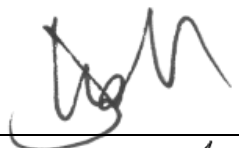





## Mobile Food Vending Policy (Revision 1)

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		20 October 2022
Authorised By	John Scarce	General Manager		20 October 2022

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## **1. POLICY OBJECTIVE**

To regulate mobile and standing food vendors that display and sell commodities on public or private land.

## **2. SCOPE AND PURPOSE**

Council supports the operation of mobile food vendors in the Murrumbidgee Council and encourage diversity in food options.

The purpose of the Policy is to provide the framework for the operation of mobile food vehicles in the Murrumbidgee Council. The Policy sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the on-street trading parameters. The Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005, the Roads Act 1993, the Roads Regulation 2008, the Food Act 2003, Food Regulation 2015 and the Protection of the Environment Operations Act 1997.

The NSW Government treats Mobile Food Vendors as exempt development (not requiring any Council approval) where they comply with the following development standards under the NSW Exempt and Complying Development Code 2.54B;

The standards specified for that development are that the development must—

- (a) have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
- (b) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- (c) not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
- (d) not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
- (e) not result in any damage to public property on the land or on adjacent land, and
- (f) if carried out on land in a residential zone—only be carried out between 7am and 7pm, and
- (f1) if carried out on land immediately adjacent to a residential zone—only be carried out between 7am and 10pm, and
- (g) if located on a public place—have any approval required under section 68 of the Local Government Act 1993

The Policy applies to Council owned roads and other public places within the Murrumbidgee Council.

This Policy does not apply to mobile food vendors who are:

- Trading in accordance with a development consent or the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 on private land
- Trading on public land in accordance with an approved event

## **3. DEFINITIONS**

**Council** means Murrumbidgee Council

**Vending Vehicle** includes any mobile or stationary vehicle and any adjacent area reasonably used for the purpose of displaying and selling commodities; but excludes service vehicles such as mechanics, carpet cleaning services, gardening services and the delivery of pre-ordered commodities such as pre-ordered meals.

#### **4. COUNCIL POLICY**

##### Approval

- 4.1 An application for approval to operate a vending vehicle within the Murrumbidgee Local Government Area must be completed by the applicant and submitted to Murrumbidgee Council for approval by the Director Planning, Community & Development (or equivalent position) or their nominated delegate.
- 4.2 After the granting of the initial approval to operate a vending vehicle within the Murrumbidgee Local Government Area, subsequent approvals are to be renewed annually with Murrumbidgee Council and will be subject to an application fee. This application should be lodged with Council at least one month prior to the expiry of the previous approval.
- 4.3 An approval to operate a vending vehicle includes approval under the provisions of Section 68 of the Local Government Act 1993 for the purpose of selling of commodities in a public place.
- 4.4 If the vehicle information provided with the initial application changes during the term of this approval, details of the change shall be advised in writing to Council within one week of the variation occurring.
- 4.5 Any vehicle and adjacent areas used for the purpose of displaying and selling commodities without the appropriate approval of Council, and/or not in accordance with this policy, or any license or direction of Council, is prohibited.
- 4.6 A copy of the certificate of approval must be kept with the vehicle at all times and the certificate must be provided on request by an authorised Council Officer.
- 4.7 Should the mobile food stall be based outside Murrumbidgee Council, the operator will need to complete the Temporary Food Stall Application Form and provide a copy of a current (within the last 12 months) inspection report from the Council where the vehicle is registered.

##### Inspection of Vehicle

- 4.8 The Council may require the vehicle to be made available for inspection at any reasonable time.
- 4.9 All mobile food vendors should be fully self-contained and not rely on Council to provide power, water or sewer services.

### Hours of Operation

- 4.10 The hours of operation for the vehicle selling or displaying commodities are limited from 7.00am to 7.00pm daily. In exceptional circumstances, hours of operation may be varied to the discretion of the Director, Planning, Community & Development (or equivalent position) or their nominated delegate.

### Approved Sites

- 4.11 Vendors shall operate only within the designated areas as identified in Appendix A.

### Selling Condition

- 4.12 Only the sale of foodstuffs and drinks will be allowed by mobile food vendors. No sale of alcohol, cigarettes or other products from mobile food vehicles will be approved.
- 4.13 The vendor is required to undertake a Food Safety Supervisor Course and keep a visible copy of the NSW Food Authority Certificate in the vehicle at all times.

### Vehicle Condition

- 4.14 All vehicles permitted under this policy shall be maintained in a clean and safe condition. Vehicles displaying or selling food are to comply with the Food Standards, Australian and New Zealand Food Safety Standards, Food Act 2003 and Transport for NSW registration and rules.
- 4.15 The vending vehicle must not be used for sleeping purposes.
- 4.16 Employees' personal belongings, cleaning equipment, soiled equipment, waste and commodities kept in the vehicle are to be physically separated.

### Waste Disposal

- 4.17 Suitable garbage receptacles with close-fitting lids must be provided in the vehicle.
- 4.18 When directed, a suitable receptacle must be provided outside the vehicle for placing litter.
- 4.19 All garbage must be removed daily, or more frequently when the need arises. Vendor packaging should not be disposed of in Council rubbish bins.
- 4.20 Any waste must be transported to a place that can lawfully be used as a waste facility for that waste. A copy of an appropriate Waste Management Plan must be provided to Council prior to approval.

### Public Nuisance

- 4.21 The use of the vehicle must not create an "offensive noise", as defined in the Protection of the Environment Operations Act 1997.
- 4.22 The use of equipment to amplify sounds in or on any public road or public place is prohibited unless prior consent of the Council is obtained. Such applications may be approved with or without conditions.

### Road Rules

- 4.23 Vehicles permitted under this policy shall not obstruct roadways or footpaths and shall not be driven or parked in such a way that is a hazard to other road users.
- 4.24 A vehicle permitted under this policy will not be exempt from any road rules, traffic and parking regulations or any similar legislation.
- 4.25 Vehicles permitted under this policy shall not be permitted to sell commodities in a demarcated School Zone.
- 4.26 The vendor is not to provide tables or chairs or other seating or furniture for customers.

### Statutory Approvals

- 4.27 A vehicle permitted under this policy shall comply with all relevant Acts, Regulations and Council Policies and nothing herein shall be taken as the granting of consent under the Environmental Planning and Assessment Act 1979.

### Public Liability

- 4.28 The proprietor must provide Council with a copy of their current Public Liability Policy for not less than \$20 million dollars indemnifying Murrumbidgee Council against any claims that arise from the operation of the vending vehicle.

## **5. EXCEPTIONS**

There are no exemptions under the Policy for mobile food vehicles.

**Note:** Section 158(3) of the Local Government Act 1993 requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council. To ensure the safety of food for human consumption, there will be no exemptions for compliance with the Policy in relation to mobile food vehicles.

## **6. LEGISLATION**

The following documents are related to the Policy:

- Section 356 of the Local Government Act 1993 (as amended)
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Food Act 2003.
- Food Regulation 2015
- Roads Act 1993
- Roads Regulation 2008
- Environmental Planning and Assessment Act 1979

## **7. RELATED DOCUMENTS**

The following documents are related to the Policy:

- Guidelines for Mobile Food Vending Vehicles (available on the NSW Government Authority Food website <http://www.foodauthority.nsw.gov.au/>)
- Office of Local Government Street Vending Control Guidelines

## **8. POLICY REVIEW**

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



## APPENDIX A

### Darlington Point Location – Darlington Point Swimming Pool Carpark Corner Carrington & Curphey Place





## Coleambally Location – Carpark at rear of Brolga Place

Corner Kingfisher Avenue and Brolga Place





## Jerilderie Location – Luke Park Parking Area

Powell Street

