

Management of Mobile Food Vending Vehicles on Council Owned or Managed Land

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1. Purpose

- 1.1 The purpose of this Policy is to provide the requirements for Mobile Food Vending Vehicles on Council Owned or Managed Land (including roads).
- 1.2 All mobile food vending vehicles require approval by Shoalhaven City Council prior to operating in public places.
- 1.3 The Policy supplements the provisions of the:
 - 1.3.1 Local Government Act 1993 (NSW);
 - 1.3.2 Crown Land Management Act 2016;
 - 1.3.3 Food Act 2003 (NSW);
 - 1.3.4 Road Rules 2014 (NSW); and
 - 1.3.5 Guidelines for Mobile Food Vending Vehicles – NSW Government Food Authority;

2. Local Approvals Policy

- 2.1 This Policy is a Local Approvals Policy prepared and adopted under Section 158 of the Local Government Act 1993 (NSW).

3. Scope

- 3.1 This Policy applies to Mobile Food Vending Vehicle operators wishing to use Council Owned and Managed Land (including roads) within the Shoalhaven City Council Local Government Area
- 3.2 This Policy **DOES NOT APPLY** to Mobile Food Vending Vehicles:
 - 3.2.1 Trading in accordance with development consent on private land;
 - 3.2.2 Trading on public land in accordance with an approved event;
 - 3.2.3 Providing catering services to private events;
 - 3.2.4 That possess a current Section 68 (Local Government Act 1993) approval and operate in any one position on a public road for such time as is necessary to engage in the actual serving of a customer. Upon completion of serving the customer, the vehicle must move on and not return to solicit customers over the same ground within one (1) house and shall restrict vending to lightly trafficked roads only; or
 - 3.2.5 With approval to operate on Council owned or managed land that is not a public road or carpark, such as reserves, in accordance with the Occupation of Council Owned or Managed Land Policy (POL22/98).

4. Review

- 4.1 This Policy will be reviewed within 12 months of the election of a new council.

5. Other documents

- 5.1 The following documents are related to this Policy:
 - 5.1.1 Local Government Act 1993 ;
 - 5.1.2 Local Government (General) Regulations 2005 ;
 - 5.1.3 Food Act 2003 (NSW);

- 5.1.4 Environmental Planning and Assessment Act 1979
- 5.1.5 Crown Land Management Act 2016;
- 5.1.6 Crown Land Regulation 2018 ;
- 5.1.7 Road Rules 2014 (NSW);
- 5.1.8 NSW Food Authority – Guidelines for Mobile Food Vending Vehicles;
- 5.1.9 Shoalhaven Local Approvals Policy 2022.

6. Exemptions under this policy

- 6.1 There are no specified exemptions to the requirement to obtain approval under this Policy.

7. Approvals

- 7.1 This Policy applies to approvals for an activity as per Section 68 F Item 7 of the Local Government Act 1993 (NSW), namely:
 - “7. Use a standing vehicle or any article for the purpose of selling any article in a public place.”*
- 7.2 Mobile Food Vending Vehicles will be issued an approval that will contain conditions of operation to be complied with at all times.
- 7.3 Council will charge a fee for the relevant category of Mobile Food Vending Vehicle as per the schedule of fees and charges documents on Shoalhaven City Council's website.
- 7.4 Approvals shall take effect from 1 July each year and shall expire on 30 June in any given year; or any other time as stated on the approval no greater than 12 months.
- 7.5 Approval grants permission for Mobile Food Vending.

8. Applications for approval

- 8.1 The completed forms must be accompanied with supporting documentation required as outlined in the application form “Application for Mobile Food Vending Vehicle – Permit – Council owned and managed land”, including a current Section 68 approval for Mobile Food Vending Vehicle in accordance with the LGA 1993.

9. Fees

- 9.1 An application fee applies to the assessment of an application for the approval to operate a Mobile Food Vending Vehicle. Applications not accompanied by a payment of the applicable fee will not be processed and may be refused after 5 days if a payment is not made.
- 9.2 In accordance with Section 68 conditions, an inspection fee is payable at the time of inspection. The fee covers the initial inspection of the vehicle, which is required prior to commencing Trade.
- 9.3 An annual permit fee applies.

- 9.4 Council **WILL NOT** refund any fees paid if the business is sold or transferred. The purchaser will need to reapply for approval under this Policy.

10. Issuing of approvals

- 10.1 Approvals and/or temporary licences Permits will be issued on a per vehicle basis.
- 10.2 An approval Permit will be provided to all Mobile Food Vending Vehicles when final approval has been issued.
- 10.3 The approval Permit must be attached and displayed on the approved vehicle in a location clearly visible to the customers at all times whilst in operation.
- 10.4 Any modifications to the vehicle, excepting cosmetic, requires prior approval of Council.
- 10.5 Approvals are specific to each Mobile Food Vending Vehicle, and they are not transferrable between vehicles.
- 10.6 No ownership transfer of Council approval, by either Section 68 Local Government Act (NSW) or Crown Land Management Act 2016, is permitted. All applicants will be required to pay the appropriate fee, and lodge all new application paperwork specific to their business prior to any approvals being issued to the new owner.
- 10.7 Approvals will be issued subject to conditions including, but not limited to, compliance with the Policy.
- 10.8 Applications for renewal of approvals must be lodged prior to 30 May in any given year to enable an adequate processing period.
- 10.9 A new application will be assessed at time of application and terminate at 30 June in that financial year
- 10.10 Failure to adhere to any condition of approval and/or legislation may result in modification, suspension or revocation of the approval, in addition to persecution or the issue of fines;
- 10.11 Operators must notify the NSW Food Authority of their Food Business prior to commencement of operation.

11. Locations

- 11.1 The approved locations where Mobile Food Vans can operate on Council Land are provided in *Schedule: Mobile Food Vending Vehicle Locations*. Locations are occupied on a first come first serve basis. Operating on other Council owned lands is prohibited unless operating in accordance with Section 3.2.

12. Hours of operation

- 12.1 Mobile Food Vending Vehicles must only trade for a maximum of 5 hours between the hours of 7am to 7pm unless otherwise approved.

13. Liquor licencing

- 13.1 All Mobile Food Vending Vehicles are prohibited from obtaining a Liquor Licence and/or selling alcohol to the Public.

14. Customer seating

- 14.1 The placement of tables, chairs or other seating apparatus, is not permitted at any time in or around the Mobile Food Vending Vehicle.

15. Penalties applicable to approvals

- 15.1 The penalties for failure to obtain an approval or failure to comply with an approval for a Mobile Food Vending Vehicle are set out in the Local Government Act 1993 and the Local Government (General) Regulation 2005. Council reserves the right to determine the legal remedy for breaches of this Policy.
- 15.2 City Rangers or other Authorised Council Officers may take enforcement action for non-compliance with the Policy and all related Legislation.
- 33.3 Should Council issue non-compliance notice, then Council at its sole direction may rescind the Mobile Food Vending Vehicle permit.