

## MOBILE FOOD VENDORS POLICY

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### POLICY OBJECTIVE

The objective of this policy is to provide the framework for the operation of mobile food vending vehicles in the Wentworth Shire Local Government Area.

### 1. POLICY STATEMENT

The intent of this policy is to ensure that Wentworth Shire Council establishes systems which sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the on-street trading parameters.

### 2. POLICY COVERAGE

This policy applies to the Wentworth Local Government Area.

### 3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision making and service delivery

### 4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
<b>Mobile Food Vendor</b>	A food vendor who has a <i>Mobile Food Vendor Permit</i> and operates a licensed food vending vehicle or trailer.
<b>Mobile Food Vending Vehicle</b>	A mobile food vending vehicle is a vehicle location on Council-owned roads and managed land used in connection with the preparation and/or sale of food.  It includes vehicles used for on-site food preparation (e.g. Hamburgers, hot dogs, and kebabs), one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food. For the purposes of this policy " <i>mobile food vending vehicle</i> " refers to both food trucks and food vans, being vehicles that are registered within the meaning of the <i>Road Transport Act 2013</i> .
<b>Council-owned roads</b>	Council-owned roads includes all of the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.
<b>Managed land</b>	Council managed land includes all crown land and reserves within the Wentworth Local Government Area
<b>Standing Vehicle</b>	Includes any food truck or food van that has stopped to make a sale, or with the intention to sell

### 5. POLICY CONTENT

[Approval Process Mobile Food Vending Vehicles](#)

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Approval under the *Local Government Act 1993* is required to be obtained prior to commencement of operation of a mobile vending vehicle.

An application for approval to use a mobile food vending vehicle is to be made on the approved form. The prescribed fee is to be paid before the application is assessed.

Prior to the issue of an approval under this Policy, the mobile food vending vehicle is to be made available for inspection by Council officers.

All approvals will be issued with an end date of 30 June each financial year.

All approvals will be subject to conditions, including but not limited to compliance with this Policy.

Only the sale of food and drinks will be permitted from mobile food vending vehicles. No sale of alcohol, cigarettes or other products from mobile food vending vehicles will be allowed.

The applicant is required to submit a copy of public liability insurance, indemnifying the applicant to an amount of not less than \$20,000,000. This insurance is to be valid at all times.

### Design and construction of Mobile Food Vending Vehicles

All mobile food vending vehicles are required to:

- Be appropriate for the types of food produced and activities conducted
- Provide adequate space for all activities and all equipment to be used and stored
- Allow easy cleaning/sanitising procedures of all structures and equipment
- Prevent entry of pests, dust, fumes, smoke and other contaminants
- Exclude favourable sites for pests to harbour (live and breed)

### Parking/Standing of Mobile Food Vending Vehicles

Mobile food vending vehicles are to:

- Comply with local parking rules and restrictions
- Comply with relevant road rules
- Operate from Council approved locations only
- Ensure pedestrian ramps and footpaths are not compromised
- Ensure deliveries are not made while in operation
- Ensure the serving window does not open onto any part of a vehicular carriageway or cycleway

### Waste Management

Provisions for waste management are to include the following:

- Waste materials are to be collected in bins or suitable receptacles, bagged or contained, stored and disposed of at the cost of the operator
- Any waste produced by the operation of the mobile food vending vehicle is to be removed from the site via the mobile food vending vehicle at the end of the trading period
- The trading area is to be left in a clean and tidy condition at the end of each trading interval
- The trading approval holder is liable to reimburse Council for any cleaning cost incurred by Council during the duration of the trading period as a result of the operation of the mobile food vending vehicle.

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- Disposal of all liquid wastes generated within the food van is to be discharged to the sewer or as approved by an authorised Council Officer. Under no circumstances is liquid waste to be discharged to the ground or in the stormwater drain or natural waterways
- Details of liquid waste and garbage disposal arrangements must be supplied with the application for the mobile food vending vehicle.

### Potable Water Supply

The 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 vehicle is to be equipped with a waste water tank external to the vehicle, of at least 50 litre capacity 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 piped so it can be mixed with cold water.

### 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 waste water discharges.

### Noise

The emission of noise associated with the use of the vehicle, including the operation of any mechanical plant and equipment, is to comply with the following:

- The use of the vehicle must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*
- If any noise complaints are received and substantiated by an authorised Council officer, the officer may direct that the use of the food truck/business is to be suspended or moderated to prevent nuisance until attenuation measures are completed and Council has confirmed in writing that the use may resume.
- The operation of a mobile food vending vehicle is not to involve the use of any bell, music or other sound device to attract customers, nor while the vehicle is stationary.

### Odour

If any odour or smoke complaints are received and substantiated by an authorised Council officer, then the use of the vehicle or apparatus is to be moderated as directed by an authorised Council officer as deemed necessary to prevent nuisance.

### Use of Separate Premises/Preparing Food at home

Where the operation of the mobile food vending vehicle involves the use of premises within the Wentworth Shire Local Government Area, for the storage or preparation of food in conjunction with a mobile food vending vehicle, a Development Consent for such use may be required under the *Environmental Planning and Assessment Act 1979*.

A separate approval may be required for the preparation of food as part of a home business.

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### 6. RELATED DOCUMENTS & LEGISLATION

- *Local Government Act 1993*
- *Food Act 2003*
- *Roads Act 1993*
- *Environmental Planning and Assessment Act 1979*
- *Protection of the Environment Operations Act 1997*
- Food Standards Code
- Mobile Food Vending Vehicles – Operation, construction and food handling Guidelines 2017
- Department of Local Government Street Vending Control Guidelines 2017

### 7. ATTACHMENTS

Permitted Trading Locations

### 8. DOCUMENT APPROVAL

**For Council Policies please use the following, otherwise delete**

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on [Click here to enter a date..](#) All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed: .....

**General Manager Wentworth Shire Council**

[Click here to enter a date.](#)

**Date**

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**ATTACHMENT 1 – PERMITTED TRADING LOCATIONS**

<b>TOWNSHIP</b>	<b>Wentworth</b>
<b>SITE</b>	Junction Park Cadell Street
<b>PERMITTED TRADING HOURS</b>	7am – 8pm each day of the week
<b>CONDITIONS</b>	A maximum of two (2) traders may operate from the designated bays



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<b>TOWNSHIP</b>	<b>Curlwaa</b>
<b>SITE</b>	O'Donnell Park
<b>PERMITTED TRADING HOURS</b>	7am – 8pm each day of the week
<b>CONDITIONS</b>	A maximum of One (1) traders may operate from the designated bays



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<b>TOWNSHIP</b>	Dareton
<b>SITE</b>	Dareton Boat Ramp
<b>PERMITTED TRADING HOURS</b>	7am – 8pm each day of the week
<b>CONDITIONS</b>	A maximum of One (1) traders may operate from the designated bays



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<b>TOWNSHIP</b>	Buronga
<b>SITE</b>	Buronga Travellers Rest
<b>PERMITTED TRADING HOURS</b>	7am – 8pm each day of the week
<b>CONDITIONS</b>	A maximum of Two (2) traders may operate from the designated bays





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<b>TOWNSHIP</b>	<b>Buronga</b>
<b>SITE</b>	Buronga Riverfront
<b>PERMITTED TRADING HOURS</b>	7am – 8pm each day of the week
<b>CONDITIONS</b>	A maximum of One (1) traders may operate from the designated areas



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<b>TOWNSHIP</b>	<b>Gol Gol</b>
<b>SITE</b>	James King Park Car Park
<b>PERMITTED TRADING HOURS</b>	7am – 8pm each day of the week
<b>CONDITIONS</b>	A maximum of Two (2) traders may operate from the designated bays

