

5 April 2018

**MAYOR
COUNCILLORS
CITY OF MOUNT GAMBIER**

NOTICE is given that the Strategic Standing Committee will meet in the following Meeting Room on the day, date and time as follows:

Strategic Standing Committee
(Committee Room - Level 4):

Monday, 9 April 2018 at 5:30 p.m.

An agenda for the meeting is enclosed.



Mark McSHANE
CHIEF EXECUTIVE OFFICER

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AGENDA OF ORDINARY STRATEGIC STANDING COMMITTEE MEETING

Meeting to be held in the Committee Room, Civic Centre, 10 Watson Terrace, Mount Gambier
on Monday 9 April 2018 at 5:30 p.m.

PRESENT	Mayor Andrew Lee Cr Frank Morello (Presiding Member) Cr Josh Lynagh Cr Sonya Mezinec Cr Hanna Persello Cr Penny Richardson	
COUNCIL OFFICERS	Chief Executive Officer General Manager Community Wellbeing General Manager Council Business Services General Manager City Growth General Manager City Infrastructure Manager Governance and Property Administration Officer	- Mr M McShane - Ms B Cernovskis - Mrs P Lee - Dr J Nagy - Mr N Serle - Mr M McCarthy - Mrs M Telford

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

1. APOLOGY(IES)

Apology(ies) received from

That the apology from _____ be received.

Moved:

Seconded:

2. CONFIRMATION OF STRATEGIC STANDING COMMITTEE MINUTES

Meeting held on 13 March 2018.

That the minutes of the Strategic Standing Committee meeting held on 13 March 2018 be confirmed as an accurate record of the proceedings of that meeting.

Moved:

Seconded:

3. QUESTIONS

3.1. With Notice

Nil submitted.

3.2. Without Notice

4. DEPUTATIONS

Nil



5. STRATEGIC STANDING COMMITTEE REPORTS

Strategic Standing Committee Reports commence on the following page.



5.1. Local Government (Mobile Food Vendors) Amendment Act 2017 - Report No. AR18/13171

COMMITTEE	Strategic Standing Committee
MEETING DATE:	9 April 2018
REPORT NO.	AR18/13171
RM8 REFERENCE	AR18/8607
AUTHOR	Tracy Tzioutziouklaris
SUMMARY	The Local Government (Mobile Food Vendors) Amendment Act 2017 commenced operation on 1 st March, 2018 and provides Council with an opportunity to develop policies that encourage Mobile Food Vendors to operate within the City.
COMMUNITY PLAN REFERENCE	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION

- (a) Strategic Standing Committee Report No. AR18/13171 titled '*Local Government (Mobile Food Vendors) Amendment Act 2017*' as presented to the Strategic Standing Committee on 13 March 2018 be noted.
- (b) That Council adopt the Location Rules as attached to this report.
- (c) That the Permit to use Public Road for Mobile Food Vendor template be updated to accommodate the amendments to the Local Government Act and the adoption of the Location Rules.
- (d) The Mobile Food Vendor Permit fee be charged on the following basis:
 - (i) \$820 annually; or
 - (ii) \$100 monthly.
- (e) The Mobile Food Vendor Permit and Location Rules be referred to Council within 6 months of operation for a review.

Moved:

Seconded:



Background

During 2015 and 2016 the State Government of South Australia considered opportunities to support food truck vendors and to ensure such entrepreneurial activity is not held back by unnecessarily complex and changing legislation.

The Government of South Australia is keen to support startup businesses that adopt innovative ways of trading. Food trucks/carts are an example of opportunities that, if done right, can support more progressive, innovative and interesting cities, and demonstrate that South Australia is both a great place to live and start a business.

On 9th August 2017 the South Australian Parliament passed the Local Government (Mobile Food Vendors) Amendment Act 2017 'The Act' with an operational date of 1st March, 2018.

The commencement of this legislation presents an opportunity for Council to develop policies that encourage Mobile Food Vendors (Food Trucks/Carts) to operate in the Council area while protecting the interests of fixed premises food traders.

Council is required to adopt rules that set out locations within the Council area in which mobile food vending businesses may operate. Prospective mobile food vendors will then be able to apply to Council for a permit to operate in accordance with Council's location rules.

This legislation applies to Mobile Food Vendors seeking to operate from Public Roads within a Council area. It does not apply to Council Reserves and/or parks or land held in other forms.

This legislation also does not apply to roads under the care and control of the Department of Planning, Transport and Infrastructure

Discussion

It is important to emphasize that this amendment to the Local Government Act applies to public roads under the care and control of Council. Roads under the care and control of the Department of Planning Transport and Infrastructure, the Crater Lakes Volcanic Complex, Blue Lake Sports Park, the Rail Lands, Council Reserves and land held via an alternative arrangement is not impacted by this legislation.

The Local Government (Mobile Food Vendors) Amendment Act 2017 amends the Local Government Act requiring:

Section 222 Permits for business purposes

A new subsection has been created requiring Council to grant a permit for the purpose of a mobile food vending business.

Section 224 Conditions of authorisation or permit

Council is able to attach conditions to a permit issued for a mobile food vending business, including as necessary, to protect Council's interests. However any such condition must be consistent with:

- The 'Location Rules' that Councils will be required to adopt under section 225A of the Local Government Act; and
- Any requirement prescribed by regulation.



Ice-cream mobile food vending businesses are exempt from this legislation as it is recognized that ice-cream vans are not typically stationed in one location for an extended period of time. The exemption operates such that ice-cream vans will not be subject to the 'Location Rules' adopted by Council.

Section 224(A) Breach of condition or authorisation or permit

This is a new offence provision which gives Council the option of expiating (or prosecuting) a person who has failed to comply with a permit issued for the purpose of a mobile food vending business. This provision recognizes that some breaches may not warrant cancellation of a permit, but ensures a permit holder can still be held accountable for the breach.

Section 225 Cancellation of authorisation or permit

This provision requires that a mobile food vendor business permit cannot be cancelled for a breach of a condition unless Council is satisfied that the breach is sufficiently serious to justify cancellation of the permit.

Section 225(A) Location rules – general

This new provision requires Council to prepare and adopt location rules that establish where, within the Council area, mobile food vending businesses may operate.

The Location rules must comply with any requirements prescribed by regulation and/or any requirements specified by the Minister by notice in the Government Gazette.

Section 225(B) Location Rules – Disputes

Enables aggrieved 'bricks and mortar' businesses that are directly adversely affected by the location rules of Council a right of review against Council's location rules to the Small Business Commissioner.

Council is able to review and amend the location rules as required by resolution.

A key element of the Government's approach to the regulation of food trucks is the regulation should be consistent across all Council areas, but respecting local differences. Mobile food vendors are capable of operating in many local council areas and Councils are able to set certain conditions that support food trucks to operate.

The amendments to the Local Government Act set out key elements of Council permits, and ensure minimal restrictions on permitting, permit fees, opening hours and locations that are not unduly restricted. The intention of this is not to advantage food trucks over fixed premises but to increase the overall activity, trade and foot traffic in the city. Provided there are no specific access or safety implications, such as safe movement of people and placement of infrastructure, processes should favor supporting applications for operation.

The Local Government Association (LGA) has received legal advice to clarify operation of the new Mobile Food Vendor's legislative requirements and has prepared guidelines and templates to assist Council in the implementation of the legislation.



The Location Rules place responsibility for compliance onto the Mobile Food Vendors, in line with the legislative provisions.

In accordance with the Act, Council is able to require a payment of a fee in relation to the permit as follows:

- (1) The permit holder is able to pay the permit fee either annually or monthly;
- (2) The permit fee must not exceed \$2000 annually or \$200 monthly.

The current fee charged by Council for a mobile food vendor is \$820.00 annually. It is considered appropriate to maintain this fee until such a time that Council's fees and charges are reviewed.

The draft Permit requirements, Location Rules and map illustrating locations in which mobile food vending business are permitted to operate are attached to this report for Members information and perusal.

It is important to remember that an alternate permit process/arrangements as specified within Councils By Laws will still apply to all non road (Council owned) areas such as the Crater Lakes Volcanic Complex, Blue Lake Sports Park and the like in accordance with Council's By Law permits.

It is highlighted that currently there are two permits issued by Council for Mobile Food Vendors to operate within the City.

Conclusion

The Local Government (Mobile Food Vendors) Amendment Act 2017 commenced operation on 1st March, 2018 and provides Council with an opportunity to develop policies that encourage Mobile Food Vendors to operate within the City.

Council is required to adopt rules that set out locations within the Council area in which mobile food vending businesses may operate. Prospective mobile food vendors will then be able to apply to Council for a permit to operate in accordance with Council's location rules.

This report recommends the adoption of draft location Rules as presented.

Attachments

[Attachment 1 \(AR18/13182\) Mobile Food Vendors - Location Rules](#)



Tracy TZIOUTZIOUKLARIS
MANAGER DEVELOPMENT SERVICES





Judy NAGY
GENERAL MANAGER – CITY GROWTH

3 April 2018
MTT



5.2. Planning Development and Infrastructure Act 2016 - Accredited Professional Scheme - Discussion Paper - Report No. AR18/13020

COMMITTEE	Strategic Standing Committee
MEETING DATE:	9 April 2018
REPORT NO.	AR18/13020
RM8 REFERENCE	AF13/248
AUTHOR	Tracy Tzioutziouklaris
SUMMARY	The new PDI Act enables the Minister for Planning to establish as accreditation scheme for planners, building certifiers and other industry professionals involved in making development decisions to improve confidence in the decision making processes.
COMMUNITY PLAN REFERENCE	Goal 1: Our People
	Goal 3: Our Diverse Economy

REPORT RECOMMENDATION
<p>(a) That Strategic Standing Committee Report No. AR18/13020 titled '<i>Planning Development and Infrastructure Act 2016 – Accredited Professional Scheme – Discussion Paper</i>' as presented to the Strategic Standing Committee on 9 April 2018 be noted.</p> <p>(b) That Council provide a submission generally supporting the accreditation scheme, however concern be raised regarding the requirement for Assessment Panel Members to have a:</p> <ul style="list-style-type: none"> • Relevant planning degree or qualification in an allied field (e.g. architecture, engineering, environmental management, law) • 2 years full time or equivalent experience considered appropriate • PIA Full of Associate Member or accreditation in a recognised allied field. <p>A greater degree of flexibility should be available when appointing Assessment Panel Members, recognising the accreditation and role of assessment managers in supporting the Assessment Panel.</p>

Moved:

Seconded:

Background

The new Planning Development and Infrastructure Act 2016 (The Act) is being progressively introduced to replace the existing Development Act 1993. The new Act enables the Minister for Planning to establish an accreditation scheme for planners, building certifiers and other industry professionals involved in making development decisions.

The objective of the scheme is to improve confidence in the decisions, as well as the professionalism of decision making processes more generally. The scheme will establish and maintain minimum standards against which professionals are assessed to determine their level of accreditation. These varying levels will be based on the professional's qualifications, skills and expertise.

Discussion

The discussion paper identifies options and is intended to generate discussion on how the scheme might operate effectively.

Feedback on the proposed Accreditation Professionals Scheme is due by Monday 30th April, 2018.

Similar to other sections of The Act, The Department of Planning Transport and Infrastructure (DPTI) is undertaking a consultative approach to develop the scheme. It is proposed that the scheme will first be applied to assessment panel members from mid 2019 with accreditation for planning professionals and Building certifiers other than assessment panel members to be introduced concurrently with the new assessment pathways under the Act and launch of e-planning during 2020.

The discussion paper is the first step of the process to develop the Accreditation Scheme. The feedback received will inform the development of the scheme, which will be undertaken in four steps as follows:

- Fact Sheets, to be developed based upon feedback
- Development of Regulations to provide the legislative framework
- Development of a Code of Conduct to promote ethical conduct and accountability
- Administrative procedures to set parameters.

Professionals accredited under this scheme will have the authority to make code assessed decisions based on their level of accreditation and experience.

There are a number of different levels of accreditation for Building Certifiers, similar to the existing requirements within the Development Act. Different Levels of qualifications and years of professional experience will be required to meet different levels of accreditation.

An accreditation scheme is new for the South Australian Planning System. Whilst there have been similar arrangements under the Planning Institute of Australia, this scheme will introduce the first requirement for prescribed classes of decisions to be made by accredited professionals.

The scheme proposes accreditation requirements for:

Building Professionals

- Building certifiers
- Building Inspectors

Planning Professionals

- Assessment Managers
- Assessment Panel Members

- Planning accredited professionals
- Land division accredited professionals

Ongoing training and professional development will also be a feature of the Accreditation Scheme to ensure skills are kept up to date and relevant.

The Accreditation Scheme will also address issues of insurance, registration, renewals and administrative fees. Further information of these requirements will be provided as they are developed.

At this stage the biggest impact identified for Council is the requirement for Assessment Panel Members to be accredited professionals. The suggested accreditation requirement for an Assessment Panel Member is:

- Relevant planning degree or qualification in an allied field (e.g. architecture, engineering, environmental management, law)
- 2 years full time or equivalent experience considered appropriate
- PIA Full or Associate Member or accreditation in a recognised allied field

This accreditation requirement does not apply to the Local Government Elected Member representative on the Assessment Panel.

Coordinated auditing, investigation and complaint resolution processes are also envisaged to be part of the scheme to ensure confidence is maintained in the scheme.

Conclusion

Council currently employs a number of qualified Building and Planning professionals who meet the requirements for accreditation to undertake the assessment work under the Planning Development and Infrastructure Act. From time to time, Council engages additional consultants to complement the existing skill set available within existing employees as required.

Council, however, may face problems attracting suitably qualified people with relevant experience as Members of the Assessment Panel. Further consideration will need to be undertaken to ensure Council is able to attract suitably qualified and experienced people to sit on the assessment panel.



Tracy TZIOUTZIOUKLARIS
MANAGER DEVELOPMENT SERVICES



Judy NAGY
GENERAL MANAGER CITY GROWTH

4 April 2018
MJT



6. MOTIONS WITH NOTICE

Nil Submitted

7. MOTIONS WITHOUT NOTICE



8. CONFIDENTIAL ITEMS

8.1. Consideration for Exclusion of the Public

Item No. 8.2

The following Agenda Item be received, discussed and considered in confidence by excluding the public pursuant to Section 90(2) of the Local Government Act 1999, and an order be made that the public (with the exception of Mayor A Lee, Councillors - J Lynagh, S Mezinac, F Morello, H Persello and P Richardson and Council Officers - M McShane, B Cernovskis, P Lee, J Nagy, N Serle, M McCarthy and M Telford) be excluded from the meeting in order for the Agenda Item 8.2 (Surplus Government Property Notice Report No. AR18/12667) to be considered in confidence.

The Council is satisfied that, pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by or to:

Department of Environment, Water and Natural Resources

Information received in relation to the subject matter of this report has been provided on a confidential basis pending Ministerial consideration of the proposals contained therein.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the proposals to be considered provide for a public benefit that could otherwise be jeopardised if the matter were considered by Council in a place open to the public prior to Ministerial consideration and approval.

Item No.	Subject Matter	S90(3) Grounds
8.2	Surplus Government Property Notice - Report No. AR18/12667	(j)

Moved:

Seconded:

Meeting closed at p.m.

AR18/12665
MJT



9. REPORT ATTACHMENTS





City of
Mount Gambier

City of Mt Gambier Mobile Food Vendors Location Rules

April, 2018

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Mobile Food Vendors Location rules

Name of Council	City of Mount Gambier
File reference	AF11/1309
Responsibility:	
Version:	1
Effective date:	18 April 2018
Last revised date:	18 April 2018
Minutes reference:	
Next review date:	October 2018
Applicable Legislation:	<i>Local Government Act 1999, s225A</i>
Related Policies:	
Related Procedures:	

1. Introduction

A mobile food vending business requires a permit under section 222 of the *Local Government Act 1999* to operate a business on a public road in the Council area.

The City of Mount Gambier encourages and supports Mobile Food Vendors to create vibrant and active streets and public places as a part of daily life throughout the City.

A condition of a 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 the Council under section 225A of the Local Government Act.

Mobile food vendors can trade in any location within the City that complies with the Mobile Food Vendor Permit and Location Rules.

The City of Mount Gambier encourages the use of the public realm for outdoor mobile food vending because it adds value to the City for all those who use it, and it creates opportunities for entrepreneurs and established fixed food premises.

A Mobile Food Vendor could include a truck, caravan, cart or bike.

Council has adopted the location rules set out in this document.

2. Council determined mobile food vending business sites

The Council has determined that a mobile food business may operate subject to complying with these location rules and any other requirements of the permit.

For clarification Mobile Food Vans (Food Trucks/Caravans/Carts/bikes) can be operated within the City of Mount Gambier with a valid permit in the following locations:

Upon any road throughout the City except:

- The Residential Zone, the Country Living Zone, the Rural Living Zone, Residential regeneration Zone and associated policy areas unless located directly adjacent to an existing reserve.
- Commercial Street East and West (between Wehl Street North/Wehl Street South and Crouch Street North and Crouch Street South) and Sturt Street and Helen Street (between Wehl Street South and Ferrers Street) between the hours of:
 - Monday to Wednesday 7.30a.m. and 5.30p.m.
 - Thursday 7.30a.m. and 8.00p.m.
 - Friday 7.30a.m. and 5.30p.m.
 - Saturday 7.30a.m. and 12.30p.m.
- Jubilee Highway East, Jubilee Highway West, Penola Road (Riddoch Highway), Bay Road, White Avenue and Pick Avenue (Punt Road) (as these roads are roads under the care and control of the Department of Planning, Transport and Infrastructure).

2.1. Operate a reasonable distance from a fixed food business

Location rule

A mobile food vending business must select a site for operation which allows for a reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.

Explanation

A 'fixed food business' is '*a business the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premises*'. Fixed food businesses include cafes, restaurants, delicatessens, takeaway food businesses, bakeries, greengrocers, health food shops, butchers, supermarkets and, in some cases, service stations.

A 'reasonable distance' will depend on the circumstances and may vary from location to location.

A mobile food business must consider the location, number and operating hours of fixed food businesses in the Council area when determining if the location in which the mobile food vending business wishes to trade is a reasonable distance from fixed food businesses. Determining a reasonable distance from fixed food businesses requires a balancing of these factors.

A mobile food vending business should have an objective basis for determining that in the circumstances of the location, and considering the location, number and operating hours of fixed food businesses in the Council area, the distance between the fixed food business and the mobile food vending business will be reasonable. Be aware that you may be required to provide an explanation of your reasoning to the Council or the Small Business Commissioner (see 0 below).

If surrounding businesses raise concerns on the location of a mobile food vendor, Council may require the vending operation to relocate.

Examples

Where there is a large number of fixed food businesses in a small geographic area then the reasonable distance from these fixed food businesses may be less than in other circumstances on the basis that there is already active competition between multiple food businesses in the location.

Where a mobile food vending business wants to trade outside of the normal operating hours of a fixed food business then the reasonable distance may be less (eg a mobile food vending business trading from late afternoon in the vicinity of a bakery).

2.2. Take into account the effect of the operation of the mobile food vending business

Location rule

A mobile food vending business must select a site for operation which takes into account the effect of the operation of the mobile food vending business on:

- (a) vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
- (b) the requirements relating to, and availability of, parking spaces; and
- (c) residents and businesses.

Explanation

A mobile food vending business must operate from a site where it will not cause an obstruction to persons using the public road or interfere with residents living, or businesses operating, in the vicinity of the site.

A site cannot be selected which would breach parking requirements applying to the site. This includes locating the mobile food vending business within spaces reserved for people with disabilities. Access to parking, taxis, loading zones and bus zones must not be affected. Wheel chair access to pedestrian ramps (pram ramps) and footpaths must be available within the location of the mobile food van at all times.

Similarly, access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, telephone booths and post boxes must not be compromised.

Council is willing to allow a food truck or caravan to be parked in one legitimate parking space that is for 1 hour or more, parallel to the footpath with the serving area to be from the footpath side of the vehicle only.

Exclusive use of an area is not permitted and areas are not able to be reserved.

Examples

A site should not be selected:

- if the mobile food vending business would take up all, or a significant amount of, the parking available to other businesses
- where footpaths are narrow so that the mobile food vending business and its customers may cause an obstruction to other persons using the footpaths
- if the mobile food vending business would obscure a pedestrian or driver's view of a road in an unsafe manner.

2.3. No undue interference with vehicles or road related infrastructure

Location rule

A mobile food vending business must select a site for operation where the mobile food vending business will not unduly interfere with:

- (a) vehicles driven on roads;
- (b) vehicles parking or standing on roads;
- (c) a parking area for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*);
- (d) public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
- (e) other road related infrastructure; or
- (f) infrastructure designed to give access to roads, footpaths and buildings.

Explanation

A mobile food vending business must operate from a site which will not impinge on the use of roads by vehicles or interfere unduly with road related infrastructure.

Examples

A site should not be selected if the mobile food vending business would interfere with access by a disabled person to a parking area for persons with disabilities.

Lengths of road with high public transport usage would not be suitable if the mobile food vending business was located so as to impede vehicle operations or passenger access (eg a bus interchange located on a road).

A site which restricts or interferes with access to facilities for parking bicycles would also not be suitable.

2.4. Compliance with legislative requirements

Location rule

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

- (a) the *Food Act 2001*;
- (b) the *South Australian Public Health Act 2011*;
- (c) the *Environment Protection Act 1993*;
- (d) the *Local Nuisance and Litter Control Act 2016*;
- (e) the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
- (f) legislation relating to electrical or gas installations or appliances; and
- (g) relevant legislation relating to health, safety or the environment.

Explanation

There are many legislative requirements which apply to the provision of food, the operation of a business and the use of a motor vehicle. A site must be selected by a mobile food vending business which does not breach any of these legislative requirements.

Examples

A mobile food vending business must comply with the *Work Health and Safety Act 2012* (WHS Act). Consideration should be given to the 'primary duty of care' under the WHS Act which is, so far as reasonably practicable, to ensure to health and safety of workers when selecting a site.

A mobile food vending business must not commit a 'local nuisance' under the Local Nuisance and Litter Control Act. A local nuisance includes any adverse effect on the amenity value of an area that is caused by noise, odour, smoke, fumes, aerosols or dust which unreasonably interferes with, or is likely to interfere unreasonably with, the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area. A mobile food vending business which omits smoke or odours should consider these requirements when selecting a site.

2.5 Additional specifications for carts or bikes on the footpath

Location Rule

In addition to the other Location Rules a mobile food vendor using either a cart or bike must select a site where the mobile food vending business will not unduly interfere with:

- (a) the flow and safety of pedestrians on the footpath;
- (b) the opening of vehicle doors; and
- (c) Access and egress to any nearby buildings.

Explanation

A mobile food vendor using a cart or a bike must operate from a site that enables the free flow of pedestrian movements and within the locality.

Examples

A site should not be selected:

- If the cart or bike will take up all, or a significant amount of the footpath.
- Where footpaths are narrow so that the cart or bike and its customers may cause an obstruction to other persons using the footpaths.
- On a corner where the cart or bike may cause an obstruction to a driver's or pedestrian's view of the road in an unsafe manner.

3. Disputes may be referred to the Small Business Commissioner

If an operator of a food business in the Council area is directly adversely affected by these location rules then the operator may apply to the Small Business Commissioner for a review of the location rules.

4. Amendment of these location rules

The location rules may be amended from time to time by the Council. The location rules must be amended by the Council if directed by to so by the Small Business Commissioner or to satisfy a requirement of the Minister for Local Government.

All holders of a Mobile Food Vendors Permit will be advised of any amendments and/or changes to the location rules within five working days of the Local Rules being amended and/or changed.