

Mobile Food Vending Policy

Date policy was adopted:	24 April 2024
Resolution number:	175/24
Next Policy review date:	April 2025
Reference number:	52.5.4
Strategic Pillar	Development and Environment
Responsible Branch	Environment and Compliance

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1 OUTCOMES

- 1.1 Minimise any potential adverse impacts to the community from mobile food vending vehicles trading in a public place.
- 1.2 Establish guidelines that enable safe and lawful mobile food vending in public places
- 1.3 Promote mobile food vending throughout the area without adversely impacting existing fixed food businesses or residential amenity.

2 POLICY

- 2.1 There has been a surge in mobile food vending in Australia and this has resulted in Queanbeyan-Palerang Regional Council receiving a significant increase in enquiries and applications regarding mobile food vending.
- 2.2 This policy aims to provide a framework for those wanting to operate a mobile food vending business within the Queanbeyan-Palerang Regional Council local government area.

3 SCOPE OF THE POLICY

- 3.1 This policy covers the approval required for sale of food from a mobile vending vehicle that would be located on any public place within the Queanbeyan-Palerang Regional Council area.
- 3.2 The policy will address exemptions to the approval that would allow mobile food vending trading without the need for a section 68 activity approval under the *Local Government Act 1993*.
- 3.3 This policy applies to only part F7 within section 68 of the *Local Government Act 1993*.

4 DEFINITIONS

- 4.1 *Approval* – A mobile food vending approval under section 68 (F7) of the Local Government Act 1993.
- 4.2 *Council* – Queanbeyan-Palerang Regional Council
- 4.3 *Similar food product* – Any food that is similar by means of its type (burger, stir-fry, coffee) or cuisine.
- 4.4 *Public Place* – Means:
 - (a) A public reserve, public bathing reserve, public baths or public swimming pool, or
 - (b) A public road, public bridge, public wharf, or public road-ferry, or
 - (c) A Crown reserve comprising land reserved for future public requirements
- 4.5 *Sale of food* – As defined under the Food Act 2003.
- 4.6 *The Act* – Local Government Act 1993.
- 4.7 *Mobile food vending vehicle* – a road registered vehicle that has a prefabricated food processing area permanently setup within the vehicle.

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- 5.1 Local Government Act 1993
- 5.2 Food Act 2003
- 5.3 Roads Act 1993
- 5.4 Road Rules 2014
- 5.5 Road Transport (Vehicle Registration) Regulation 2017

- 5.6 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

6 CONTENT

6.1 Application Submission

- 6.1.1 Applications for a mobile food vending approval under section 68 (Part F7) of the Act must:
- (a) Be made on the approved "Activity Approval" Application form available on Council's website
 - (b) Be accompanied with the following additional documentation:
 - (i) Proof of current vehicle registration
 - (ii) Proof of current public liability insurance of \$20,000,000 per occurrence or with respect to any one claim.
 - (iii) A cover letter detailing the type of food, proposed operating times and days, description of method of operation and proposed methods of traffic/pedestrian impact management.
 - (iv) A map detailing all proposed locations of trade.
- 6.1.2 The approval will last one year (12 months) from the date noted on the approval. The approval will cease to be valid after 12 months and a new application form, fee and supporting documentation must be provided if the applicant wishes to continue trading.
- 6.1.3 Applications must be made to Council's CEO at council@qprc.nsw.gov.au or in person to one of Council's Customer Service Centres.

6.2 Fees and Charges

- 6.2.1 The application fee for a section 68 (F7) approval is listed in the current Council Fees and Charges that can be found on Council's website
- 6.2.2 Failure to pay the fee within 28 days will result in Council cancelling the mobile food vending approval application and should the applicant wish to gain an approval, a new application will have to be submitted to Council.
- 6.2.3 Council will not issue a refund of any fees paid if the business is sold or transferred. A new owner of the mobile food vending business must make a new application and pay the associated fee for the approval.
- 6.2.4 Mobile food vending vehicles garaged within the local government area will also be inspected as part of Council's Food Safety Inspection Program under the *Food Act 2003*. Inspection fees apply in these circumstances and are listed in the current Council Fees and Charges.

6.3 Exemptions

- 6.3.1 There are no exemptions given to mobile food vendors when trading in a public place within the Council area however, a mobile food vendor does not need a mobile food vending approval if they are:
- (a) Trading wholly within the boundary of private land and in compliance with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
 - (b) Trading at a Council approved pre-organised event

- (c) Trading within a park, sporting field, or other public place under a separate booking system/approval specifically with the Council.

6.4 Application approval criteria

- 6.4.1 For Council to approve a mobile food vending application, the following criteria must be met:
 - (a) All supporting documentation listed in section 6.1 of this Policy has been submitted and the application fee has been paid.
 - (b) The indicated trading location/s meet the conditions listed in section 6.5 of this Policy.
 - (c) Compliance with the NSW Food Authority Guideline for Mobile Food Vending Vehicles, July 2020 (revisions or creation of a new guideline will supersede this guideline).
 - (d) A satisfactory mobile food vending inspection prior to final approval. Vendors will be required to organise a time with Council to attend the Council office for an inspection of the mobile food vending vehicle.

6.5 Appropriate locations for trading

- 6.5.1 Trading must not occur on any road or road related area with a speed greater than 50kph.
- 6.5.2 Trading must not occur on a road or road related area owned by Transport for NSW (official rest areas/stops are appropriate with Transport for NSW approval).
- 6.5.3 Trading cannot occur within the CBD area of Queanbeyan (see appendix A).
- 6.5.4 Mobile food vehicle cannot be located within 100m of a fixed food business that sells any similar food products.
- 6.5.5 Mobile food vehicles located on the road in front of or across from a residential property can only remain if customers are being served. Once customers have been served the food vehicle must move to another location (minimum 100m away) and must not return to a previous location for at least 1 hour.
- 6.5.6 Mobile food vehicles must comply with existing road rules and parking restrictions, including no parking on footpaths or across driveways.
- 6.5.7 Trading must not occur within "School Zones" as defined by Road Rule 23 of the Road Rules 2014.
- 6.5.8 Customer parking and pedestrian safety will be considered with all trading locations and may impact suitability of a location.

6.6 Complaints received by Council

- 6.6.1 Should Council receive complaints regarding the operation of a mobile food vehicle, an investigation will be undertaken to determine the validity of the complaint. If Council determines that the complaint is valid, Council may modify or revoke the approval.
- 6.6.2 Complaints may result in an investigation are those which relate to non-compliance with the conditions of the approval or any other issue that falls within the scope of section 109 of the *Local Government Act 1993*.

6.7 Objections from the public

6.7.1 If Council receives 5 similar objections from the public (separate households) regarding the approval, then the objections and approval may be referred to a Council Meeting for consideration which may result in modification of the existing approval.

6.8 Mobile food vending vehicle dimensions

6.8.1 The dimensions of a mobile food vending vehicle must not exceed the length of 7m and must not be wider than 2.5m. It is the responsibility of the operators to check local restrictions on parking times based on vehicle length and weight prior to trading.

6.9 Hours of operation and duration

6.9.1 Trading can only occur during daylight hours. Trading after sunset or before sunrise is not permitted. This is to mitigate safety issues.

6.9.2 A mobile food vending vehicle must return to its garaged address or other suitable private property parking arrangement at the end of each day.

6.10 Deliveries

6.10.1 No deliveries are to be received when trading except where specifically authorised in the approval. All mobile food vehicles are to arrive at their locations fully equipped.

6.11 Prohibited items for sale

6.11.1 No mobile food vending vehicle operator is permitted to sell the following when operating under this approval:

- (a) Alcohol products that require a liquor licence or equivalent licence
- (b) Tobacco products.

6.12 Signage or advertisement

6.12.1 No sign or display may be erected which is not attached to the mobile food vending vehicle.

6.12.2 No flashing or rotating lights for attracting customers or advertisement, other than those required under the *Road Transport (Vehicle Registration) Regulation 2017*, are permitted on the mobile food vending vehicle.

6.13 Amplified sound equipment and car horns

6.13.1 The mobile food vehicle must not use any amplified sound equipment or car horn for the purpose of attracting or notifying customers.

6.13.2 Any amplified sound equipment used when the mobile food vending vehicle is stationary must not be able to be heard by existing businesses or residential properties.

6.14 Issuing of approval

- 6.14.1 Each approval is specific to each mobile food vending vehicle and is not transferrable to other vehicles.
- 6.14.2 This policy addresses only the use of a standing vehicle or any article for the purposes of selling food in a public place.
- 6.14.3 Approval cannot be transferred to another person or corporation.
- 6.14.4 The approval is only valid for the Queanbeyan-Palerang Regional Council local government area.
- 6.14.5 The approval will last for 12 months from the date of commencement noted on the approval.
- 6.14.6 The approval does not grant permission to trade within Council owned or managed parks or reserves. Separate approval must be sought from the Council for use of such areas.
- 6.14.7 Modifications to the mobile food vending vehicle internal layout or major changes to the type of food preparation within the vehicle requires prior agreement by Council's Environmental Health section.
- 6.14.8 Any change of applicant details (contact information, registered address, etc) must be updated with Council and may require modification of the approval.
- 6.14.9 Approvals will be issued subject to conditions including, but not limited to, compliance with this policy.

6.15 Right of appeal

- 6.15.1 The applicant can object to the application of regulations and local policies on the approval. Any objections must be made in accordance with section 82 of the Local Government Act 1993 and in writing to the Service Manager of Natural Landscapes and Health via council@qprc.nsw.gov.au.

7 REVIEW

- 7.1 This policy will be reviewed every four years or earlier as necessary if:
 - a) legislation requires it, or
 - b) Council's functions, structure or activities change

APPENDIX A

QUEANBEYAN CBD MAP (INDICATED IN BLUE)

