



## **AGENDA**

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

**17 FEBRUARY 2020 AT CONCLUSION OF BUDGET AND FINANCE COMMITTEE  
IN THE WITTBER AND DR RUBY DAVY ROOMS, 34 CHURCH STREET,  
SALISBURY**

### **MEMBERS**

Cr D Proleta (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug  
Cr A Duncan  
Cr K Grenfell  
Cr D Hood  
Cr P Jensen (Deputy Chairman)  
Cr J Woodman

### **REQUIRED STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
Acting General Manager City Development, Mr G Ratsch  
Manager Governance, Mr M Petrovski

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Resources and Governance Committee Meeting held on 20 January 2020.

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## **REPORTS**

### *Administration*

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## **OTHER BUSINESS**

## **CLOSE**



**MINUTES OF RESOURCES AND GOVERNANCE COMMITTEE MEETING HELD IN  
THE WITTBER AND DR RUBY DAVY ROOMS, 34 CHURCH STREET, SALISBURY ON**

**20 JANUARY 2020**

**MEMBERS PRESENT**

Cr D Proleta (Chairman)  
Mayor G Aldridge (ex officio) (*from 8.13pm*)  
Cr B Brug (*from 8.13pm*)  
Cr A Duncan  
Cr K Grenfell  
Cr D Hood  
Cr P Jensen (Deputy Chairman)  
Cr J Woodman

**STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
General Manager City Development, Mr T Sutcliffe  
Manager Governance, Mr M Petrovski

The meeting commenced at 8.11 pm.

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

**APOLOGIES**

There were no apologies.

**LEAVE OF ABSENCE**

Nil

## PRESENTATION OF MINUTES

Moved Cr J Woodman  
Seconded Cr K Grenfell

The Minutes of the Resources and Governance Committee Meeting held on 09 December 2019, be taken and read as confirmed.

**CARRIED**

## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Resources and Governance Committee**

Moved Cr P Jensen  
Seconded Cr A Duncan

1. The information be received.

**CARRIED**

*Mayor G Aldridge entered the meeting at 8.13 pm.*

*Cr B Brug entered the meeting at 8.13 pm.*

### *Health, Animal Management and By-laws*

#### **3.3.1 Parking Technology Trials**

Moved Mayor G Aldridge  
Seconded Cr B Brug

1. The information be received.
2. The Licence Plate Recognition trial be continued for a further 6 month period, addressing:
  - a. Ensuring the LPR process produces satisfactory evidence, including photographs, to support issue of expiations; and
  - b. Identifying carparks within patrolled areas with numbering to support the evidentiary requirements for issue of expiations.
3. Subject to the satisfactory information to support the evidentiary requirements for issue of expiations being captured by the LPR process during the additional trial, expiations be issued to allow an assessment of:
  - a. the deterrent effect of monitoring and enforcement by this method; and
  - b. the achievement of the objectives of time limit parking controls to ensure turnover of parking for the benefit of traders and visitors to the area.

4. That a New Initiative Bid be presented for Council consideration as part of the 2020-2021 budget process and continuation of the LPR trial be subject to approval by Council of the Bid.
5. The in ground sensor trial in Metro Parade Mawson Lakes be concluded at the end of the trial period and not proceed further at this stage, and monitoring of parking controls continue through regular foot patrols by Inspectors.

**CARRIED**

### **3.3.2 Cat By-Law Review**

Moved Mayor G Aldridge  
Seconded Cr K Grenfell

1. The information be received.
2. Council write to the Minister, Dog and Cat Management Board and Local Government Association and advocate for amendments to the Dog and Cat Management Act that will provide for consistent application of laws relating to cats, so as to support a consistent approach to cat management across the State and/or metropolitan areas.
3. Should either no response be received from the Minister, or that responses from the Minister, Dog and Cat Management Board, and Local Government Association not indicate support for legislative amendments that are consistent across all Council areas, a further report be provided to Council canvassing further options for cat management and controls.
4. Council support identification and ownership of cats through the provision or promotion of microchipping programs and registration on Dogs and Cats On-Line (DACO).

**CARRIED**

### *External Relations*

#### **3.4.1 Nominations Sought to Fill a Casual Vacancy on the Greater Adelaide Regional Organisation of Councils (GAROC)**

Moved Mayor G Aldridge  
Seconded Cr B Brug

1. That Mayor Jill Whittaker, Campbelltown City Council, be nominated for a position on the Greater Adelaide Regional Organisation of Councils (GAROC).

**CARRIED**

**3.6.1 Local Government Association Ordinary General Meeting 3 April 2020 - Call for Proposed Items of Business**

Moved Cr B Brug  
Seconded Mayor G Aldridge

That the following three individual motions be submitted to the Local Government Association Ordinary General Meeting being held on 3 April 2020:

1. The LGA reinforce the City of Salisbury position for weekly putrescible rubbish collection and the LGA establish a sector wide policy that is consistent with that.
2. The LGA Ordinary General Meeting call on all South Australian Councils to support weekly waste collections and to seek State Government commitment to this policy.
3. The LGA instigate discussions with the State Government to establish a joint State and Local Government Working Party to review the existing policy framework regarding management of natural habitat as it relates to bushfire prevention and mitigation and responding to evolving conditions caused by changes in climate over time.

**CARRIED**

**OTHER BUSINESS**

Nil

The meeting closed at 8.38 pm.

CHAIRMAN.....

DATE.....

<b>ITEM</b>	3.0.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	17 February 2020
<b>HEADING</b>	Future Reports for the Resources and Governance Committee
<b>AUTHOR</b>	Michelle Woods, Projects Officer Governance, CEO and Governance
<b>CITY PLAN LINKS</b>	4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	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
23/07/2018 3.6.3	<b>Media Policy Review</b> That consideration of the Media Policy be deferred to the next Council following the local government elections. <b>Due:</b> February 2020 <b>Deferred to:</b> March 2020 <b>Reason:</b> A workshop has been scheduled with Elected Members and our lawyer for March.	Julie Kushnir
26/11/2018 6.5	<b>Council and Committee Structure</b> 2. The terms of reference be reviewed after the first 12 months of the term of office seeking Elected Member feedback and a report be provided to the Resources and Governance Committee. <b>Due:</b> March 2020	Mick Petrovski
22/07/2019 3.3.1	<b>Abandoned Shopping Trolleys</b> 5. That Council also monitor the new bylaws implemented by the City of Marion; and report back to Council after six months on the results of their effectiveness. <b>Due:</b> February 2020 <b>Deferred to:</b> June 2020 <b>Reason:</b> The City of Marion have not enacted a by-law to date. It is expected that they will be presenting the results of their community consultation to the February 2020 Council meeting, which may result in an endorsed by-law that will require adoption by the Council, publication in the Government Gazette and endorsement by the Legislative Review Committee. As a result the effectiveness of any such by-law won't be known until it has been enacted and administered. It is recommended this report be deferred until June 2020, and it will correlate with the following parts 6. and 7. listed below.	John Darzanos
22/07/2019 3.3.1	<b>Abandoned Shopping Trolleys</b> 6. That Staff provide an update to this committee at the conclusion of the Local Nuisance and Litter Control Act review noting any amendments addressing trolleys to be implemented and the likelihood of them coming into effect. <b>Due:</b> June 2020	John Darzanos



22/07/2019 3.3.1	<b>Abandoned Shopping Trolleys</b> 7. Pending no action or willingness by the State Government to tackle this issue, Council review By-Law 6 Waste Management By-Law 2015 and bring a report to Council advising the process to draft changes to this bylaw and/or create a new bylaw to tackle abandoned trolleys in the City of Salisbury.	John Darzanos
<b>Due:</b>	June 2020	
23/09/2019 MON7.1	<b>Review of Media Policy and Code of Conduct Procedure</b> 1. That Council conduct an urgent review of Council's Media Policy and Code of Conduct Procedure for the handling of complaints in October 2019.	Julie Kushnir / Mick Petrovski
<b>Due:</b>	February 2020	
<b>Deferred to:</b>	March 2020	
<b>Reason:</b>	A workshop has been scheduled with Elected Members and our lawyer for March.	
28/10/2019 3.0.2	<b>White Ribbon Australia Accreditation Update</b> 4. Prepare a future report to identify and advise on opportunities for Council to participate in future events.	Gail Page / Julie Douglas
<b>Due:</b>	February 2020	
<b>Deferred to:</b>	March 2020	
<b>Reason:</b>	To permit planning to occur within the organisation and with the Northern Homelessness and Violence Against Women Collaboration group, which has just reconvened for the year.	
28/10/2019 6.1	<b>Deferred Items for Further Discussion</b> 2. That the remaining items (OB1, OB2 and OB3) be deferred until the next review of the Elected Members Allowance, Facilities and Support Policy in November 2020.	Joy Rowett
<b>Due:</b>	November 2020	
25/11/2019 3.6.2	<b>Summary Report for Attendance at Training and Development Activity - 2019 Local Government Professionals Australia National Congress and Business Expo, Darwin</b> 3. That staff prepare and bring back to the relevant Council Committees, a report/s that considers the prospective implementation of:  d. use of LCD screens in City of Salisbury community centres and depots to present to viewers information about the current Mayor, Ward Councillors, Ward Maps, Key Contacts, Consultations being conducted, key events within the City of Salisbury;	Charles Mansueto
<b>Due:</b>	March 2020	

25/11/2019	<b>Summary Report for Attendance at Training and Development Activity - 2019 Local Government Professionals Australia National Congress and Business Expo, Darwin</b>	Charles Mansueto
3.6.2	3. That staff prepare and bring back to the relevant Council Committees, a report/s that considers the prospective implementation of: e. a cost benefit analysis of possible implementation of the SmartCities program akin to the City of Darwin experience;	
<b>Due:</b>	March 2020	
16/12/2019	<b>Building Upgrade Finance - Policy Review</b>	Amanda Berry
3.6.3	2. That the associated Application Fee for Building Finance Agreements, as endorsed by Council in the 2019/20 budget and provided as Attachment 2 to this report, be waived for a trial period of twelve months until the 31 December 2020.	
<b>Due:</b>	February 2021	
28/01/2020	<b>Cat By-Law Review</b>	John Darzanos
3.3.2	3. Should either no response be received from the Minister, or that responses from the Minister, Dog and Cat Management Board, and Local Government Association not indicate support for legislative amendments that are consistent across all Council areas, a further report be provided to Council canvassing further options for cat management and controls.	
<b>Due:</b>	May 2020	
28/01/2019	<b>Motion on Notice: Drinking Fountain - Salisbury Civic Plaza/Community Hub</b>	Charles Mansueto
MON7.2	4. Staff report back on the feasibility of aligning the Hub opening hours on both Saturday and Sunday to 9.30am to 3.30pm.	
<b>Due:</b>	April 2020	

#### 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	GMCID	GMBE	A/GMCD
Date:	10/02/2020	05/02/2020	05/02/2020	05/02/2020

<b>ITEM</b>	3.2.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	17 February 2020
<b>HEADING</b>	Building Fire Safety Committee
<b>AUTHOR</b>	Chris Zafiropoulos, Manager Development Services, City Development
<b>CITY PLAN LINKS</b>	1.2 To enhance and create quality urban areas with high amenity and integrated infrastructure 2.5 To have sustainable and resilient built environments that contribute to quality amenity
<b>SUMMARY</b>	<p>The Building Fire Safety Committee (the BFSC) is established under the Development Act 1993, with specific requirements and limitations as to the membership. Its primary role is to ensure the fire safety of all buildings in the City.</p> <p>Council appointed members on the Committee in August 2019 but deferred the appointment of an independent member with expertise in fire safety pending the identification of a suitable candidate. In addition, a staff member appointed in August 2019 has since resigned and another staff member is recommended to fill this vacancy. This report recommends suitably qualified persons for the committee.</p>
<b>RECOMMENDATION</b>	<p>1. That the following persons be appointed to the City of Salisbury Building Fire Safety Committee for a period concluding 31 August 2022:</p> <ul style="list-style-type: none"><li>• Mr James Sunjaya, Director J Squared Engineering Pty Ltd - independent member with expertise in the area of fire safety.</li><li>• Mr Jackson Ryan to replace Mr Bahaa Tabet (City of Salisbury staff) – an accredited Building Surveyor.</li></ul>
<b>ATTACHMENTS</b>	<p>There are no attachments to this report.</p>

## 2. REPORT

- 2.1 The Building Fire Safety Committee (the BFSC) is established under the *Development Act 1993* (the Act) and its primary role is to ensure the fire safety of all buildings in the City with particular attention to those which have been identified as a high risk (e.g. aged care facilities, accommodation buildings including boarding houses, public assembly buildings and the like) and also those that have inadequate fire safety provisions.
- 2.2 Section 71(19)(b) of the Act provides that the period of appointment to the BFSC should be for a period not exceeding three years. Section 71(19)(a) of the Act requires that the BFSC be constituted of:
- (i) *a person who holds prescribed qualifications in building surveying appointed by the council or councils; and*
  - (ii) *a person nominated by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (determined by the council or councils after taking into account the nature of its area or their areas); and*
  - (iii) *a person with expertise in the area of fire safety appointed by the council or councils; and*
  - (iv) *if so determined by the council or councils—a person selected by the council or councils;*
- 2.3 The Act also allows for Deputy Members to be appointed.
- 2.4 The current membership of the BFSC, appointed by Council in August 2019, is:
- 2.4.1 Mr Jeff Shillabeer (City of Salisbury staff) [Presiding Member] – qualifications in building surveying.
  - 2.4.2 Mr Bahaa Tabet (City of Salisbury staff) – an accredited Building Surveyor. Mr Tabet has however since resigned from his position at Council.
  - 2.4.3 Mr Peter Hilhorst – Member nominated by the Chief Officer South Australian Metropolitan Fire Service (SAMFS).
  - 2.4.4 Mr Andrew Sharrad, Deputy Member nominated by the Chief Officer South Australian Metropolitan Fire Service (SAMFS).
- 2.5 Council deferred the appointment of an independent member with expertise in fire safety pending the identification of a suitable candidate, following the resignation of the previous incumbent.
- 2.6 Mr James Sunjaya, Director J Squared Engineering Pty Ltd is recommended as the independent member with expertise in the area of fire safety. Mr James Sunjaya is a Chartered Fire Safety and Building Services Engineer listed on the National Professional Engineers Register and holds accreditation to work as a fire engineer in all regions of Australia with the Building Professionals Boards across the country.
- 2.7 Mr Jackson Ryan is nominated to replace Mr Bahaa Tabet on the committee. Mr Ryan is the Senior Building Officer with Council and holds prescribed qualifications in building surveying.

**3. CONCLUSION / PROPOSAL**

- 3.1 It is recommended that the Council accept the nominees and appoint those persons to the stated positions for a period concluding 31 August 2022.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 10.02.2020



<b>ITEM</b>	3.3.1
	<b>RESOURCES AND GOVERNANCE COMMITTEE</b>
<b>DATE</b>	17 February 2020
<b>HEADING</b>	Mobile Food Vendors Policy Review
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Safety, City Development
<b>CITY PLAN LINKS</b>	1.3 Have a thriving business sector that supports community wellbeing, is globally oriented and creates job opportunities. 4.3 Have robust processes that support consistent service delivery and informed decision making.
<b>SUMMARY</b>	Council Policies are subject to bi-annual reviews and re-endorsement by Council. The following report presents the Mobile Food Vendors Policy for consideration and re-endorsement.

**RECOMMENDATION**

1. The Information be received.
2. That the Mobile Food Vendors Policy as set out in Attachment 1 to this report (Item No. 3.3.1, Resources and Governance Committee, 17/02/2020) be endorsed.
3. That the Mobile Food Vendors Permit fees for 2020/2021 as set out in Attachment 3 to this report (Item No. 3.3.1, Resources and Governance Committee, 17/02/2020) be endorsed

**ATTACHMENTS**

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

1. Mobile Food Vendors Policy Reviewed February 2020
2. Mobile Food Vendors Policy Reviewed February 2020 Tracked Changes
3. Mobile Food Vendors Permit Fees

**1. BACKGROUND**

- 1.1 Council's Policy Framework provides for Council Policies to be reviewed within two years and the Mobile Food Vendors Policy (the 'Policy') was last endorsed by Council in February 2018 and is now due for review.
- 1.2 The Policy was developed as a result of the legislated requirements for all Councils being required to provide permits for mobile food vendors in their areas subject to the establishment of location rules.
- 1.3 Section 222 of the Local Government Act (the Act) states:
  - 1.3.1 222(1) A person must not use a public road for business purposes unless authorised to do so by a permit.

- 1.3.2 222(1a) However, subject to the regulations, a council must grant a permit under this section for the purposes of a mobile food vending business.
- 1.4 The Act further requires that any permit for mobile food vending business must be consistent with the location rules adopted by Council. The policy document includes the required location rules as endorsed by Council.

## **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Property and Buildings
  - 2.1.2 Economic Development & Urban Policy
  - 2.1.3 Parks and Open Space Assets

## **3. REPORT**

- 3.1 The policy has been reviewed with several minor editorial amendments being made to the Policy and identified in the tracked changed version. (Attachment 2 to this report.)
- 3.2 The changes are not of any significance requiring formal public consultation and the final policy is submitted for Council endorsement as per Attachment 1 to this report.
- 3.3 In addition to the Policy document Council can issue permits subject to:
  - 3.3.1 Conditions that Council considers appropriate;
  - 3.3.2 Conditions must be consistent with the location rules adopted by Council; and
  - 3.3.3 Prescribe requirements in relation to conditions relating to the payment of fees for permits.
- 3.4 The location rules are specified in the Policy and the conditions of permit are included on the permit documentation and are in line with the requirements of the Local Government (General) Regulations 2013.
- 3.5 The fees established under the provision of the Local Government Act and endorsed by Council as part of the annual review of fees and charges.
- 3.6 The current fee structure is in line with the requirements of Local Government (General) Regulations 2013, Regulation 25A and do not exceed the prescribed fees:
  - 3.6.1 Annual \$2000 (GST exempt); and
  - 3.6.2 Monthly (per month) \$200 (GST exempt).
- 3.7 Council has had numerous enquiries relating to the mobile food vending vehicles however there has not been any permits issued under the current policy since its implementation.
- 3.8 The main reasons associated with the lack of permits include, the cost of a permit and the limitations associated with the location rules.



***Location Rules***

- 3.9 When the policy was first developed the preferred approach taken was not to specify locations on a map but rather allow the traders to determine where they would like to trade from and be given guidelines to assist them in choosing a suitable location.
- 3.10 This allows the mobile food vending businesses the flexibility to identify sites which are suitable for trading, with the guidelines providing reassurance that they will not interfere with fixed food businesses, community and ratepayers' use of the area.
- 3.11 When drafting these guidelines consideration was given to fixed food businesses, and it was therefore determined that mobile food vending businesses will be required to be at least 100 metres from fixed food businesses whilst fixed food businesses were trading.
- 3.12 Another location rule was that mobile food vendors could not set up on roads that have a speed of 60km/hr or above due to safety concerns.
- 3.13 Most vendors indicated that passing foot traffic was an important feature for a suitable location. However most areas that could be deemed suitable under the location rules do not provide suitable levels of passing foot traffic.

***Council Land and Reserves***

- 3.14 The predominant request associated with mobile food vendors relates to opportunities and requests to trade on Council land.
- 3.15 This Policy does not cover trading on Council land and this is managed by Property Services Team, where a lease or casual permit arrangement would be required, and each enquiry is assessed on its merits.

***Fees***

- 3.16 The development of the first policy as required by legislation in 2018, also established the fees for mobile food vendors. The adopted fees were set at the maximum fees as prescribed under the regulations. Namely;
  - 3.16.1 Annual \$2000 (GST exempt)
  - 3.16.2 Monthly (per month) \$200 (GST exempt)
- 3.17 The feedback from vendors enquiring about a permit in Salisbury was that the fees were cost prohibitive, including for initial market testing, should a suitable location be identified in Salisbury (subject to the location rules).
- 3.18 It is considered that to encourage vendors to seek locations in Salisbury and or try any identified locations, then the fees could be reviewed.
- 3.19 As part of the policy review there is an opportunity to review the existing fees and set these at an affordable level that may encourage vendors and new business startups.
- 3.20 Comparison to other adjoining Councils:
  - 3.20.1 Tea Tree Gully, Annual \$2000, Monthly \$200;
  - 3.20.2 Playford, Annual \$647.05, Monthly \$50.95; and
  - 3.20.3 Port Adelaide Enfield, Annual \$1000, Monthly \$100.

## 3.21 Recommended fee structure for consideration:

<b>Mobile Food Vendors Permit</b>	<b>Proposed Permit Fees (GST exempt)</b>	<b>Exiting Permit Fees (GST exempt)</b>
Monthly (per month) (valid for the entire month that is nominated or for a period of 30 days from the preferred start date if not the 1st of the month)	\$100	\$200
6 monthly (valid from date of issue or nominated start date)	\$500	N/A
Annual (valid for 1 year from date of issue or nominated start date)	\$1000	\$2000

**4. CONCLUSION / PROPOSAL**

- 4.1 The Mobile Food Vendors Policy as contained within Attachment 1 has been reviewed and is recommended to Council for endorsement with the suggested minor amendments.
- 4.2 The review of fees is expected to support food vendors that seek to trade at an identified location within the City of Salisbury.
- 4.3 A review of fees may provide the opportunity for new businesses to seek a location in Salisbury and may also support startup businesses.

**CO-ORDINATION**

Officer: EXECUTIVE GROUP  
Date: 10/02/2020



## Mobile Food Vendors Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2310/2018
Approval Date:	26/02/2018	Last Reapproval Date:	
Review Date:	26/02/2020	Internal Reference No.:	
Department:	City Infrastructure	Division:	Environmental Health & Safety
Function:	15 - Legal Provisions	Responsible Officer:	Manager, Environmental Health & Safety

### A - PREAMBLE

1. The City of Salisbury is responsible for the management and maintenance of public roads and reserves within the Council area.
2. The Local Government Act 1999 provides for legislative controls directly or through by-laws that enable Councils to permit or restrict the conducting of business on roads and road related areas in the Council area.
3. The Local Government Act 1999 requires Councils to adopt rules that set out locations within a council's area in which mobile food vending businesses may operate. This is known as the **location rules**.
4. Prospective mobile food vending businesses are able to apply to Councils for a Mobile Food Vendor Permit to operate in accordance with a Council's **location rules**.
5. Councils will not be able to refuse permits but the **location rules** will allow Councils to regulate where mobile food vending businesses can trade.
6. The **location rules** apply to road and road related areas and for mobile food vending businesses only. A mobile food vending business means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961);
7. In addition to road related areas, requests are received by to utilise Council's reserves for mobile food vending businesses to trade.
8. Council by-laws provide the necessary legislative controls to permit and restrict the conduct of business on Council's reserves.
9. This policy provides the **location rules** that set out locations within the City of Salisbury in which mobile food vending businesses may operate on roads and road related areas.
10. If an operator of a food business (either a mobile food vending business or fixed food business) is directly or adversely affected by these **location rules** then the operator may apply to the Small Business Commissioner for a review of the **location rules**.
11. This policy will serve as a guide to the City of Salisbury staff and both mobile food vending businesses and fixed food businesses in relation to the use of public roads for operating a food business.

**B - SCOPE**

1. This policy applies to all mobile food vending businesses that want to trade from public roads.
2. The policy establishes the **location rules** under which mobile food vending businesses may trade and the locations in which they may operate.
3. The policy ensures that mobile food vending businesses operate in a way which complements the existing fixed food businesses and ensures that they do not unreasonably compromise the amenity of the surrounding area.
4. This policy is not applicable to privately owned land, noting that the provisions of the Development Act 1993 and related Development Regulations and the Development Plan may apply in relation to use of private land.

**C – POLICY PURPOSE/OBJECTIVES**

1. This purpose of this policy is to:
  - Detail the locations where mobile food vending businesses may trade
  - Detail the number of mobile food vending businesses that can trade within the approved locations for roads.
  - Ensure that there is a reasonable distance between mobile food vending businesses and fixed food businesses during the operating hours of the fixed food businesses,
  - Take into account the effect of mobile food vending business on
    - i. vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
    - ii. the requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the **location rules**; and
    - iii. residents and businesses at the locations in which mobile food vending businesses may operate under the **location rules**; and
  - Provide a clear, open, equitable and accountable process for the issuing of Mobile Food Vendor Permit to mobile food vending businesses to allow trade from roads.

**D - DEFINITIONS**

1. Public Road - means any road that is vested in Council under the Local Government Act 1999 or another Act
2. Reserve - means community land reserved or dedicated as a reserve or designated by the Council as a reserve
3. Mobile food vending vehicle is defined as any vehicle whether mobile or stationary, used for the purposes of selling food and/or drink.  
This definition includes vehicles used for on-site food preparation (eg hamburgers or kebabs), one step food preparation (e.g coffee or juices) or pre-made or pre-packaged food sales.
4. Mobile food vending business - means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961) and for the purposes of this policy excludes Mobile Ice Cream Vendors
5. Fixed food business - means it is a business, the primary purpose of which is the retail sale of food or beverages that is carried on fixed premises that have a valid land use approval for use as a food business under the Development Act 1993. Fixed food businesses include

cafes, restaurants, hotels, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets, service stations and sporting clubs.

6. Event is a planned occasion which has prior Council approval under a Casual Hire or Special Events Permit
7. Transport SA Roads are roads in the care and control of the Department Planning Transport and Infrastructure

#### E - POLICY STATEMENT

1. A mobile food vending business trading on public roads within the City of Salisbury must hold a valid City of Salisbury Mobile Food Vendor Permit under Section 222 of the Local Government Act 1999
2. A condition of a Mobile Food Vendor Permit authorising a mobile food vending business to operate on a public road in the Council area is that the permit holder complies with **location rules** adopted by Council under section 225A of the Local Government Act
3. A Mobile Food Vendor Permit is not required for trading on privately owned land or when catering for an event on public land (by invitation) where a permit or licence has already been issued to the event holder
4. Fees payable are as detailed in Council's Fees and Charges
5. Trading on Council reserves is not permitted as part of this policy

#### F – LOCATION RULES UNDER SECTION 225A OF THE LOCAL GOVERNMENT ACT (ROADS)

- 1 Distance from Fixed Food Business
  - Must not operate within 100 metres of a fixed food business whilst the fixed food businesses are operating.
- 2 Site Selection
  - No more than two mobile food vending vehicles are to operate within a 150 metre long section of the public roads (with the first attending mobile food vending businesses to have preference of location) These mobile food vending businesses should locate themselves alongside each other to create a destination.
  - Once mobile food vending businesses have exceeded a timed parking restriction they may not attend the same location with a 24 hour period whilst those restrictions apply allowing the opportunity for other traders to trade from preferred locations
  - Must not cause undue interference or obstruction to persons using the public road, residents or businesses
  - Must not obstruct vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities
  - Must adhere to parking rules / restrictions and only park within designated parking zones
  - Must ensure that mobile food vending vehicle is parked parallel to kerb with trading and service only to occur on the kerb side
  - The footpath and or pedestrian zone adjacent to the mobile food vending vehicle must not be impeded and there must be a continuous accessible path of travel for people of all abilities. No trading items may extend into the footpath or pedestrian zone including items overhead below a height of 2.2m
  - Ensure that no more than two parking bays are used for a mobile food vending vehicle including a tow vehicle
  - Must not operate on a road with a speed environment greater than 60 km/h
  - Must not operate on the shoulder of a road without designated parking unless



otherwise approved

- Must not operate in a Residential Zone (as determined by the Salisbury Development Plan) or within 15 metres of a residence unless otherwise approved
- Must not operate from a road managed by the Department of Planning, Transport and Infrastructure

#### **Legislative Requirements**

A mobile food vending business must select a site for operation which does not breach any relevant requirements under:

- the *Food Act 2001*;
- the *South Australian Public Health Act 2011*;
- the *Environment Protection Act 1993*;
- the *Local Nuisance and Litter Control Act 2016*;
- the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
- *Australian Road Rules*
- legislation relating to electrical or gas installations or appliances; and
- relevant legislation relating to health, safety or the environment.
- Any other relevant Local Government Act and Local By-laws

#### **Compliance**

- Mobile food vending businesses must hold a valid current City of Salisbury Mobile Food Vendor Permit prior to trading within the City of Salisbury
- Mobile food vending businesses must hold a valid current Public Liability Insurance for a minimum amount of \$20,000,000.00
- Mobile food vending businesses must advise Council staff via email or other electronic means as determined by Council the following:
  - when they arrive and start trade at a location within Salisbury
  - details of their valid permit number
  - location of trade
  - contact details and operator contact details
- Mobile food vending vehicles must be self-sufficient in regards to power, waste water disposal and rubbish disposal
- Mobile food vending businesses must not cause noise, odour, fumes etc or other disturbance to the surrounding environment
- Mobile food vending businesses must supply adequate rubbish and litter disposal receptacles for use for the business and customers, and all rubbish is to be removed from the site.

#### **Events**

- For the purposes of events Mobile Food Vendor Permits are voided and trading is not permitted within surrounding roads for a distance of 100 metres for the duration of the event unless permission has been sought and approved by the event organiser.

**G – LEGISLATION**

1. Local Government Act 1999
2. Road Traffic Act 1961

**Document Control**

<b>Document ID</b>	<b>Mobile Food Vendors Policy</b>
<b>Prepared by</b>	<b>Tim Starr John Darzanos</b>
<b>Release</b>	<b>2.00</b>
<b>Document Status</b>	<b>Draft</b>
<b>Date Printed</b>	<b>03/02/2020</b>







## Mobile Food Vendors Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	2310/2018
Approval Date:	26/02/2018	Last Reapproval Date:	
Review Date:	26/02/2020	Internal Reference No.:	
Department:	City Infrastructure	Division:	Environmental Health & Safety
Function:	15 - Legal Provisions	Responsible Officer:	Manager, Environmental Health & Safety

### A - PREAMBLE

1. The City of Salisbury is responsible for the management and maintenance of public roads and reserves within the Council area.
2. The Local Government Act 1999 provides for legislative controls directly or through by-laws that enable Councils to permit or restrict the conducting of business on roads and road related areas in the Council area.
3. The Local Government Act 1999 Recent amendments by the Local Government (Mobile Food Vendors) Amendment Act 2017 ('the Amendment Act') requires Councils to adopt rules that set out locations within a council's area in which mobile food vending businesses may operate. This is known as the **location rules**.
4. On the commencement of the legislation, prospective mobile food vending businesses are will be able to apply to Councils for a Mobile Food Vending Permit / Licence to operate in accordance with a Council's location rules, and the Local Government (General) Regulations 2013 (as amended by the Variation Regulations).
5. Councils will not be able to refuse permits but the **location rules** will allow Councils to regulate where mobile food vending businesses can trade.
6. The **location rules** apply to road and road related areas and for mobile food vending businesses only. A mobile food vending business means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961);
7. In addition to road related areas, requests are received by to utilise Council's reserves for mobile food vending businesses to trade.
8. Council by-laws provide the necessary legislative controls to permit and restrict the conduct of business on Council's reserves.
9. This policy provides the **location rules** that set out locations within the City of Salisbury in which mobile food vending businesses may operate on roads and road related areas.
10. If an operator of a food business (either a mobile food vending business or fixed food business) is directly or adversely affected by these **location rules** then the operator may apply to the Small Business Commissioner for a review of the **location rules**.

11. This policy will serve as a guide to the City of Salisbury staff and both mobile food vending businesses and fixed food businesses in relation to the use of public roads for operating a food business.

#### B - SCOPE

1. This policy applies to all mobile food vending businesses that want to trade from public roads.
2. The policy establishes the **location rules** under which mobile food vending businesses may trade and the locations in which they may operate.
3. The policy ensures that mobile food vending businesses operate in a way which complements the existing fixed food businesses and ensures that they do not unreasonably compromise the amenity of the surrounding area.
- ~~4. This policy clearly identifies the terms and conditions of hire of Council land~~
- 5.4. This policy is not applicable to privately owned land, noting that the provisions of the Development Act 1993 and related Development Regulations and the Development Plan may apply in relation to use of private land.

#### C – POLICY PURPOSE/OBJECTIVES

1. This purpose of this policy is to:
  - Detail the locations where mobile food vending businesses may trade
  - Detail the number of mobile food vending businesses that can trade within the approved locations for roads.
  - Ensure that there is a reasonable distance between mobile food vending businesses and fixed food businesses during the operating hours of the fixed food businesses,
  - Take into account the effect of mobile food vending business on
    - i. vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
    - ii. the requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the **location rules**; and
    - iii. residents and businesses at the locations in which mobile food vending businesses may operate under the **location rules**; and
  - Provide a clear, open, equitable and accountable process for the issuing of Mobile Food ~~Vendor Trading~~ Permits ~~/Licences~~ to mobile food vending businesses to allow trade from roads.

#### D - DEFINITIONS

1. Public Road - means any road that is vested in Council under the Local Government Act 1999 or another Act
2. Reserve - means community land reserved or dedicated as a reserve or designated by the Council as a reserve
3. Mobile food vending vehicle is defined as any vehicle whether mobile or stationary, used for the purposes of selling food and/or drink.  
This definition includes vehicles used for on-site food preparation (eg hamburgers or kebabs), one step food preparation (e.g coffee or juices) or pre-made or pre-packaged food sales.

4. Mobile food vending business - means a business involving the sale of food or beverages from a vehicle (within the meaning of the Road Traffic Act 1961) and for the purposes of this policy excludes Mobile Ice Cream Vendors
5. Fixed food business - means it is a business, the primary purpose of which is the retail sale of food or beverages that is carried on fixed premises that have a valid land use approval for use as a food business under the Development Act 1993. Fixed food businesses include cafes, restaurants, hotels, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets, service stations and sporting clubs.
6. Event is a planned occasion which has prior Council approval under a Casual Hire or Special Events Permit
7. Transport SA Roads are roads in the care and control of the Department Planning Transport and Infrastructure

#### E - POLICY STATEMENT

1. A mobile food vending business trading on public roads within the City of Salisbury must hold a valid City of Salisbury Mobile Food ~~VendorTrading~~ Permit ~~/Licence~~ under Section 222 of the Local Government Act 1999
2. A condition of a Mobile Food ~~VendorTrading~~ Permit ~~/Licence~~ authorising a mobile food vending business to operate on a public road in the Council area is that the permit holder complies with **location rules** adopted by Council under section 225A of the Local Government Act
3. —
- 4.3. A Mobile Food ~~VendorTrading~~ Permit ~~/Licence~~ is not required for trading on privately owned land or when catering for an event on public land (by invitation) where a permit or licence has already been issued to the event holder
- 5.4. Fees payable are as detailed in Council's Fees and Charges
- 6.5. Trading on Council reserves is not permitted as part of this policy

#### F – LOCATION RULES UNDER SECTION 225A OF THE LOCAL GOVERNMENT ACT (ROADS)

- 1 Distance from Fixed Food Business
  - Must not operate within 100 metres of a fixed food business whilst the fixed food businesses y are operating.
- 2 Site Selection
  - No more than two mobile food vending vehicles are to operate within a 150 metre long section of the public roads (with the first attending mobile food vending businesses to have preference of location) These mobile food vending businesses should locate themselves alongside each other to create a destination.
  - Once mobile food vending businesses have exceeded a timed parking restriction they may not attend the same location with a 24 hour period whilst those restrictions apply allowing the opportunity for other traders to trade from preferred locations
  - Must not cause undue interference or obstruction to persons using the public road, residents or businesses
  - Must not obstruct vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities
  - Must adhere to parking rules / restrictions and only parking within designated parking zones
  - Must ensure that mobile food vending vehicle is parked parallel to kerb with trading and service only to occur on the kerb side

- ~~Footpath must have 1.8m clear access and allow for DDA Access~~The footpath and or pedestrian zone adjacent to the mobile food vending vehicle must not be impeded and there must be a continuous accessible path of travel for people of all abilities. No trading items may extend into the footpath or pedestrian zone including items overhead below a height of 2.2m
- Ensure that no more than two parking bays are used for a mobile food vending vehicle including a tow vehicle
- Must not operate on a road with a speed environment greater than 60 km/h
- Must not operate on the shoulder of a road without designated parking unless otherwise approved
- Must not operate in a Residential Zone (as determined by the Salisbury Development Plan) or within 15 metres of a residence unless otherwise approved
- Must not operate from a ~~Transport SA~~ road managed by the Department of Planning, Transport and Infrastructure

### Legislative Requirements

A mobile food vending business must select a site for operation which does not breach any relevant requirements under:

- the *Food Act 2001*;
- the *South Australian Public Health Act 2011*;
- the *Environment Protection Act 1993*;
- the *Local Nuisance and Litter Control Act 2016*;
- the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
- *Australian Road Rules*
- legislation relating to electrical or gas installations or appliances; and
- relevant legislation relating to health, safety or the environment.
- Any other relevant Local Government Act and Local By-laws

### Compliance

- Mobile food vending businesses must hold a valid current City of Salisbury Mobile Food ~~Vendor Trading~~ Permit ~~/Licence~~ prior to trading within the City of Salisbury
- Mobile food vending businesses must hold a valid current Public Liability Insurance for a minimum amount of \$20,000,000.00
- Mobile food vending businesses must advise Council staff via email or other electronic means as determined by Council the following:
  - when they arrive and start trade at a location within Salisbury
  - ~~providing details of~~ their valid permit number
  - ~~and~~ location of trade
  - ~~contact details and operator contact details~~ details of contact available on application form and Council's website
- Mobile food vending vehicles must be self-sufficient in regards to power, waste water disposal and rubbish disposal
- Mobile food vending businesses must not cause noise, odour, fumes etc or other disturbance to the surrounding environment
- Mobile food vending businesses must supply adequate rubbish and litter disposal

receptacles for use for the business and customers, and all rubbish is to be removed from the site.

#### Events

- For the purposes of events Mobile Food ~~Vendor-Trading~~ Permits ~~/Licence~~ are voided and trading is not permitted within surrounding roads for a distance of 100 metres for the duration of the event unless permission has been sought and approved by the event organiser.

#### G – LEGISLATION

##### 1. Local Government Act 1999

~~2. Local Government (Mobile Food Vendors) Amendment Act 2017~~

~~3. Local Government (General) (Mobile Food Vendors) Variation Regulations 2017~~

~~4. Road Traffic Act 1961~~

#### Document Control

Document ID	Mobile Food Vendors Policy
Prepared by	Tim Starr John Darzanos
Release	1.002.00
Document Status	ApprovedDraft
Date Printed	03/02/202030/01/2020





**Mobile Food Vendors Permit Fees 2020-2021**

<b>Mobile Food Vendors Permit</b>	<b>Proposed Permit Fees (GST exempt)</b>
Monthly (per month) (valid for the entire month that is nominated or for a period of 30 days from the preferred start date if not the 1st of the month)	\$100
6 monthly (valid from date of issue or nominated start date)	\$500
Annual (valid for 1 year from date of issue or nominated start date)	\$1000