



Mobile Food Vending Vehicles Policy

Adopted: 27 July 2022

TRIM 157593.2022

Mobile Food Vending Vehicles Policy

DIRECTORATE: Community & Culture

BUSINESS UNIT: Events

1. PURPOSE/ OBJECTIVES

The purpose of this policy is to provide a framework relating to the management and operations of mobile food vehicles in the Liverpool Local Government Area (LGA).

2. SCOPE

This policy applies to the following activity, as specified under Section 68 of the Local Government Act 1993. Standing vehicle referred to in a Section 68 application includes any mobile food vending vehicle that has stopped to make a sale, or with the intention to sell. Council must consider the criteria as outlined in this policy when determining applications for mobile food vending vehicles approvals to operate within the Liverpool LGA.

There are a few objectives of this policy. They are to:

- a) Ensure pedestrian and road safety at all times.
- b) Ensure food safety and hygiene standards are always met.
- c) Ensure consistency in the operation and installation requirements for mobile food vehicle.
- d) Ensure consistency and equity in the approval, application assessment and inspection process for mobile food vehicles operators; and
- e) Ensure the viability of existing local business operators is not unreasonably compromised by the operation of mobile food vehicle operations throughout the Local Government Area.

3. DEFINITIONS

Mobile Food Vending Vehicle includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.

A mobile food vending vehicle includes any mobile van, truck, trailer or movable module used for the purpose of selling any article of food. A mobile food vending vehicle may be erected, installed, or located in a public place or public reserve which is used for the sale of food for the duration of any sporting event, fete, fair, festival, carnival, community markets or similar event.

4. POLICY STATEMENT

4.1 CONDITIONS OF APPROVALS

Council seeks to support food traders currently operating or wishing to operate from commercial premises within the Liverpool LGA. The following conditions seek to ensure that mobile food vending vehicles do not unfairly compromise the economic viability of existing shop front food operators during peak trading periods:

- Liverpool CBD locations and operational hours of mobile food vending vehicles may be limited subject to the impact of existing business hours for surrounding food premises.
- Mobile food vending vehicles must not be located less than 100 linear meters away from an existing fixed food business of the same primary food type.
- No more than four mobile food vending vehicles can gather in one location, unless as part of a specific event approved by Council's Events Team.
- Trading permits will be reviewed annually to ensure existing local food businesses within Council activity areas are not unduly affected by nearby mobile food vending vehicles.
- Food vendors must not attempt to sell any article of food away/separate from the mobile food vending vehicles.
- Where temporary events and festivals are approved by Council, consideration will be given to providing existing businesses with first right of refusal to operate mobile food vending vehicles in the local area.
- If carried out on land within or immediately adjacent to a residential zone it can only be carried out between 7.00 am and 7.00 pm on any day (State Environmental Planning Policy Exempt and Development Codes 2008). For variations to these times, a development application will be required.
- Separate section 68 approval will be required of the Local Government Act 1993 if operators seek to use tables, chairs, and other structures such as tents, marquees, and similar structures.
- No amplified music, live music, spruiking, or the like is permitted, unless specific approval has been granted by Council.
- Approvals must always be kept on the mobile food vending vehicles and are not transferable.
- If the business is sold, the new operator must complete a new application form (section 68) and submit to Council all the supporting documents.

- It is a requirement that all food businesses notify Council of their business and food activity details before commencement of food handling operations.
- Council reserves the right at its absolute discretion to refuse an application for an approval under Section 68 of the *Local Government Act 1993*.
- All mobile food vending vehicles shall be designed, constructed, and operated in accordance with the *Food Act 2003*, *Food Regulation 2015*, Australia New Zealand Food Standards Code and NSW Food Authority's "Guidelines for Mobile Food Vending Vehicles" dated January 2017 and any subsequent revision approved by the NSW Food Authority.
- Liverpool City Council applies the NSW Food Authority's 'Advisory Guideline for Enforcement Agencies Regulating Mobile and Temporary Food Businesses' (Version 3) published October 2017. In accordance with these requirements, the vehicle would be inspected by the Council in which the vehicle is ordinarily garaged, even if the business does not intend to trade in this Council area.
- If the mobile food vending vehicle is garaged outside the Liverpool LGA, Liverpool City Council's Authorised Officers would accept a satisfactory inspection report no older than twelve months from the home Council. If a recent inspection report is not provided by the operator, is over 12 months old, or has a major non-compliance issue outstanding, then Council's Authorised Officer may carry out an inspection of the mobile food vending vehicle which will be invoiced in accordance with Council's approved fees and charges.
- Category 1 mobile food vending vehicles are typically inspected once a year. A satisfactory Council inspection report from another Council no older than twelve months will be accepted.
- Category 2 and 3 mobile food vending vehicles are typically inspected twice per year. These inspection regimes are based on risk classifications. A satisfactory Council inspection report from another Council no older than six months will be accepted.

Specifications for mobile food vending vehicles must be no wider than 2.5m and 7.5m or greater in length require separate road occupancy permits.

Council seeks to support food traders currently operating or wishing to operate from commercial premises within the Liverpool LGA. The following conditions seek to

4.2 PEDESTRIAN, PROPERTY AND TRAFFIC CONSIDERATIONS

Mobile food vending vehicles must:

- Not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land.
- Not obstruct the operation of, or access to, any utility services on the land or on adjacent land.

- Not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land.
- Not result in any damage to public property on the land or on adjacent land.

4.3 AMENITY, SAFETY AND CLEANLINESS

The operation of mobile food vending vehicles must consider impacts on the community amenity, other businesses, and the environment as follows:

- The location and operation of mobile food vending vehicle must not have a detrimental impact on the safety of pedestrians and other road users.
- Access to a mobile food vending vehicle must be by an adjacent pedestrian walkway and not a roadway.
- Mobile food vending vehicle must comply with parking restrictions and applicable road rules.
- Residential amenity shall not be unreasonably affected by the operation of mobile food vending vehicle.

4.4 SIGNAGE

This policy does not infer any approval for the erection or display of any sign in association with the operation of any mobile food vending vehicle. Please refer to Councils Signage on Council Land Policy.

4.5 ANIMALS & PESTS

All practicable measures must be taken to prevent pests (including birds, spiders and flying insects) from entering or remaining in the vehicle.

4.6 CONTROL OF POLLUTION

Operators are to comply with the Protection of the Environment Operations Act 1997, which contains provisions relating to pollution, including prevention of offensive noise, smoke, odour, and wastewater discharges.

4.7 NON – COMPLIANCE

Council's Authorised Officers may take enforcement action for non-compliance with condition of an approval to operate has not been complied. Council may modify or revoke the approval and issue a Penalty Notice (PN) also instigate legal proceedings for non-compliance with the maximum penalty is currently \$2,200 (Section 627 of the *Local Government Act 1993*).

4.8 FOOD HANDLING

All food businesses are required to comply with the Food Act 2003, Food Regulation 2015, Australia New Zealand Food Standards Code and NSW Food Authority's "Guidelines for Mobile Food Vending Vehicles" dated January 2017 and any subsequent revision approved by the NSW Food Authority. The requirements also apply to pre-packaged food and low-risk food. Fact sheets and user guides are available on the Food Standards Australia New Zealand website (www.foodstandards.gov.au).

4.9 WATER SUPPLY

The mobile food vending vehicle must be provided with an adequate supply of potable water stored in approved containers and suitably protected against contamination, for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes.

The mobile food vending vehicle is to be equipped with a wastewater tank external to the vehicle, of at least 50 litre capacities with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

All hot water for washing purposes is to be supplied from a suitable hot water system and should be connected so it can be mixed with cold water.

4.10 PREPARING FOOD AT HOME

Separate approval may be required for the preparation of food as part of a home-based business.

Council's duty planner can be contacted on 1300 36 2170 to discuss the approval process in further detail.

4.11 MAINTENANCE

The mobile food vending vehicle and its associated fixtures, fittings and equipment must be kept clean and in a good state of repair and working order, free from dirt, fumes, smoke, foul odours, and other contaminants.

4.12 USEFUL CONTACTS

Liverpool City Council

Tel: 1300 36 2170

Calling from interstate: (02) 8711 7000

Website: www.liverpool.nsw.gov.au

NSW Food Authority

Tel: 1300 552 406 (local call Australia-wide)

+61 (02) 9741 4850 (outside Australia)

(02) 9199 8253 (within Australia)

Website: <http://www.foodauthority.nsw.gov.au>

Email: food.contact@dpi.nsw.gov.au

Food Standards Australia New Zealand

Website: <http://foodstandards.gov.au>

Food Standards Code: <http://www.foodstandards.gov.au/code/Pages/default.aspx>

4.13 LEGAL

The mobile food vending vehicle and its operation shall comply with the Food Act 2003, Food Regulation 2015, Australia New Zealand Food Standards Code and NSW Food Authority's "Guidelines or Mobile Food Vending Vehicles" dated January 2017 and any subsequent revision approved by the NSW Food Authority.

The proprietor of the mobile food vending vehicle must hold a current and valid public liability insurance policy for the minimum sum of \$20,000,000 with Council specifically endorsed on the policy.

Operation of mobile food vending vehicle must be confined to residential areas and lightly trafficked roads. Vending is strictly prohibited in arterial, sub-arterial or collector roads.

These roads are listed below, although Council may include other roads in the future:

Hume Highway	Hoxton Park Road
Nuwarra Road	Elizabeth Drive
Newbridge Road	Flowerdale Road
Heathcote Road	Orange Grove Road
Walder Road	Copeland Street
Epsom Road	Memorial Avenue
Governor Macquarie Drive	Green Valley Road
Alfred Road	Cartwright Road
Junction Road	South Liverpool Road
Moorebank Avenue	North Liverpool Road
Hill Road	Maxwells Avenue
Wonga Road	Banks Road
De Meyrick Avenue	Busby Road
Reilly Street	Heckenberg Avenue
Kurrajong Road	

A Food Safety Supervisor shall be appointed if food handling activities involve processing and selling food that is ready-to-eat, potentially hazardous (requires temperature control) and not sold and served in the supplier's original package. Further information can be obtained in the 'Guideline to Food Safety Supervisor Requirements' published by the NSW Food Authority. A copy of the Food Safety Supervisor certificate shall always be kept inside the mobile food vending vehicle and presented to Council's Authorised Officer upon request.

4.14 CONSTRUCTION

The driving compartment of the mobile food vending vehicle shall be separated from the food preparation, storage, or sales area in a permanent manner acceptable to Council's Authorised Officer.

The floor of the mobile food vending vehicle shall be constructed of materials which are impervious and durable to ensure that they are: able to be effectively cleaned; unable to absorb grease, food particles or water; laid so that there is no ponding of water; and unable to provide harbourage for pests. The intersections of walls and floors shall contain coving with a minimum radius of 25mm.

The walls and ceiling of the mobile food vending vehicle shall be sealed to prevent the entry of dirt, dust, and pests; unable to absorb grease, food particles or water; able to be easily and effectively cleaned; and unable to provide harbourage for pests.

Fixtures, fittings, and equipment shall be designed, constructed, located, and installed so that: there is no likelihood that they will cause food contamination; they are able to be easily and effectively cleaned; adjacent floors, walls, ceilings, and other surfaces are able to be easily and effectively cleaned; and to the extent that is practicable, they do not provide harbourage for pests.

The mobile food vending vehicle shall be provided with a potable water (i.e., safe for human consumption) supply tank of enough volume to enable food preparation and effective washing of hands and equipment during a normal day's operation.

A hand washing facility supplied with a constant supply of warm running water through a single outlet or mixer must be provided in the mobile food vending vehicles. The hand washing facility must be clearly designated for the sole purpose of washing hands, arms, and face. A supply of soap and single-use towels must always be maintained at or near the hand washing facility. An additional sink/s connected to a supply of hot and cold water is required for washing equipment, utensils, and the like.

The vehicle must be equipped with a wastewater tank external to the vehicle, of at least 50 litre capacities with an outlet of enough diameter to facilitate easy flushing and cleaning. Disposal of all liquid wastes generated within the mobile food vending vehicle must be discharged to sewer or as approved by Council's Authorised Officer.

The temperature of potentially hazardous food shall be either 5°C or colder or 60°C or hotter when it is received, displayed, transported, or stored. A temperature measuring device such as a digital probe thermometer shall be readily accessible to accurately measure the temperature of potentially hazardous food to +/- 1°C'.

All electrically powered machinery and equipment within the mobile food vending vehicle must be capable of being connected to a 240v mains supply when and where available.

An adequate number of garbage receptacles must be provided for collection of waste originating from the business. Arrangements for the proper disposal of this waste must be to the satisfaction of a Council's Authorised Officer.

Mobile food vending vehicle must have enough natural or mechanical ventilation. The mobile food vending vehicles must be maintained to a standard of cleanliness so that there is no accumulation of garbage or recycled matter (except in appropriate containers), food waste, dirt, grease, or other visible matter.

4.15 LEGISLATIVE REQUIREMENTS

Local Government Act 1993

Local Government (General) Regulation 2005

Food Act 2003

Food Regulation 2015

Roads Act 1993

Roads Regulation 2008

Environmental Planning and Assessment Act 1979

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

Road Transport (Vehicle Registration) Regulation 2007

Protection of the Environment Operations Act 1997

4.15 COMPLIANCE

Owners and operators must comply with prescribed legislative instruments relating to the operation of mobile food vending vehicles and the processing of food for retail sale as outlined in the Mobile Food Vending Vehicles policy.

Compliance with current food safety standards and routinely inspected by Council's Authorised Officers.

The environmental impact of the operators is always managed. All operators are required to provide detail around their noise and waste management practices via the application process. A waste management plan is also requested as part of the application process.

Council will consider approval of mobile food vending vehicles under Section 68 of the Local Government Act 1993 according to the three following categories.

Category 1 – Mobile Food Vending Vehicles without kitchen

This category is intended to apply to traditional street vendors such as “Mr Whippy” vans whereby a vehicle drives through a street, stops makes a sale and moves on.

Food and drinks that do not require a kitchen and are not potentially hazardous except for processes that have a minimal food safety risk such as the frothing of milk, or the serving of frozen dairy. Foods may be pre-packaged or served directly from its package/container and do not require heating or cooking. The vehicle must meet relevant design and layout standards to ensure food safety requirements are met. Examples of food types include tea, coffee, drinks, cakes, sweets, frozen yoghurt, pre-packaged ice-cream, soft serve ice-cream or other similar foods.

The operator must leave immediately after having served a customer and must not return or selling over the same ground within one (1) hour.

Mobile Food Vending Vehicle are only permitted to undertake street trading between 8.00am to 8.00pm (dawn to dusk) in accordance with this policy.

Category 2 – Mobile Food Vending Vehicles with kitchen

This category is intended to apply to mobile food vending vehicles who are essentially a mobile kitchen that set up for the day/night to trade at an approved venue.

There are no restrictions to the menu for approval and includes the service of any potentially hazardous food. This vehicle can be a mobile kitchen and are well-equipped and enable the operator to complete all activities within the vehicle. Examples of the types of food this category of mobile food vending vehicle can serve include dumplings, pasta, tacos, flame-grilled meats, stir fry noodles, grilled skewers, fish & chips, burgers, or other similar foods.

Mobile food vending vehicle may be permitted to trade in all public places (Council's land) subject to the category of approval held. Please refer to the "Locations" section of this standard for further details.

Operation may be limited during external and Council's events.

Category 3 – Mobile Food Vending Vehicles within Council approved events

This category is intended to apply for mobile food vending vehicles who are trading within and during events that are held on Council controlled land.

There are no restrictions to the menu for approval and includes the service of any potentially hazardous food. This vehicle can operate in accordance with Category 1 and 2 types of menus offering.

Mobile food vending vehicle must operate within the approved terms, conditions, and hours of the event. Must comply with the relevant requirements from the Council's Public Event Manual.

This policy applies to all Council-owned and controlled land within the Liverpool LGA. It does not apply to the use and operation on private land. Such activities may require a development application (DA) but maybe exempt from a requirement to obtain development consent, subject to the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The operation of a mobile food vending vehicle or selling of any food from a mobile vehicle in a public place within the Liverpool LGA without prior approval is an offence under the Local Government Act 1993.

Mobile food vending vehicle will be issued an approval valid for twelve months and fee will be charge according with Council's Revenue Pricing Policy. If the mobile food

vending vehicles occupies a paid parking space, they are required to pay the prescribed parking fee and if stationed within the Liverpool city centre, 15 minutes free parking tickets will not apply. Council always reserves the right to issue approvals for a period of less than 12 months and conditions of operation to be complied with.

Health Business Registration Application form

https://www.liverpool.nsw.gov.au/_data/assets/pdf_file/0015/111903/HEALTH-BUSINESS-REGISTRATION-APPLICATION-FORM.pdf

Section 68 – Approval of Activities Form

<https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>

4.17 PERMITTED TRADING LOCATIONS – MOBILE FOOD VEHICLES

LOCATION NUMBER	SITE NAME	STREET ADDRESS
1	Liverpool Old Court House	251 Bigge Street, Liverpool, NSW, 2170
2	Bathurst Carpark	23 Bathurst Street, Liverpool, NSW, 2170
3	Macquarie Mall	Macquarie St entrance Elizabeth St entrance
4	Bigge Park	124 Bigge Street, Liverpool, NSW, 2170
5	Woodward Park	44 Hoxton Park Road, NSW, 2170
6	Apex Park	Elizabeth Street, Liverpool, NSW, 2170
7	Collimore Park	Collimore Avenue, Liverpool, NSW, 2170
8	Light Horse Park	1 Atkinson Street, Liverpool, NSW 2170
9	Casula Parklands	1 Powerhouse Rd, Casula NSW 2170
10	Carnes Hill Recreation Centre	600 Kurrajong Rd, Carnes Hill, NSW 2171
11	Liverpool Regional Museum	460-470 Hume Hwy Way, Liverpool 2170
12	Berryman Reserve (Warwick Farm Station)	Remembrance Ave Warwick Farm NSW 2170
13	Australis Park	Australis Ave Wattle Grove NSW 2173
14	Chipping Norton Lakes	Ascot Dr Chipping Norton, NSW 2170
15	Voyager Park	21 Orlando Cres, Voyager Point NSW 2172

Note: Council may change the proposed locations and will consider other proposed Council controlled sites within the Liverpool LGA, but these will be assessed according to this policy and other relevant legislation.

4.18 PERMIT PROCESS

Mobile Food Vending Vehicle permit process
An application to be submit via online or in person at customer service counter
Events Approving Officer will assess the application ensuring all supporting documents are provided
Events Approving Officer liaise with the applicant for any additional information required
Events Approving Officer liaise with Environmental Health for feedback
Events Approving Officer liaise with Duty Planner for Planning advice
Events Approving Officer liaise with Senior Officer City Precinct for potential impact on existing businesses
Events Approving Officer liaise with Property and Parking Department for feedback on nominated trading location
Events Approving Officer liaise with Traffic Department if a traffic management plan is required
Events Approving Officer liaise with Recreation for potential impact on user group
Events Approving Officer liaise with Risk Department if a risk assessment is required
Events Approving Officer issue permit
Events Approving Officer conducting random patrol for compliance and feedback

5. THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Community and Culture (Events)
Corporate Services (Governance and Legal)
Economic Development
Planning and Growth (Community Standards)

6. REFERENCES

Public Event Manual
Food Safety at Temporary Events
Australia New Zealand Food Standards Code
Guidelines for Food Businesses at Temporary Events
NSW Food Authority's Guidelines for Mobile Food Vending Vehicles
City of Sydney Mobile Food Vending Vehicles Local Approvals Policy 2019

AUTHORISED BY

Acting Chief Executive Officer (CEO)

EFFECTIVE FROM

This date is the date the policy was approved by the Council

REVIEW DATE

This date will be 4 years after the Council has endorsed it.

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Community and Culture	Changed from Policy to Standard	20-09-2021	010044.2021
2	Community and Culture	Changed from Standard to Policy	27 July 2022	157593.2022