROM ABN 97 677 903 323
27 Casuarina Drive
Parafield Gdns 5107
ABN (of Supplier) Mob 0411 550 552

QTY	DESCRIPTION	PRICE	G.S.T.	TOTAL
18	Council Gowns, repair necks and apply neck edge tape to all at neck inside. supply buttons and Gold tone chain to close chest fronts. make button holes inside Gowns to hold chain across front of garment. Cost of \$65.00 per garment. Total cost \$1,170 includes pick up and delivery.			

TOTAL INCLUSIVE OF G.S.T.

Total includes G.S.T. of

Item 3.6.1 - Attachment 3 - Quote - Alterations and Mending of Elected Member Gowns

ITEM	3.6.2
	RESOURCES AND GOVERNANCE COMMITTEE
DATE	20 June 2016
HEADING	Mobile Food Van Policy
AUTHOR	Tim Starr, Coordinator Property, City Infrastructure
CITY PLAN LINKS	1.2 To enhance and create quality urban areas with high amenity and integrated infrastructure 1.3 To have a prosperous and adaptive business sector that supports community wellbeing, is globally oriented and creates employment opportunities 1.5 To deliver a regional culture of collaboration
SUMMARY	This report considers the State Government Position Paper regarding the proposed changes to the Local Government Act Section 222 and 224 relating to trading from road.

RECOMMENDATION

1. This report be received.
2. A response be provided to the Local Government Association in relation to the State Government "Food Trucks in South Australia" Position Paper objecting to the proposal.
3. A further report be prepared setting out a Mobile Food Van Policy for endorsement once the State Government position in relation to Food Trucks has been finalised.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Attachment 1 State Government Discussion Paper - Food Trucks in SA
2. Attachment 2 Local Government Association Submission to State Government Discussion Paper - Food Trucks in SA
3. Attachment 3 State Government Position Paper - Food Trucks in SA

1. BACKGROUND

- 1.1 Council staff have received an increasing number of enquiries from mobile food van operators requesting access to Council roads and reserves to operate their businesses. Due to the recent upgrade at St Kilda a large number of these enquires have been for the site at the St Kilda Playground.
- 1.1 It should be noted that the number of special events held within Salisbury is on the increase and these could also generate interest from mobile food vans. Council staff have reviewed the Local Government Act and Council By laws and note that there are no specific provisions to determine how these requests are to be dealt with.

- 1.2 Mobile Food Vans are not permitted on Council property without approval and if located on private property planning and possible building approval would be required.
- 1.3 As a result of the recent re-emergence of food trucks within South Australia the State Government have identified that there should be no barriers to vendors operating and have released a discussion paper on how these vendors may be able to be granted approval to operate in the future.
- 1.4 The Local Government Association prepared a response to the discussion paper and provided this to the State Government on behalf of Local Government.
- 1.5 As a result of the discussion paper and feedback provided, the State Government developed its second position paper requesting further responses to be provided by 30 June 2016 for changes to the Local Government Act Regulations to take effect from 1 October 2016.

2. CONSULTATION / COMMUNICATION

2.1 Internal

2.1.1 Internal consultation has been undertaken with staff from the following divisions:

- City Development
- City Infrastructure
- Community Development
- Elected Members

2.2 External

2.2.1 External consultation has been undertaken with the Local Government Association, The Rundle Mall Management Authority and other Council's.

3. REPORT

Food Van Permits Within the City of Salisbury

Current Policy Position

- 3.1 As a result the increasing number of requests from mobile food van operators to operate on Council roads and reserves, staff have reviewed Council's existing policies.
- 3.2 The review found that there was no specific policy or procedure within the City of Salisbury for mobile food vans to operate on Council roads or reserves.
- 3.3 The Council Policies, By laws and provisions within the Local Government Act which relate to the use of Council roads and reserves are:

By Law 3 Roads:

The objective of this By-law is to manage and regulate the prescribed uses of roads in the Council area:

By Law 4 – Local Government Land:

The objective of this By-law is to regulate the access to and use of Local Government land (other than roads), and certain public places

Section 222 of the Local Government Act .1999:

Permits for business purpose, a person must not use a public road for a business purpose unless authorised to do so by a permit.

Section 224 of the Local Government Act 1999:

Conditions of authorisation or permit, a Council may grant an authorisation or permit under this division on the conditions the Council considers appropriate.

There are staff that have delegated authority in regard to granting approvals however there is no specific policy in relation to issuing Permits for operating mobile food vans on Council roads or reserves.

- 3.4 Council's current fees and charges set a standard rate for permits to allow mobile ice cream vans to operate under Section 222 of the Local Government Act. These permits are offered only to ice cream van's such as Mr Whippy or Home Ice Cream. As these businesses are travelling, stopping only when a customer is present they are not considered to impact on existing bricks and mortar businesses. Permits are charged at an initial rate of \$620 per annum, which is reduced for subsequent renewals at a rate of \$595 per annum. This process is managed by Environmental Health and Safety who are also responsible to manage the health inspections.
- 3.5 Currently Council has one existing non-exclusive licence which allows a mobile ice cream van to operate at St Kilda. This licence is managed by staff within the Property and Buildings Division and forms part of the grounds lease with St Kilda Tackle and Tucker to have their building located on reserve in Council's care and control. The current licence expires on 30 June 2019.
- 3.6 In addition to investigations relating to City of Salisbury policies, staff have investigated how other Council's manage mobile food vans and what policies they have. In particular staff have looked at:
- How long permits are valid?
 - What considerations are given to existing businesses?
 - What are the selection criteria?
 - How many permits are issued?
- 3.7 Investigations have determined that policies are broad ranging from some Council's not approving permits at all, to others who will allow traders in designated areas. Examples of conditions imposed by other Council's that allow mobile food vans are:
- Permits may be seasonal for a period of 6 months
 - Upon expiration other traders may apply for a permit
 - Permit holders must not trade within specified distances of existing businesses
 - Permits will only be issued in specified areas
 - Limited permits are available

- Menus are reviewed by Council staff to ensure no conflict of products
- Permit holders must be self-sufficient providing their own electricity, water and waste.

Economic Development Considerations

- 3.8 Recent Commonwealth reviews into competition policy have highlighted the role regulation can play in stifling productivity or improving consumer choice. The recent Harper Review recommended that any policy or regulation should not restrict competition unless “the benefits of the restriction to the community as a whole outweigh the costs; and the objectives of the legislation or government policy can only be achieved by restricting competition.” Furthermore State policy directions (particularly in the planning system), are increasingly discouraging regulations that create barriers to entry, diversification or expansion, such as those that limit the number, size, operating model and mix of businesses. As such, the introduction of new regulation needs to be predicated on clearly articulating the objectives it is trying to achieve.
- 3.9 The question of whether to regulate mobile food vans or not has been the subject of significant public debate in Adelaide over the past year. Opponents of mobile food vans claim they draw customers away from bricks and mortar businesses who have fixed overheads and pay rates on their property. Proponents of mobile food vans claim they provide consumers with greater choice, activate public space and provide an entry point for innovative entrepreneurs to test new products in the market (potentially leading to investment in a fixed location business).
- 3.10 The crux of the debate has become polarized around whether a Council is more supportive of business by acting to protect the interests of an existing business or by seeking to encourage new entrants into the market. The impact of mobile food vans on existing businesses will vary from case to case including the relative quality and market responsiveness of the fixed operator and the mobile trader; the size of the local market in which the mobile food van operates and the number of food vans operating in that local market (given their scale they are likely to have a greater relative impact on businesses in small local markets); seasonality (meaning bricks and mortar businesses are likely to trade through periods of low activity by cross subsidizing it from periods of higher activity – mobile vendors are likely to not trade at times of low activity).
- 3.11 Given the above, the decision to issue permits may vary from location to location and the rationale for this needs to be well established. For example, the seasonal and small size of certain markets may require a different policy response to the larger markets and choice in larger activity centres.

State Government Proposal

- 3.12 The State Government see food trucks as a valued attraction adding to the vibrancy of our city suburbs and providing an opportunity for young, energetic entrepreneur’s to test their ideas in the marketplace.
- 3.13 The government identified that a major barrier to the development of these businesses is the requirements of permits and approvals that are administered under the provisions of the Local Government Act 1999. This means that vendors

must apply separately to each Council in which they wish to operate, with corresponding fees and multiple application forms.

3.14 The conditions relating to hours of operation, location, type of food and relevant fees may vary significantly between various Council areas and therefore the State Government is looking to standardise the approval process.

3.15 Two options were proposed being:

3.15.1 A Centralised Permit System:

This proposal would allow vendors to receive all necessary permits and approvals from a central point. This option would remove the ability of Council to regulate most aspects of food truck operation.

3.15.2 A Consistent Permit System:

This approach would require certain conditions be applied across all Council areas, conditions that may apply are:

- The allowable number of permits
- Maximum permit costs
- Hours of operation (outside of special events)
- What can be sold by the vendor
- Location guidelines, such as a restriction on operation within a defined distance of an established business selling similar product; a defined distance from a school on any school day; and operation on a main or arterial road.
- Relevant public safety requirements; such as a minimum \$10m public liability requirement; electrical installation, gas bottles, gas lines and firefighting equipment that is compliant with the relevant standard.
- Appropriate management of waste, wastewater and other waste substances

This option would still allow individual Council's to add value by administering the permits and ensuring the communities' and existing local businesses interests are protected.

3.16 The Local Government Association subsequently prepared a response to the State Government's proposal based on feedback and consultation with Local Councils. The response states that a centralised State based system is not in the best interests of Council's or their communities.

3.17 The consideration of a consistent permit system should be considered and acknowledge that a number of the criteria identified in the State Government proposal do lend themselves to a more consistent approach and at least three criteria should remain at the discretion of Council:

- The allowable number of permits
- Hours of operation
- Location guidelines (such as restrictions on distances relating to established, similar businesses, schools, main roads etc.)

State Government's Second Position Paper

- 3.18 As a result of their discussion paper, feedback and consultation the State Government issued a position paper in May 2016. The Government's position is that food trucks should operate under consistent regulations in respect of operating on public roads (which include footpaths and road reserves). The centralised State Government permit system in the options paper is not supported by the Government due to the option being administratively complex and that it does not have the support of Councils and the Local Government Association.
- 3.19 The State Government propose to amend the Local Government Act 1999 by introducing Regulations under sections 222 and 224 of the Act relating to permits on roads. The intention is that the changes will result in a more consistent approach between Councils.

The new Regulations propose the following key requirements in relation to Councils:

- No restrictions on the number of permits that can be issued (no minimum or maximum)
- No restrictions on operating hours (outside special events)
- No restrictions on what food can be sold
- Maximum permit fees, with requirement to provide daily, monthly and annual permits at pro rata rates and;
- Councils to establish location guidelines, specifying where food trucks can trade

The Regulations will set a maximum fee for an annual permit fee however Councils may adopt a cost recovery approach or charge significantly less to encourage food trucks to their areas or provide a discount for local businesses establishing food trucks.

- 3.20 As food trucks move around the metropolitan area they may currently be subject to individual health inspections within the respective Council. The State Government propose an 'inspection passport'. This will allow food truck operators to show evidence of a recent successful food safety inspection which should be accepted by other Councils. It is proposed that this document is developed by Local Government in collaboration with SA Health.
- 3.21 The State Government aim to have these changes to the Local Government Act in place by the 1st October 2016. They are therefore seeking comments by the 30th of June 2016. Council staff have been in ongoing discussions with the Local Government Association regarding this matter, who have advised they will compile a formal submission on behalf of all Councils and are therefore requesting an extension to the due date from the State Government. The Local Government Association are requesting that Council provide a response by 30th of June 2016.
- 3.22 Trading in public parks (not on public roads) will still be subject to permits being issued by Council and is not proposed to be affected by the State Government proposal.

City of Salisbury Proposed Response to State Government Position Paper

- 3.23 It is recommended that the proposed changes to the Local Government Act not be supported as it is not seen to be in the best interest of the local traders or community. The changes proposed will be a legislative requirement enforcing how the City of Salisbury administers permits for mobile food vans on its roads.
- 3.24 The City of Salisbury have historically not permitted mobile food traders to operate within the city out of concern for the local traders and the potential impact may have on their businesses. It has been noted that mobile traders do not have the same overheads as existing bricks and mortar businesses and do not operate in times of seasonally low activity. Bricks and mortar businesses however must trade through periods of low activity and subsidise the income from periods of higher activity.
- 3.25 The State Government proposal to amend the Local Government Act 1999 will enforce all Council's to adopt key requirements which may not be in the best interest of local traders and community.
- 3.26 It is proposed that Council staff provide a response through the Local Government Association to inform the State Government that the City of Salisbury object to the proposed changes to the Local Government Act Regulations. The requirements that Council's must permit traders to operate from Council roads may adversely affect existing local traders. It is Council's responsibility to administer all roads and reserves in Councils ownership supporting the best interest of all members of the local community.
- 3.27 After the State Government have reviewed the feedback from the LGA and provided a further response it is proposed that staff report to Council for the development of a Policy position taking into consideration all feedback received.

4. CONCLUSION / PROPOSAL

- 4.1 Due to the increasing number of enquiries for temporary food vans within the City of Salisbury, staff identified a need for Council to adopt a Mobile Food Van Policy. Since this time the State Government introduced a Position Paper which proposes changes in Legislation enforcing requirements in relation to how local Council's administer roads in their ownership. Consideration has been given to the proposal which is not deemed to be in the best interest of local traders or community.
- 4.2 It is proposed that a response be provided through the Local Government Association to the State Government, advising that City of Salisbury object to the proposed changes to the Local Government Act and that the City of Salisbury will develop its own policy. This policy will provide for how both roads and reserves are managed and applications assessed and will be developed as a result of local decisions not a state based direction.
- 4.3 Once a response has been received by the Local Government Association from the State Government in relation to Local Government's position, Council staff are to develop a draft policy to present to Council for consideration.

CO-ORDINATION

Officer: EXECUTIVE GROUP
Date: 14.06.16

FOOD TRUCKS IN SA

Discussion Paper



Item 3.6.2 - Attachment 1 - Attachment 1 State Government Discussion Paper - Food Trucks in SA



Government of South Australia



Premier's Foreword

Adelaide's history with food trucks can be traced all the way back to 1864 with the first pie cart appearing in our city.

The recent re-emergence of food trucks has reminded South Australians how much we enjoy eating good food on the move. Events like *A Fork on the Road* show how food trucks can bring even more people to our city.

Adelaide is consistently ranked as one of the world's most liveable cities and an important part of this is our outstanding food culture.

Food trucks bring a vibrant energy and fresh life to our city. In a world where we must continue to compete internationally on the strength of our lifestyle, food trucks present another attraction to add to our charm.

This is the sort of innovation that we want to see throughout Adelaide. One that creates vibrancy, brings people into our public spaces and leads to bricks and mortar businesses. We've seen the fantastic results of State Government initiatives such as removing restrictions for small bar licences - 50 new businesses are now operating. Food trucks could offer a similar chance to make a small change that can have a big impact on the vibrancy of our city.

Food trucks are an opportunity for our young, energetic entrepreneurs to test their ideas in the marketplace. I want to see a future for food trucks where there is balance in the marketplace and consistency across councils throughout the state.

So I'd like to hear from you – what do you enjoy most about food trucks? How do you think we can best support these growing businesses? We're keen to hear your good ideas that we can put into practice to ensure that this vibrant new businesses can have a strong future.



Premier Jay Weatherill

INTRODUCTION

Food trucks, or 'mobile food vendors', have been part of Adelaide's street scene for many years, often in a way that is uniquely South Australian, such as the legendary 'pie floater'.

In recent years, there has been a resurgence of interest in food trucks; both by consumers keen to sample innovative food in a relaxed setting, and by traders seeking to create new business opportunities in a flexible and relatively low cost setting. Their popularity has spread not only in Adelaide, but across Australia and the world, with many cities now highlighting their food trucks as an important part of their unique culture and identity.

The stalwart following of South Australian food trucks such as Burger Theory and Phat Buddha – and the expansion of these businesses into 'bricks and mortar' businesses - shows how these small businesses have been embraced by our community.

Food trucks are a great way for us to showcase our exciting food culture and to bring vibrancy to our streets and festivals. Importantly, the flexibility and relatively low start-up costs for food trucks enable people to 'have a go' at creating opportunities and jobs for South Australia.

The Government believes that it is essential that we do what we can to support food truck ventures; that we ensure an entrepreneurial activity is not handicapped by unnecessarily complex and changing regulation.

This paper briefly explores the regulations that mobile food vendors must currently comply with, and proposes several ideas for simplifying this 'red tape' and other measures to support food trucks.

You are invited to provide your feedback on food trucks and ideas on ways we can best support these growing businesses.

CURRENT PERMITS AND REQUIREMENTS

Council permits for food trucks on public land

To set up by the side of the road or on a footpath, food trucks must seek a permit from the local council under the *Local Government Act 1999*.

Sections 222-225 of the *Local Government Act 1999* provides councils with the authority to issue permits for the conduct of business on public roads (which includes footpaths).

Specifically, s222(1) states that:

(1) A person must not use a public road for business purposes unless authorised to do so by a permit. Maximum penalty: \$2 500. Expiation fee: \$210.

Examples— • carrying on business from a pie-cart drawn up on the side of the road; • establishing a kiosk on the side of a road; • extending the business of a restaurant or café to outside tables situated on a footpath or roadside; depasturing stock; • cropping.

The effect of this provision on food trucks is to require vendors to apply to each council area in which they wish to operate individually, with corresponding fees and multiple application forms.

Additionally, the Local Government Act allows a council to “grant an authorisation or permit ... on conditions the council considers appropriate”. The permits granted by councils to food trucks therefore include a range of conditions relating to allowable hours of operation, location, type of food, and relevant fees. These can vary significantly from council to council.

While it is not proposed that mobile food vendors should operate without regulation, it is clear that this inconsistent approach creates uncertainties for vendors and may hamper new investment in a service that can bring interest and vitality to our urban areas.

Health permits and inspections

Mobile food vendors must necessarily meet health safety requirements.

SA Health has advised that these businesses need apply only once for a “Food Business Notification” (in the council where the vehicle is garaged), but some councils may require a fresh notification when the business applies to operate in another council area.

Additionally, individual councils may subject the mobile food vendor to a separate food/health inspection (for which an inspection fee may be payable). Some mobile vendors have reported multiple inspections from separate councils, creating both cost and administrative difficulties. However, SA Health advises that the regularity of food/health inspections should be determined by the risk level of the food preparation and not the location of the activity.

Council permits for food trucks on private property

Food trucks often operate on privately owned land; and there is real potential for the development of ‘food truck parks’ similar to Brisbane’s Eat Street Markets.

While the temporary placement of a food truck on private land may not require development approval from the local council, it is likely that this would be needed for more permanent structures to support food trucks. The likelihood of success would vary widely depending upon the local zoning in place under the *Development Act 1993*. The Government has legislation in Parliament to simplify the current complex zoning rules that may apply, however, there could be opportunities for State and Local Government to work together to identify opportunities for new dining experiences.

WHAT CAN WE DO

A consistent permit system

It is clear that there may be an opportunity to provide a more consistent approach to the issuing of permits to food trucks, simplifying this process for both vendors and councils, and providing greater certainty to people wishing to invest in this business opportunity.

A consistent permit approach would require certain conditions to be applied across council areas; such as:

- The allowable number of permits
- Maximum permit costs
- Hours of operation (outside of special events)
- What can be sold by the food vendor
- Location guidelines, such as a restriction on operation within a defined distance of an established business selling similar product; a defined distance of a school on any school day; and on operation on a main or arterial road.
- Relevant public safety requirements; such as a minimum \$10m public liability requirement; electrical installations, gas bottles, gas lines and firefighting equipment that are compliant with the relevant standard.
- Appropriate management of waste, wastewater and other waste substances.

This approach would ensure a consistent approach for food trucks across council areas.

It is therefore proposed that while individual councils would retain an ability to issue permits; these permits would need to comply with conditions set within the regulations.

Mobile food vendors would know that, although they would need to seek a permit from each council they wish to operate in, these permits would allow them to, for example:

- Receive a permit (if the allowable number of food trucks had not been reached in that council area) at a reasonable annual cost
- Operate during reasonable hours (for example 10 am – 2.00 pm)
- Have location guidelines that are consistent across all council areas
- Have no excessive restraints on the type of food they can sell

Some elements of mobile food vendor operation would need to continue to be regulated by individual councils, such as the specific locations that food trucks can utilise in the area, as this is inherently council specific. This also provides an opportunity for councils to determine specific

conditions that may support food truck operation in their areas, such as allowing extended use of identified parking spaces, or allowing parking in specific places.

It is also proposed to include a provision in the *Local Government Act 1999* requiring councils to act reasonably to support food trucks, to ensure that councils do not set unreasonable permit conditions (for example, utilising an ability to set council specific food truck locations so narrowly as to practically prohibit their operation).

A single centralised permit system

This would enable food trucks to receive all necessary permits and other requirements from a single point that would then apply across all council areas.

This would essentially remove the ability of councils to regulate most aspects of food truck operation, and would therefore require resourcing a single body to issue permits with appropriate conditions. Permit conditions that may vary from area to area (such as allowable trading locations) would need to be negotiated with individual councils and collated in a single area.

This 'single permit' option will require significant resourcing to enable this body to both issue permits and manage compliance.

There may also be an opportunity to better manage Food Business notifications and inspections under the *Food Act 2001*, to address duplication while still enabling appropriate safety checks. This could take the form of legislative amendment (similar to legislative changes recently passed in Tasmania to simplify permits for food trucks), or by supporting better council practice through a simple health 'passport'; recording both the required notification and inspections.

Other opportunities

Along with a simpler regulatory environment, there are other options that could be explored to support food trucks, particularly when new vendors are 'starting up'.

These could include:

1. Rebate on vehicle registration

There may be an opportunity to provide support for a new food truck through vehicle registration. Given the likely small number of food trucks, the costs of administering an on-going registration rebate could outweigh the benefits. This may therefore be best delivered as a 'one off' payment made to vehicles that are defined as mobile food vendors (motorised), to assist with start up costs.

2. Licences to operate on State Government land

The State Government owns significant pieces of land where activity may well support greater business for food trucks (notably bus and railway stations). It may be possible to allow greater operation of food trucks at these locations, providing safety requirements are met. It is also

expected that conditions similar to those within a section 222 of the *Local Government Act 1999* permit would apply (for example, in regard to proximity to existing businesses).

With over 80 train stations and over 70 Park 'n' Ride locations located across the Adelaide metropolitan area these could provide the most likely opportunities for food truck locations on state government land. Already a small number of coffee carts have licences through DPTI at train stations and Park 'n' Rides. New permits being available could provide food trucks with attractive business opportunities in the peak morning and evening commuter periods. The available locations would need to be assessed for available parking/amenity.

3. Provision of a 'trial truck'

Making an investment in a food truck can be a significant one. Vendors have informed government that while the cost of starting a food truck is lower than many rented-premises, the costs can still be in the vicinity of \$50,000 or more.

It could be possible for the State Government to sponsor a 'trial truck'; for prospective businesses to use over a short period to test a business idea, menus and marketing, before making this investment. This truck could be regularly cycled through different new entrepreneurs, testing new ideas in the market.

4. Support a higher public profile for food trucks

A strong food truck culture can be a real attribute for a city. There could be further opportunities to assist the development and maintenance of a strong "Adelaide street food" website and app to promote foods trucks as a city attraction. Food trucks could also be supported to develop their own clear identification as a sector.

Have your say

We want South Australians to have their say on this topic. Please provide your comments on the issues and options identified in this paper by commenting at:

Web: yoursay.sa.gov.au/decisions/yoursay-engagements-food-trucks-in-south-australia/

Comments should be received by **Friday 15 January 2016**.



Food Trucks in SA Discussion Paper

LGA Submission

Introduction

Under the *Local Government Act 1999*, sections 222-225 give councils the power to issue permits for businesses that are conducted 'on a road', including on footpaths. This means that each council has the power to regulate food trucks in the interests of their communities. The permit system allows councils to impose permit conditions to regulate a range of matters, including location, hours of operation, number of permits available, safety requirements and other relevant matters. The *Food Act 2001* also imposes obligations on councils. Food truck businesses are required to provide the relevant council with a 'Food Business Notification' as per Part 8 of the *Food Act* and operate subject to the Food Standards Code, which compliance is assessed during food business inspections.

In the City of Adelaide, currently the largest permit provider, food truck permit applications must include evidence of appropriate levels of public and product liability insurance, proof that notification has been provided to the council in which the truck is garaged and proof of approval for dealing with trade waste. The council also has criteria for determining whether to issue a permit and has developed operating guidelines for food trucks in the city.

Discussion Paper Options

The discussion paper does not specifically identify the perceived regulatory failures that the proposals are seeking to address. However, it appears from a general reading that the State Government believes that there is too much duplication of regulatory requirements where food trucks operate across council boundaries. These duplications include the need to apply for a permit in each jurisdiction, having different conditions imposed on permits in each jurisdiction and having a number of food health and safety inspections across council jurisdictions.

The LGA is committed to reducing unnecessary 'red tape' for councils and communities and is happy to work with the State Government to develop a more streamlined approach. Some of the key options in the discussion paper are considered below.

Option 1 – Centralised permit system

The option to remove the council-based permit system in favour of a centralised, State Government-based permit system is not in the best interests of councils or their communities. The discussion paper notes that this option would still require negotiation with individual councils over allowable locations and other matters. This option potentially adds a new level of complexity in itself and does not address the problems identified in the discussion paper. It also adds a new layer of costs as the discussion paper acknowledges.

The discussion paper states that a centralised permit system would 'require significant resourcing to enable this body to both issue permits and manage compliance.' The LGA submits that a move to centralising the permit system and establishing a new issuing and compliance authority is both counter-productive and unnecessary. Councils are already set up for precisely these activities, with general inspectors authorised to carry out permit inspections and Environmental Health Officers (EHO) authorised to carry out health and food safety inspections. Councils absorb the costs as part of their existing compliance activities.

This option also suggests the introduction of a legislative amendment to reduce the food health and safety notifications and inspections, thereby removing these compliance obligations from individual councils in favour of a more 'streamlined' system. While there are benefits for both councils and food trucks in reducing duplication of these inspections and

notifications, this could be more effectively achieved through tweaking Option 2 (discussed below) and would not require another level of legislative regulation to be introduced.

Option 2 – Consistent permit conditions

Councils' ability to issue permits to food truck businesses is an important factor in ensuring that these businesses operate in the best interests of the communities which they are wishing to serve. However, introducing a greater level of consistency on permit conditions across council boundaries, through regulations where appropriate, may assist councils to manage the application process more effectively. This option provides the best opportunity for councils to 'add value' to the regulatory process.

Possible Conditions for Regulation

The discussion paper lists the following non-exclusive conditions that could be covered by regulations:

- The allowable number of permits
- Maximum permit costs
- Hours of operation
- Location guidelines (such as restrictions on distances relating to established, similar businesses, schools, main roads, etc)
- Minimum insurance requirements
- Equipment standards for items such as gas bottles and supplies, firefighting equipment
- Appropriate management of waste.

While a number of these criteria readily lend themselves to a more consistent regulatory approach, the LGA submits that at least three of these criteria should remain at the discretion of councils. These are:

- The allowable number of permits
- Hours of operation
- Location guidelines (such as restrictions on distances relating to established, similar businesses, schools, main roads, etc).

These three criteria should be able to be assessed by each council on the basis of local conditions and not be dictated through regulations. The discussion paper acknowledges the need for council-specific location decisions, but councils also need to be able to regulate hours of operation and the number of permits to be issued, in accordance with community needs.

The discussion paper also contains a proposal to amend the *Local Government Act* to provide that councils must 'act reasonably to support food trucks' by refraining from setting unreasonable permit conditions to the point where the conditions act to prohibit any reasonable operations. This suggestion appears to be an over-zealous response to councils' discretionary decision-making powers. General administrative law principles already provide for the need to act reasonably when making decisions affecting the 'rights, interests or legitimate expectations' of individuals, including permit applicants. Further, the LGA submits that there must always be an option for a council to refuse permits to food trucks in situations where objective assessment supports that refusal.

Streamlining Food Inspection Processes

Option 2 in the discussion paper, unlike Option 1, does not canvass the opportunity to streamline the food health and safety checks that are currently undertaken by councils. The proposed reform of regulation of food trucks arguably provides an excellent opportunity to benefit both councils and food truck businesses with regard to food safety and inspections.

While Local Government acknowledges the need to prevent unnecessary duplication of inspections, the LGA believes that such an outcome could be better achieved through improving the notification system by linking it with an annual council permit system.

At present, food truck businesses need to provide a 'one time only' Food Business Notification to the council in which the food truck is garaged. While food businesses are technically required to re-notify when certain conditions change, the LGA understands that there is a high compliance failure with these requirements. This in turn may lead councils to carry out a greater number of inspections to ensure that health and safety requirements are being met.

The LGA submits that a food truck enterprise should be required to provide an annual 'Food Business Notification'. This should be required when the business first applies for a permit to operate, with each permit to be issued for one year only. (The provisions of section 222 of the *Local Government Act* allow for a permit to be issued for up to 5 years). A Notification should also be required for each subsequent renewal for that original permit. The council issuing the original permit would have the obligation to carry out a food health and safety inspection at the permit application stage (rather than the council in which the food truck is garaged). This would enable the inspection to take place during the operating hours of the business. The fact that the health and safety check has been undertaken should then be documented for submission to other councils for any subsequent permit application and deemed to be sufficient evidence for all councils for additional permits.

When the original permit is due for renewal a further Notification should be required, updating any changes, and a new food health and safety inspection carried out. This would provide the opportunity for both an annual food health and safety inspection and updated information on the particular food business enterprise. No other food health and safety checks would be required unless a complaint is received or there are some other reasonable grounds to suspect non-compliance with appropriate standards.

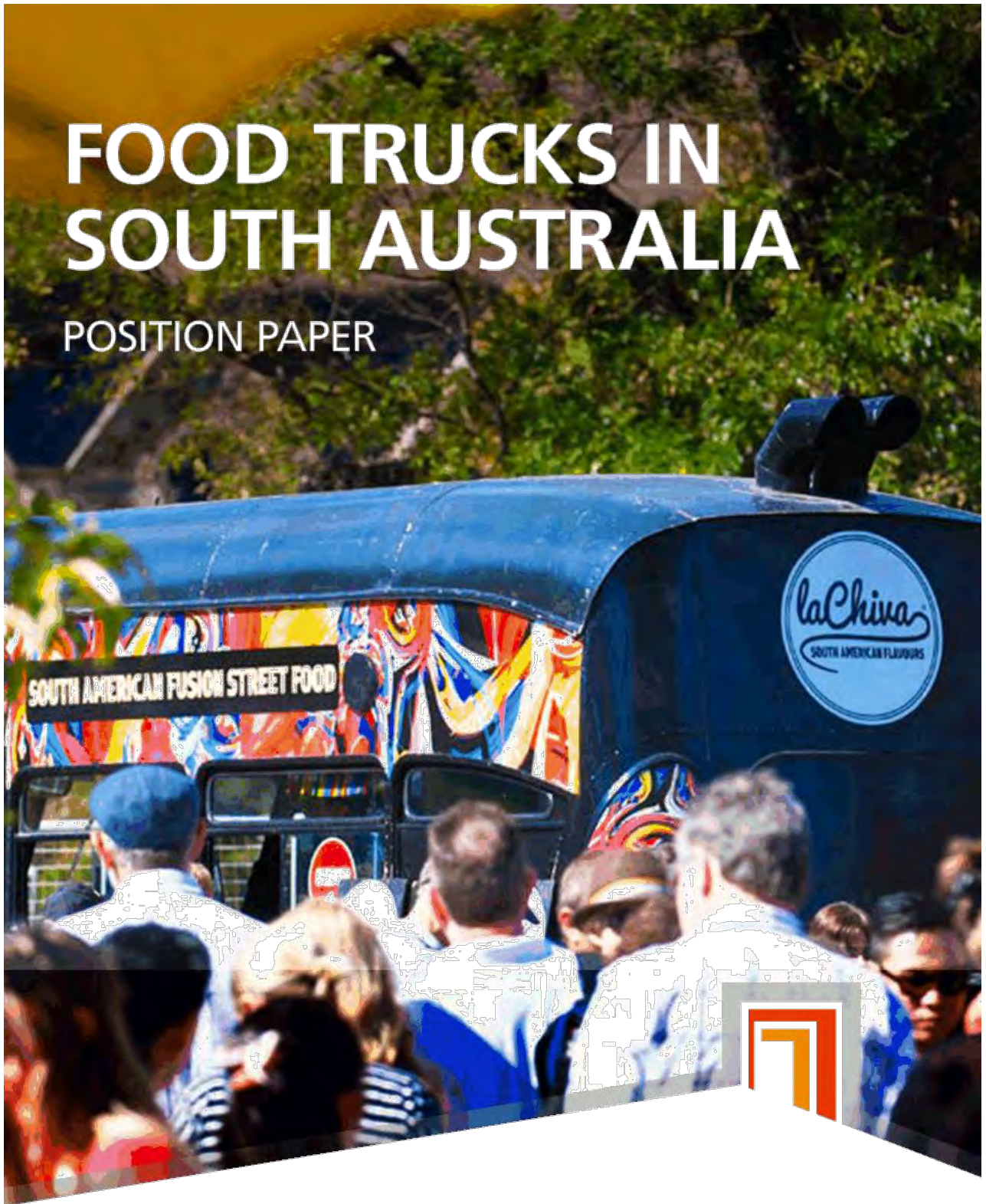
The issue of food health and safety inspections and Food Business Notifications has been the subject of considerable discussion between Local Government and SA Health over time and there are a number of complexities to resolve in relation to these issues. The LGA is happy to provide further information and suggestions on how these issues could be better managed for food truck businesses in the context of these proposed reforms.

Council Permits for Food Trucks on Private Property

The discussion paper contains a suggestion that councils could be responsible for issuing permits for food trucks to operate on private land. Under the existing legislation, councils do not have the power to issue permits for food truck business or other business to operate on private land. Councils' jurisdiction for businesses on private land, in the context of food truck businesses, is limited to development approvals under the *Development Act* and food health and safety inspections as discussed above. This proposal requires considerably more policy development and consultation.

Conclusion

The LGA believes that it can add significant value to policy development and action to address unnecessary regulatory obstacles in the food truck industry while maintaining appropriate standards of safety. The LGA is happy to work with the State Government to on the reform of the regulatory issues applying to food trucks and looks forward to further discussions on these important issues for communities.





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Premier's foreword

The introduction of food trucks to the streets of Adelaide has been a terrific success.

By providing excellent food and service, they expand choice, bring energy and colour to the city, and create jobs and commercial opportunities.

In many ways, food trucks represent exactly what South Australia needs in the current economic climate – flair, entrepreneurship and boldness.

They also fit in perfectly with two of our guiding *Economic Priorities* – to make Adelaide the heart of a vibrant State and to make South Australia the best place to do business.

The State Government wants to see more food trucks in the city and suburbs.

We want to have them operating on a simpler, more strategic and better organised basis – yet without unfairly compromising the viability of “bricks-and-mortar” eateries.

This *Position Paper* – which is the result of months of grassroots consultation – is a comprehensive plan to practically help existing food truck operators, to foster new players, to reduce ‘red tape’ and to provide greater certainty.

The paper surveys progress so far, discusses possible innovations and details the following six State Government reforms:

- simplifying regulation through a consistent permit system;
- providing more places to trade, on both public and private land;
- allowing trucks to operate at Government-owned transport hubs;
- introducing a better approach to food-safety inspections, including through a new inspection ‘passport’;
- making available a ‘tester truck’ so that potential new operators can try the concept; and
- using food trucks to promote Adelaide and the State to interstate and overseas people.

I look forward to carrying out these measures, in the coming 18 months, through legislative change and direct State Government action.

The food truck sector is full of promise.

I am confident that the community-sourced ideas and innovations in this *Position Paper* will encourage it to thrive, and become an even more popular and attractive element of Adelaide street life.

Jay Weatherill

Jay Weatherill
Premier of South Australia





Outline

In November 2015, the State Government released a discussion paper seeking your ideas to better support food truck ventures and ensure such entrepreneurial activity is not held back by unnecessarily complex and changing regulation.

The paper noted that in recent years there has been a surge of interest in food trucks – both from customers keen to sample innovative food in a relaxed environment and from traders seeking new business opportunities in a flexible, low-cost setting.

The paper briefly explored the regulations that mobile food vendors must currently comply with and proposed several areas for simplifying this red tape. The ideas raised included a more consistent permit system, offering rebates on vehicle registrations, offering greater freedom for food trucks to operate on Government land, and provision for a trial truck, amongst others.

Following feedback, the Government believes we need to support these enterprises where we can and ensure they are not unfairly disadvantaged in any way.

This Position Paper sets out six achievable proposals that we will deliver in partnership with key stakeholders to help these growing South Australian businesses thrive. These proposals are intended to provide greater choice and accessibility for South Australians and encourage city vibrancy and activity.

This paper is also about encouraging new entrepreneurs, giving them the confidence that their endeavours will be supported, and sending the message that South Australia is a great place to start a new business in the food service industry and beyond.

The Government's goal is to continue to remove barriers that may inhibit the entrepreneurship that food trucks represent and to better support start-up businesses that adopt innovative modes of trading like offering premium food on a mobile basis.

If South Australia gets this right, we will bring increased vibrancy, activation, and dual opportunities for innovation and entrepreneurship to both the centre of Adelaide and local communities.

Food trucks are an example of a small but critical element that, if done right, can support a more progressive, innovative and interesting city, and continue to demonstrate that South Australia is both a great place to live and start a business.

What have we heard?

Discussion paper

Responses to the discussion paper raised ideas including a consistent permit system under the *Local Government Act 1999*, a single centralised permit system managed by Government, reform to health inspections, a rebate on vehicle registration, and greater license to operate on Government land.

Overall, support for food trucks was strong. Respondents pointed out benefits from competition and diversity of cuisines offered by food trucks. They saw food trucks as having a key role in providing both vibrancy, interest and choice for the public and opportunities for entrepreneurs across the city. Many advocated no limits on food trucks, while a small number questioned the levels of food hygiene and lack of disability access associated with food trucks.

A brief summary of responses is set out below, with further feedback on specific proposals found throughout the position paper.

Responses from individuals

There was strong overall support for food trucks from individuals. Respondents expressed the desire for "cheap and excellent" food trucks and observed that:

"Food trucks have put life and colour back into the city and to the suburbs they visit ... we need to support these start-up businesses."

Another respondent stated that food trucks add:

"Vibrancy, colour, and [are] part of the recent elevation of the city's image."

From the important perspective of entrepreneurship, another respondent stated that:

"Food trucks are an inspiring proposition to a person interested in a start-up business ... a perfect vehicle for individuals to take a risk on a small scale and learn important business rules and lessons."

The same respondent referred to food trucks as being disruptive to the food industry, as other industries (such as the taxi industry) are currently experiencing disruption by new technology and approaches. While recognising that disruption can be uncomfortable for existing players, respondents noted:

"We need to take a long term view in order to transition Adelaide into the vibrant, progressive and innovative city we need it to be."

While we heard: "As far as I am concerned, the more the merrier!" we also heard: "I think you need to consider restaurant & cafe owners who have to pay huge overheads and their viability." This is an important point. These proposals are not intended to compromise the viability of existing businesses. Instead, the aim is to remove barriers to trade, encourage innovation and vitality in local communities, and offer opportunities for locals and visitors alike to enjoy South Australia's vibrancy and premium food offerings.

Several respondents noted the mobility and versatility of food trucks. One respondent made the important observation that: "food trucks are small and mobile, can move and cater to the shifting needs of pedestrians." This highlights the opportunity to support and encourage food trucks to venture beyond Adelaide CBD to a variety of locations across the city.

This will enable people all across Adelaide to experience the increased interest and activity that food trucks bring, particularly where seasonal demand may see an increase in visitors, following the observation that: "when there's an event on or a seasonal increase in visitors ... the food trucks are an excellent resource to offer choice".

yourSAy

YourSAy consultation

20 November until 15 January 2016

 Discussion Paper released
20 November 2015

49 comments from
43 contributors 

 Six written
submissions



Responses from organisations

We received responses from representative groups and councils, including the Adelaide City Council, the City of Onkaparinga, one other council, the Local Government Association, Restaurant & Catering Australia and the Office of the Technical Regulator.

Overall, we heard positive messages. **The Adelaide City Council (ACC)** noted its successful management of a Mobile Food Vending (MFV), or food truck, program since an initial pilot in 2011, and that:

"This program has been instrumental in providing entrepreneurs with the opportunity to trial and test an idea and business model."

ACC also stated their position on the proposal to introduce a consistent permit system, noting that:

"...this approach may have some benefits for [food trucks] in respect to the degree of certainty with their operations across council boundaries [but] it will be critical that the standard conditions do not remove all flexibility from Council's decision making processes, and thereby creating additional burdens for permit holders and an adverse impact on the local business community."

The Government acknowledges this position. Rather than removing all flexibility from councils, the proposed approach aims to ensure that conditions on food trucks operating across Adelaide are consistent, applied logically and do not unduly inhibit their business.

Lastly, ACC was keen to express that it had undertaken research into the economic and social benefits of the food trucks and said it was able to offer evidence and learning. The Government thanks ACC for providing this analysis with its submission.

Submissions were also received from two other councils. **The City of Onkaparinga** is highly supportive of food trucks. They note the important role of food trucks in supporting entrepreneurship and innovation. They stated that mobile food vendors contribute to the vibrancy of Southern Adelaide, bring people into public spaces, stimulate market growth and visitation, and provide an opportunity for ideas to be tested in a safe, low-cost environment.

The council also said that they received a significant increase in enquiries after putting out a media release encouraging food truck vendors to contact them. Notably, they said that:

"[given] the restrictive conditions placed on food truck operators by a number of other metropolitan councils, it is considered that it is necessary to create a consistent permit system that supports the over-arching need to increase and support vibrancy, activation, and opportunities for innovation and entrepreneurship in the current economic climate."

The **other council** asked that their submission not be published (as the deadline for comments did not align with the schedule of council meetings), but it supported:

"A simple and easy to navigate permit system across councils with the possibility of some local variation."

The **Local Government Association (LGA)** stated it was: *"committed to reducing unnecessary red tape for council and communities."* It identified duplication in current permitting systems, including:

"The need to apply for a permit in each jurisdiction, having different conditions imposed in each, and having a number of food health and safety inspections across councils."

The LGA indicated some support for regulating permit conditions that pertained to safety and technical standards. However, they stated that individual councils should have discretion to regulate other permit conditions such as permit costs, operating hours and operating locations. The LGA also noted the opportunity to streamline food inspections for food trucks.

Restaurant & Catering Australia (RC&A) comments supported fostering growth and reducing the regulatory burden associated with starting a food business, and noted that:

"In fostering the growth of food trucks in South Australia, it will be necessary to ensure the regulatory environment is not overly complex so as to stifle innovation and entrepreneurship."

RC&A also stated that:

"Regulation guiding food truck operators will therefore need to balance the interests of newly-established mobile food trucks with those of existing bricks and mortar operators in key dining precincts."

This concern is addressed in the actions below.

Comments from the **Office of the Technical Regulator (OTR)** highlighted the obligations of food truck operators to ensure compliance with gas and electricity legislation (regulatory requirements under other legislation).

Beyond the submissions received, the Government took opportunity to consult more broadly, including with universities and a range of agencies. The Government also held a roundtable with **food truck operators** to seek their views on how Government could remove barriers to trade and support them to innovate. Operators were keen to see food trucks and the vitality they bring to the State incorporated into the marketing of South Australia locally, interstate and overseas.

What we propose

Based on your feedback and further discussions, the Government intends to take action to support food truck operators. The proposals fit into the following four categories:

- Simpler regulation
- More places to trade
- A better approach to food safety inspections and food business notifications
- Other measures for food trucks

The aim is to create an environment where food trucks can trade across metropolitan Adelaide without unnecessary regulation, making Adelaide a great place to run an innovative food business. This will support a more vibrant Adelaide, encouraging South Australians and visitors alike to explore what Adelaide and beyond has to offer. This initiative will help create an environment which supports innovative new ideas and the people who are enthusiastic enough to pursue them. This is exactly what South Australia needs in the current economic climate.

The actions set out below are practical, achievable measures to support food trucks to operate successfully in this State. They include actions for short term implementation (within six months) and actions for the medium term (six to 18 months).

The proposals put forward in this paper are designed not to disadvantage fixed premises, or pit food trucks against existing traders.

The Government wants all South Australian businesses to thrive, no matter what mode of trade they adopt. Both fixed premises and food trucks contribute to the economic prosperity and vibrancy of the State. The hospitality sector employs thousands of South Australians and supports the State's economic priorities to provide premium food and wine and make Adelaide a more vibrant and liveable city.

The Government is committed to making South Australia the best place to do business by continually removing barriers to business growth, accelerating approval processes and making sure our regulations support opportunity, rather than create burdens. Some of the key measures the Government is implementing include:

- creating the lowest taxing State in Australia for business, including by:
 - abolishing stamp duty on non-real property transfers such as non-fixed plant and equipment, intellectual property or statutory licences; and
 - making all commercial property transactions stamp duty free from July 2018, and one third lower immediately;
- reforming the workers compensation system; and
- further red tape reduction across a number of areas, including a review of the State's liquor licensing system, following landmark small-venue reforms.

These initiatives are designed to complement the reforms already underway. They will further support employment growth and prosperity in the food and hospitality sector, and continue to build South Australia's reputation as a great place to live, work and do business. This will help lift activity, trade, and vibrancy in Adelaide's streets, parks and community hubs.

We want to see all food businesses thrive, no matter what form of trade they adopt. These proposals are not intended to create undue competition with fixed premises. The aim is to help new and existing businesses try a different mode of trading that provides mobile delivery of food options across South Australia.

Some operators, including Burger Theory, Phat Buddha, Low and Slow, Sneaky Pickle and Abbotts & Kinney, have transitioned from mobile-only businesses to having fixed premises. Others operate in both modes, or operate both a food truck and a catering business. Some existing fixed businesses are expanding to operate a new mobile business – for example, the owner of Orana and Street ADL recently established a food truck. These proposals will support entrepreneurs and innovators and help make Adelaide a more vibrant city.

“ Food trucks have put life and colour back into the city and to the suburbs they visit. I cannot see they are much of a threat to established well run, quality food outlets. We need to support these start-up businesses.

The effect on 'fixed premises' – Adelaide City Council's analysis

The Adelaide City Council (ACC) provided a 'Mobile Food Vendor (MFV) Economic Analysis,' prepared for a study of its mobile food vendor program and operating guidelines, with its submission to the discussion paper. The purpose of the analysis was to explore the impact of the city's MFV program on the surrounding competing fixed businesses. This involved surveying 105 businesses.

The analysis found that MFVs provide social, cultural and vibrancy to the city. It also found that, while business conditions in the city are challenging, there was "no noticeable correlation between the decline in trading conditions and the proximity of businesses to MFVs." MFVs in the ACC were estimated to have a market impact of only 0.15 per cent.





1. SIMPLER REGULATION

What is the issue?

As one respondent to the discussion paper explained:

“If you had to explain the difference between a food truck and a restaurant to an 85-year old grandmother, you’d probably start out with the most obvious difference: a food truck has wheels. Then why impose restrictions on where a food truck can travel within metropolitan Adelaide?”

Regulation should recognise what makes food trucks different – the ability to move around. This is a key element of the Government’s approach to the regulation of food trucks. Regulation on food trucks should be consistent across council areas, but respect local differences. Without State Government regulation, this will not be the case.

A comparison of food truck policies in six metropolitan councils shows inconsistency in how councils regulate mobile food vendors. Regulation is principally via permit conditions, imposed under the *Local Government Act 1999*, regarding trading on public roads. For example, some councils only permit ice cream vending, or only issue one permit per four defined foreshore zones. Many local councils do not allow food trucks businesses at all. Restrictions on trading on roads, parks and at events, impact significantly on the viability of food trucks and their ability to meet local demand for premium food options.

A further barrier for mobile food vendors operating across multiple council areas is the need to apply for a permit from each individual council. This means multiple fees and multiple application forms.

To provide a recent example of the uncertainty food trucks operators face, the Government noted that in October 2015 the ACC voted to consider a mobile food vending policy that had been drafted following extensive consultation with food truck operators, businesses and the State Government.

While this policy proposed to change a number of conditions in relation to concerns raised about the operation of food trucks from ‘bricks and mortar’ (fixed) businesses (including increased permit fees and allowable locations for food truck operations); there was broad acceptance of this policy.

However, an amendment to the policy restricting the operation of food trucks during daytime hours was passed with no consultation. This late change—which is expected to have significant impact on the operation of food trucks—highlighted the uncertain regulatory regime that mobile food truck operators are expected to operate within.



Action 1: Introduction of a consistent permit system

What is the Government's position?

The Government's position is that food trucks should operate under consistent regulations State-wide in respect to trading on public roads. This will provide confidence for mobile businesses and add vitality to local areas. It recognises the unique characteristic of food trucks; that they are mobile and capable of operating in many local council areas.

Encouraging mobile food vendors to make the most of their mobility means they can fill what discussion paper respondents called 'the gaps'- seasonal high-traffic areas with no food outlets, such as local sporting events.

A single, centralised State Government-run permit system is not supported, despite being raised in the discussion paper. While this approach may offer some advantages, it would be administratively complex and does not have the support of councils and the LGA.

What is proposed?

The Government proposes legislation to support councils to operate in a consistent manner when granting operating permits for mobile food vendors to trade on public roads.

Councils will be able to set certain conditions based on local circumstances. The Government strongly encourages councils to put in place specific conditions that support food truck operation in their areas, such as allowing food trucks to operate near jetties during summer to attract visitors.

Councils may consider reduced permit fees – in general, at certain times of the year, or for certain events – to attract food trucks to their area.

We will consult on what should be covered by consistent State-wide permit conditions and what should be determined by individual councils. However, we are committed to developing consistent conditions with minimal restrictions.

Food truck trading in local parks – i.e. not on roads – will still be subject to local council event permitting. The Government expects that councils will take a positive attitude to such applications, based on the way *Fork on the Road* has been welcomed by a number of local councils. The Government is also keen to see smaller-scale events on a regular basis.

Implementation

To create a more consistent permitting system for mobile food vendors the Government will amend the *Local Government Act 1999*.

These amendments will create regulations that set out key elements of council permits, and ensure minimal restrictions on permitting, permit fees, opening hours and locations are not unduly restrictive.

To achieve this the Government will introduce regulation making powers under sections 222 and 224 of the Act in 2016. This will result in a more consistent approach across councils to permits for mobile food vendors trading on public roads.

The new regulations will establish the following key requirements in relation to councils:

- no restrictions on the number of permits that can be issued (no minimum or maximum);
- no restrictions on operating hours (outside special events);
- no restrictions on what food can be sold;
- maximum permit fees, with requirement to provide daily, monthly and annual permits at pro rata rates; and
- councils to establish location guidelines, specifying locations where food trucks can trade.

The regulations will set a maximum annual **permit fee** for food truck permits and require councils to offer equivalent daily and monthly rates calculated on a pro rata basis. Again, this will be a maximum fee. While some councils may choose to adopt a cost recovery approach, some may prefer to charge significantly less to encourage food trucks to their areas. Councils may also wish to provide a discount for local businesses establishing a food truck to help established local businesses to grow.

The Government will not establish any requirements for the **location guidelines**. Recognising and respecting local differences, it will remain up to individual councils to determine where food trucks may trade.

To encourage trade and activity, the Government expects councils will take an innovative and positive approach to these guidelines. Councils will have flexibility to deliver clear guidance in response to local needs. For example, a council with foreshore areas may wish to provide specific guidance on the best places for food trucks to trade near busy jetties, while other councils may prefer broader guidance.

The Government is committed to encouraging all South Australian businesses and making South Australia the best place to do business. The Government may consider additional regulation if councils use these guidelines to unduly restrict trade.

The regulations will also require food trucks to comply with all relevant safety and compliance measures. This includes holding public liability insurance and complying with requirements under the *Food Act 2001*.

The Government aims to have these changes take effect from 1 October 2016.

This approach is considered to strike the right balance between establishing a consistent trading environment for food trucks while allowing councils to adjust for local conditions. However, the Government reserves the right to further amend the regulations to ensure fair trading conditions for food trucks if councils impose unduly restrictive arrangements.

2. MORE PLACES TO TRADE



What is the issue?

At present, there is a shortage of suitable hubs for food trucks to trade, particularly in Adelaide's central business district.

Mobile food vendors do not have a viable, permanent hub in the city where multiple operators can establish a strong presence and generate all-day trade. Food trucks have had success trading at Victoria Square (*Tamdaryangga*) and Hindmarsh Square. However, trading can be difficult in current circumstances, particularly when a favoured site is unavailable, such as when Victoria Square is used for other events.

Fork on the Road events have the advantage of allowing a greater number of food trucks to gather at a single location, but this is currently restricted to individual events. While this is valuable, it does not establish a set location where food trucks can trade on a regular basis.

With no permanent hub for food trucks, it can be difficult for food trucks to get a firm hold in the city. There is also no reliable location where workers, residents and visitors can predictably access Adelaide's best food trucks. Night-time trade is particularly difficult for food truck operators as no site offers adequate lighting, bar and other facilities to encourage trade later into the evening.

Beyond the Adelaide CBD and city squares, we can think and act more creatively to work with food truck vendors to find a hub for temporary trade.

Overall, the lack of a food truck hub contributes to uncertainty around food truck trading for vendors.

Action 2: New opportunities for food trucks to trade on private or public land

What is the Government's position?

Food trucks should have the opportunity to trade at a permanent site in or near the Adelaide CBD. A permanent site will give people certainty that food trucks will be operating there, allowing vendors to establish thriving businesses based on known foot traffic. This model has been adopted successfully in other Australian cities and internationally, with the US cities of Portland, Seattle and Austin as examples.

While food trucks currently use social media to advertise their location to potential customers, a permanent site will give customers a reliable, consistent place to locate food trucks. This addresses the common concern that customers do not know where food trucks are at any one time.

A permanent site will allow trade to continue into the evening, supporting increased vibrancy and the Government's vibrant city objectives. Evening trading at a food truck hub will attract families earlier in the evening, and potentially a younger crowd later into the night. This simple action will bring increased activity into Adelaide's CBD, helping make Adelaide a more vibrant city at night.

What is proposed?

The Government will encourage the establishment of a permanent food truck park on public or private land, preferably in or near the Adelaide CBD.

With the right interest from private investors, this will establish a new destination for people to enjoy the vibrancy and variety food trucks have to offer. It will also provide food truck traders with a location with reliable foot traffic to help establish their businesses. This site would be supported by appropriate infrastructure, such as bar facilities, seating, lighting and bathrooms, supporting food trucks to trade.

Although the site would be permanent, we envisage that food trucks could rotate through this site to maintain interest. This would also support food trucks to trade not only at this site but also other locations across the city. Some operators may also choose to operate one truck at a permanent site and keep one (or more) on the move. While the site would be permanent, the mix of food trucks operating on any given night may change, helping to maintain interest.

Implementation

The Government will work with private investors to establish a food truck park at a suitable location in or around the Adelaide CBD. The delivery model would be determined in cooperation with private providers. Potential models include 'Welcome to Thornbury Park' operating in Melbourne, 'The Hamlet' operating in Canberra, or operations such as those found in Austin, Texas.¹

The private operator of the food truck park will be responsible for ensuring security, health and safety requirements (other than food safety inspections) are met. They will also ensure the location has necessary facilities to support customers and food truck operators.

The Government will also work to identify new public sites suitable for food trucks. Once more, the intention of this proposal is not to advantage food trucks over fixed premises but to increase the overall level of activity, trade and foot traffic in the city.

Making better use of the Park Lands

Adelaide is fortunate to have 760 hectares of heritage-listed Park Lands and open city squares, used by nearly nine million people each year.

Food trucks currently operate in the Park Lands and squares on an ad hoc basis and for events. The Government is keen to ensure that food trucks have opportunities to trade more easily in the Park Lands.

The Government will continue to work with the ACC to create these opportunities, making the Park Lands a renowned destination and increasing activity and vibrancy. For example, at the Fork on the Road event in February 2016, food trucks made use of the new north-western Park Lands location with recreation facilities including a playground, skate area and basketball court. While this is an excellent event, the Government is keen to give food trucks the opportunity to trade in this way on a regular basis.

Action 3: Encourage food trucks to operate at transport hubs

What is the Government's position?

As set out in the discussion paper, the State Government owns significant pieces of land which might offer food trucks more places to trade. In particular, the Government thinks that food trucks should be allowed to operate with ease at South Australian transport hubs, notably bus and railway stations.

This will enable food trucks to take advantage of busy peak hour foot traffic. It will also allow customers to enjoy food truck service while waiting for their train, tram or bus. As one discussion paper respondent suggested, food trucks would lead to *"more engaging and connected community places and make the experience of using public transport a positive one."*

This option supports not only food trucks but other important aims, such as increased engagement and public transport use. As one respondent noted: *"our stations could do with a bit of activation and food trucks will certainly add a bit of flair and might even further encourage public transport use."*

What is proposed?

The Government will ensure that food trucks and small mobile operators (such as coffee carts) can trade at all suitable transport hubs.

While taking site-specific safety considerations into account, there will be a presumption in favour of allowing mobile food vendors to trade on Government-owned transport hubs. This will support mobile traders at stations to support increased amenity and public transport use.

This proposal will also allow mobile food vendors to meet demand where fixed premises are not available, such as at Klemzig and Paradise interchanges, as suggested by respondents:

"I love the idea of food trucks being able to service train and o-bahn stations."

"Definitely coffee and breakfast trucks at the o-bahn!"

Implementation

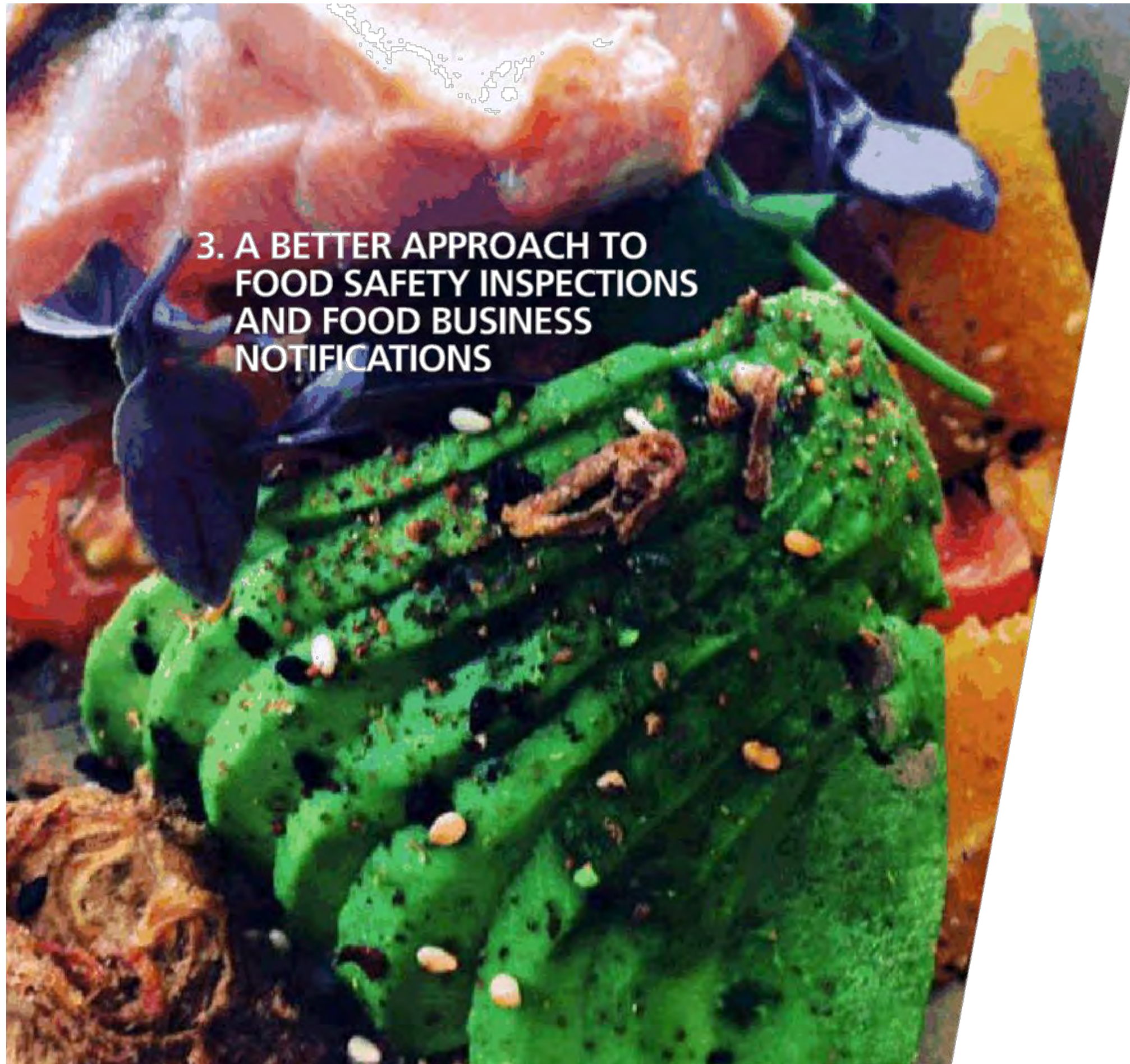
As different sites have different safety and security requirements, food truck vendors wishing to trade at transport hubs will need to apply to the Department of Planning, Transport and Infrastructure, identifying each site where they would like to trade. Provided there are no specific access or safety implications, such as safe movement of passengers and placement of power, there will be a presumption in favour of supporting the application.

To make this process easier, the Government will issue new guidelines clearly stating the requirement for mobile food vendors to operate at transport hubs. These will be similar to existing filming or photography guidelines.

These new guidelines will clearly set out any requirements that food trucks have to adhere to operate on transport hubs. This will make it practical for operators to understand and comply with all requirements. There will also be no cost for these applications.

“As a city resident I'm a regular customer of both bricks and mortar restaurants and food trucks. Food trucks have increased our choice as consumers and most certainly added to the vibrancy of the city..”

¹ www.broadsheet.com.au/melbourne-food-and-drink-directory/bar/welcome-thornbury, www.waerandnotes.com/the-hamlet/



3. A BETTER APPROACH TO FOOD SAFETY INSPECTIONS AND FOOD BUSINESS NOTIFICATIONS

What is the issue?

Like all South Australian food and drink vendors, food trucks must meet all necessary food safety requirements under the *Food Act 2001*.

The RC&A stated in their submission:

“One area of red tape reduction that would deliver significant benefit to operators is the standardisation of food safety/health inspections.”

Under the Act, local councils are responsible for receiving notifications (the one-off event where a business advises of its intention to serve food) from food businesses and conducting food safety inspections for all businesses in their area.

Some food truck operators report councils requiring food business notifications for each site and multiple inspections from separate councils. This can be expensive and burdensome for both the business and the council. It also means that food trucks undergo more frequent inspections than fixed premises businesses. While consumers rightly expect that food trucks are safe places to buy food and drinks, the frequency of inspections should be based on risk, rather than on the movement or location of the trader.



Action 4: New guidance and introduction of an inspection passport

What is the Government's position?

The Government's strong position in relation to this issue is that food safety inspections should be undertaken on a clear food safety risk basis.

Assuming it is meeting requirements under the *Food Act 2001*, a food truck should not be subject to an inspection regime that is any less or more strict than a fixed premises selling the same type of food. Food trucks should be free to move around the metropolitan area and quickly change their trading location to meet demand without facing unnecessary red tape.

Proposal and implementation

The Government proposes two new measures to ensure that local council inspection regimes reflect the risk posed by food trucks. The location of a vehicle should not determine whether or not it is inspected, and inspections should be based on a Food Business Risk Classification. These measures to encourage food trucks to trade around the city are:

- **Issuing clear new guidance material to councils specifically on food trucks:** SA Health, in collaboration with local government, will prepare new guidance material to help local councils to regulate food trucks efficiently.

This recognises that mobile food vendors represent a relatively new type of business, and may not readily fit into existing processes designed for fixed premises.

This material could be modelled on material recently prepared by the NSW Food Authority offering guidance on inspections and other matters to assist councils in overseeing food trucks in their communities.²

- **New inspection passport:** SA Health, again in collaboration with local government, will roll out an 'inspection passport.' Food truck operators will be able to present the passport to food safety inspectors to receive a stamp following a successful inspection.

This passport system will enable food truck operators to show evidence of a recent successful food safety inspection. This should be recognised by another council. Operators will also be able to show a food safety inspection report as evidence if they wish. The passport system will be linked to the guidance material.

The Government recognises that there might be situations, such as during a festival, where the high number of customers being served may mean additional inspections are required.

SA Health is already working to ensure that, for 2016, all food safety inspections under the *Food Act 2001* are done according to Food Business Risk Classification requirements. This will reinforce the need for councils to undertake inspections on a clear risk classification basis.

² www.foodauthority.nsw.gov.au/_Documents/retail/mobile_food_vending_guidelines.pdf

As stated in the City of Onkaparinga's response to the discussion paper:

"The paper suggests cross-jurisdictional management of relevant activities could be facilitated using, for example, a health passport that is appropriately supported by legislation. Any practical mechanism for enabling rapid, accurate determination of the food safety status of all types of mobile food businesses would be welcome."

Depending on the success of the guidance material and inspection passport, the Government may consider undertaking notifications and inspections for food trucks centrally. This would require that a central notification and inspection point be established within SA Health. This would be done to ensure inspections take place on a risk classification basis and the movement of food trucks across council boundaries is not inhibited. While not a strict proposal at this stage, it may be considered in the future depending on the impact of the proposed guidance material and inspection passport.

4. OTHER MEASURES FOR FOOD TRUCKS



What is the issue?

An investment in a food truck can be a costly one. Vendors say that while the cost of starting a food truck business is lower than starting a business at many rented premises, it can cost \$50,000 or more. High start-up costs and associated risks may make it impossible for an entrepreneur to pursue their new food business idea in South Australia.

The Government is keen to support entrepreneurs considering starting a new food service business in South Australia. This recognises both that a small 'leg up' can sometimes offer a big advantage, and the public value of food trucks in terms of interest and activity in the city. We want to attract these new businesses to South Australia, and to remain a leader in Australia for innovative business and entrepreneurial activity.

The discussion paper suggested a one-off partial vehicle registration rebate for new food trucks. After considering the practicalities involved, this action will not be pursued at this stage.



Action 5: Make a tester truck available

What is the Government's position? What is proposed?

One response to the discussion paper highlighted that: "food trucks can be the perfect vehicle for individuals to take a risk on a small scale and learn important business rules and lessons."

The Government strongly agrees with this statement. There may be many prospective entrepreneurs eager to establish a food truck, but without the financial capital or experience needed to embark on a new business venture.

We want to give these potential entrepreneurs the opportunity to test out their ideas in a lower risk environment. This will allow them to test whether they are able to make their idea work before making a substantial investment.

This truck will be regularly cycled through different entrepreneurs, allowing them to test new ideas in the market

Implementation

The Government will sponsor a 'tester truck' – referred to as a trial truck in the discussion paper – for prospective businesses to use for a short period of time to test their food truck concept. Entrepreneurs will be able to test out menus, marketing and locations before investing in their own independent mobile operation. The Government is working on the best model for this initiative. It is likely to involve contracting a provider to establish and administer the operation of the truck.

Action 6: Promotion of food trucks to form part of promoting South Australia

What is the Government's position? What is proposed?

Consultation with food truck operators revealed strong support for the Government to maximise awareness and visibility of South Australian food truck businesses what they offer South Australia and Adelaide.

In response, the Government proposes incorporating food trucks into Government's effort to promote Adelaide and South Australia. In particular, this means promoting food trucks as a great food experience right in the heart of Adelaide.

Implementation

The Government, via the South Australian Tourism Commission, will develop State marketing strategies and materials that incorporate food trucks. This will support the drive for more interstate and international visitors.

This effort will align strongly with the State's economic priority to make Adelaide the heart of a vibrant State and to promote our premium food and wine to the world.

Social media is another important method to promote food trucks. There is still a need for a useful smart phone app to help people easily locate food trucks. The existing food trucks app, 'Adelaide Street Eats', is not well utilised.

Government is not well-placed to create a new app. However, the Government sees potential for industry to either build on the Adelaide City Council's existing Street Eats app or develop a new app to let customers see where food trucks are each day. To facilitate this, the Government will host a Digital Challenge to help digital entrepreneurs design a user-friendly solution to connect customers and food trucks, wherever they might be trading.

Implementation summary

Theme	Action	Responsibility	Timing
Simpler regulation	A consistent permit system	SA Government (DPTI) with support from local councils	6 months
More places to trade	New opportunities for food trucks to trade on private or public land	SA Government with support from private sector	6 to 12 months
	Food trucks to operate at transport hubs	SA Government	Less than 6 months
A better approach to food safety inspections and food business notifications	New guidance and implementation of inspection passports	SA Government (SA Health) with support from local councils	6 to 12 months
Other measures for food trucks	Make a new 'tester truck' available	Promotion of food trucks to form part of marketing South Australia	12 months
	Promotion of food trucks to form part of marketing South Australia	SA Government (SATC)	12 to 18 months
Digital solutions	Run a challenge with digital entrepreneurs to design a user-friendly way to connect food trucks and their customers	SA Government (DPC)	Less than 6 months

yourSAy

Continue to have your say

We encourage South Australians to continue to have your say on this topic.

Please provide your comments on the issues and proposals identified in this paper by commenting on the discussion board or via:

www.yourSAy.sa.gov.au

