

REPORT OF GENERAL MANAGER
STRATEGY AND ASSETS COMMITTEE

TUESDAY, 12 APRIL 2016

ASSETS AND WORKS

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. **Draft Policy for Adoption – Management of Mobile Food Vending Vehicles**
File 33417E, 52631E
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SECTION MANAGER: Michael Harben

PURPOSE:

To obtain Council's direction in relation to adopting the draft Local Approval Policy – Management of Mobile Food Vending Vehicles on Council Owned or Managed Land (including Roads), in light of an objection received following the public exhibition period.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that MIN15.787 be reaffirmed from Council's meeting of 15th December 2015 and adopt the draft Policy – Management of Mobile Food Vending Vehicles on Council Owned or Managed Land.

DETAILS:

At Council's meeting of 15th December 2015 it was resolved that:

- “a) Council place on public exhibition and seek submissions on the draft Local Approvals Policy “Management of Mobile Food Vending Vehicles on Council Owned or Managed Land (including roads)”;*
- b) Council approve and advertise a new fee of \$1000 plus GST for the Category 2 Mobile Vans; and*
- c) Should Council receive no submissions or submissions that would mean minor alteration to the Policy and Fee then the policy and fee be deemed adopted at the conclusion of the submissions period....”*

The draft Local Approvals Policy – Management of Mobile Food Vending Vehicles on Council Owned or Managed Land and all associated paperwork was placed on public exhibition and distributed to all CCB's from 20th January 2016 – 11th March 2016.

Council received the one objection in the form of a petition which contained 45 signatures.

The issues raised are as follows:

Issue:	<i>Council is placing the economic interest of potential mobile food van operators over the interests of its rate-paying residents.</i>
Staff Comment:	<p>Council has had a noticeable increase in requests for approval to operate Mobile Food Vans within the Shoalhaven, resulting in the drafting of this Policy. A total fee of \$1,260.00 plus the inspection fee of \$115.00 will apply to all Category 2 Food Van Operators.</p> <p>Council has stipulated in the draft Policy that all Mobile Food Van Operators are to be a minimum of 500m away from existing businesses that offer similar products. The nominated sites which give Operators the ability to stay up to 7 hours from 1st October – 30th March, have been specifically chosen to minimise the potential impact on fixed premises operators whilst giving the opportunity for the community to receive services where none exist.</p> <p>The objective of allowing MFV operators to trade in the Shoalhaven is to provide a service in locations and at times that existing traders in fixed premises cannot.</p>
Issue:	<i>Safety Issues</i>
Staff Comment:	<p>Council’s Traffic Unit has inspected each nominated site and provided feedback relating to the exact location of where Mobile Food Vans shall be sited.</p> <p>Further, the Traffic Unit has also placed restrictions on the dimensions of the mobile food vans, to reduce the impact on parking space availability.</p> <p>Council Rangers will be policing Mobile Food Van Operators and if it is deemed as a dangerous location, the Food Van Operator will be asked to move on.</p> <p>Council’s draft Policy clearly states that Mobile Food Van Operators must adhere to:</p> <ul style="list-style-type: none"> • Road Rules 2014; and • Not to trade where dangerous.
Issue:	<i>Proposed Clause 16(a) Street Vending – How can you trade onto a footpath if there isn’t one?</i>
Staff Comment:	<p>Council has sought legal advice in relation to previous correspondence from the above said objector. Legal advice was that “<i>if an area of Road does not have a constructed kerb then the proposed phrase “to pull up to the kerb” is to mean to pull over to the side of the road</i>”.</p>

Issue:	<i>Proposed trading restrictions should be amended from 500m to 2kms</i>
Staff Comment:	<p>No reasons were given or details to support the objectors request to have the restriction distance increased. Council staff considered information gleaned internally and from other Council's before deciding on the 500m distance.</p> <p>Note the nominated sites which are popular among Council's current itinerant Mobile Food Van Operators are at least a minimum of 2km away from any local business.</p>
Issue:	<i>Bad Policy</i>
Staff Comment:	<p>The Draft Policy has been developed as a consequence of numerous requests for approval to operate a Mobile Food Van.</p> <p>Staff have developed the draft Policy to provide consistency in the management of Mobile Food Van operators. Not having a Policy that clearly articulates how, where and when Mobile Food Van operators can trade would potentially create confusion and conflicts between operators and the Community.</p> <p>This Draft Policy has been advertised in local papers three times, notified to Local CCB's with comments open for 42 days. No other objections have been received.</p>

The nominated sites referred to above are as follows:

- Seaside Parade, Dolphin Point
- Bogie Hole Carpark, Mollymook
- Moona Moona Creek, Huskisson
- Narrawallee Inlet Carpark, Narrawallee
- Plantation Point, Vincentia
- Crookhaven Boat Ramp, Crookhaven Heads
- Greys Beach, Nowra
- Lions Club Boat Ramp, Sussex Inlet
- South Pacific Crescent Carpark, Ulladulla

FINANCIAL IMPLICATIONS:

An annual permit fee of \$1,000 will apply (Mobile Food Van Category 2) as resolved at Council's meeting of 15th December 2016 (MIN15.787). The current Administration Fee of \$260 and Environmental Inspection Fee of \$115 will remain and be charge in conjunction with the annual permit fee.

COMMUNITY ENGAGEMENT:

This matter is considered to be a Local Area Low Impact issue as detailed in Council's Community Engagement Policy and Handbook with community engagement commencing with the public exhibition of this draft Policy in local papers and libraries and distributed to local CCB's.