



## **MOBILE FOOD VEHICLES POLICY**

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## 1. BACKGROUND

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

Mobile food vehicles and street vending has become an increasingly common practice often filling a need in the market that is otherwise not met by existing retail and service offerings.

This type of business still needs to be regulated as they are serving food to the public similar to traditional land based food outlets, their location may pose a safety risk to road users and there is a need to ensure existing land based operators are not unfairly impacted by their service offerings. For these reasons, there is the need for a clear policy that provides for food safety, pedestrian and traffic safety as well as equity for existing local businesses.

This policy does not relate to permanent land based mobile food vehicles that may be the subject of a Development Application (DA) under the Environmental Planning and Assessment Act 1979. This policy does however place a number of operational restrictions on mobile food businesses to afford a level of protection to the viability of existing stationary or fixed food businesses vendors and to ensure that both types of businesses can mutually co-exist.

This policy aims to reinforce Liverpool City as a creative and vibrant city by; supporting new creative ventures, activating City places with input from business, community, and entrepreneurs, supporting vibrant streets and public places as a part of daily life throughout the year, incubating and developing new and creative ideas; and enriching the life of the City in streets, laneways and park lands.

## 2. PURPOSE/ OBJECTIVES

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

- 2.1. Ensure pedestrian and road safety at all times;
- 2.2. Ensure food safety and hygiene standards are met at all times;
- 2.3. Ensure consistency in the operation and installation requirements for mobile food vehicles;
- 2.4. Ensure consistency and equity in the approval, application assessment and inspection process for mobile food vehicles operators; and
- 2.5. 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 Vehicles** includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.

A mobile food vehicle includes any mobile van, truck, trailer or movable module used for the purpose of selling any article of food. A mobile food 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.

**LGA** means Local Government Area.

#### **4. APPROVALS TO WHICH THE POLICY RELATES**

This policy applies to the following activity, as specified in the Table under Section 68 of the *Local Government Act 1993*.

For the purposes of this policy a standing vehicle referred to in a Section 68 application includes any mobile food 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 vehicles approvals to operate within the Liverpool LGA.

#### **5. 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 Environment Planning Policy

Road Transport (Vehicle Registration) Regulation 2007

Protection of the Environment Operations Act 1997

#### **6. SCOPE**

These guidelines apply to the Liverpool LGA.

#### **7. PRINCIPLES**

- 7.1. Legislation and Policy: Owners and operators must comply with prescribed legislative instruments relating to the operation of mobile food vehicles and the processing of food for retail sale as outlined within the Liverpool City Council Mobile Food Vehicles Policy.
- 7.2. Performance Objectives: Owners and operators of mobile food vehicles must meet minimum performance standards having regard to:
  - 7.2.1. Protection of pedestrians and road users;
  - 7.2.2. Food safety and good hygiene practices to ensure the retail sale of safe and suitable food;
  - 7.2.3. Consistency in the installation and material requirements for mobile food vehicles;

- 7.2.4. The minimisation of any adverse impacts on the viability of business operators in or around areas in which the vehicles are operating will be included within Council's existing food surveillance initiatives as necessary.
- 7.3. Operational Assessment and Management Framework: Council will follow the operational framework outlined within the Guidelines to provide consistency and equity in the approval, application, assessment and inspection process for existing and future mobile food vendors. The impact of mobile food vehicles must not be permitted to detrimentally impact on the financial viability of existing stationary or fixed food businesses will be minimised otherwise in a situation where as impact can be controlled.
- 7.4. Education and Advice: A mobile food vehicles program will be included within Council's existing food surveillance as necessary to ensure compliance and standards are achieved.

## **8. SOCIAL IMPLICATIONS**

The mobile food vehicles service should aim to meet consumer demands where existing services currently do not exist. From the traditional ice cream vendor through to more sophisticated gourmet food offerings, the service should aim to provide a positive impact particularly in areas in the LGA where there is demand in isolated locations, sporting events, tourist locations and social events where there are no or limited other food services available.

## **9. ECONOMIC IMPLICATIONS**

The mobile food vehicles service should aim to provide a positive economic impact on the existing community through the provision of complementary food retail service offerings to residents and visitors alike.

The challenge is to ensure there is balance between existing shopfront -based food operators and mobile food vehicle operators. Existing stationary or fixed permit food businesses are also an integral contributor to the anticipated success of the LGA's tourist industry and are also a valued and important source of stable income for entrepreneurs.

Typically, land based food businesses have a higher cost structure than mobile food vehicles due to additional expenses including rent, labour and utilities.

Council will always consider the viability of existing fixed or stationed businesses in the first instance when assessing the merits of any mobile food vehicles application. The Mobile Food Vehicles Policy defines clear criteria around where, when and how mobile food vehicles are permitted to operate to ensure the impact on existing businesses is minimal.

## **10. ENVIRONMENTAL IMPLICATIONS**

This policy aims to ensure that the environmental impact of the operators is managed at all times. 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.

## **11. CATEGORIES**

Council will consider approval for mobile food vehicles under the section 68 approval within three categories.

### **11.1. Category 1 – Food 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.**

- 11.1.1. Menu items: Food and drinks that do not require a kitchen and are not potentially hazardous with the exception of 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.
- 11.1.2. Stopping time: The operator must immediately after having served a customer move on and must not return soliciting custom or selling over the same ground within one (1) hour.
- 11.1.3. Trading conditions: Food vans are only permitted to undertake street trading between 8.00am to 8.00pm (dawn to dusk) in accordance with this policy and conditions as attached to this policy.

### **11.2. Category 2 – Food Vehicles with kitchen**

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

- 11.2.1. Type of Menu Offering: 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 must have access to an approved fixed premises or commercial kitchen. Examples of the types of food this category of mobile food vehicles can serve include dumplings, pasta, tacos, flame-grilled meats, stir fry noodles, grilled skewers, fish & chips, burgers or other similar foods.
- 11.2.2. Trading Hours: Each mobile food vehicle is able to trade for a maximum period of 7 hours in one location at one time on Council owned roads and parks. At all times vehicles must comply with the relevant parking requirements. Operators must ensure that their staff

- have access to toilet facilities when trading. The maximum hours of operation include set up and pack down times.
- 11.2.3. Trading conditions: mobile food vehicles 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 policy for further details.
- 11.2.4. Operation may be limited during external and Council's events.

### **11.3. Category 3 – Food Vehicles within Council approved events**

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

- 11.3.1. Type of Menu Offering: There are no restrictions to the menu for approval and includes the service of any potentially hazardous food. This vehicle can operate in accordance to Category 1 and 2 type of menu offering.
- 11.3.2. Trading Hours: Each mobile food vehicle must operate within the approved terms, conditions and hours of the event. At all times vehicles must comply with the relevant requirements from the Council's Public Event Manual and Event Organisers' Information Kit.
- 11.3.3. Trading conditions: Mobile food vehicles may be permitted to trade in all public places (Council's land) subject to the category of approval held. Please refer to the "Condition of Approval" section of this policy for further details.

### **12. APPLICATION OF THIS POLICY:**

This policy applies to all Council-owned and controlled land within the Liverpool LGA.

This policy does not apply to the use and operation of any mobile food vehicle that is used 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.

### **13. SECTION 68 APPROVALS**

- 13.1. This policy applies to approvals for an activity as per s 68 F Item 7 of the Local Government Act 1993, namely:

*Use a standing vehicle or any article for the purpose of selling any article in a public place.*

- 13.2. For the purposes of this policy a standing vehicle includes any mobile food vending vehicle that has stopped to make a sale;

- 13.3. The operation of a mobile food vending vehicle, or the 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;
- 13.4. Mobile food vending vehicles will be issued an approval that will contain conditions of operation to be complied with at all times;
- 13.5. Council will charge a fee for the relevant category of mobile food vending vehicle approval as per the Schedule of Fees and Charges document on Council's website. If the mobile food vehicle occupies a paid parking space, they are required to pay the prescribed parking fee and if stationed within the Liverpool city centre, the free 15 minutes parking tickets will not apply under this policy;
- 13.6. Approvals take effect from the date stated on the approval and shall expire up to 12 months after the date of the approval. However, Council reserves the right to issue approvals for a period of less than 12 months.

## **14. APPLICATION PROCESS AND ASSESSMENT**

### **14.1. General**

Applications must be submitted to Council in writing to operate any mobile food vehicles for the vending of food in the Liverpool LGA. Not for profit and charitable organisations are not exempt from this policy.

During the assessment process, Council will give consideration as to the following aspects such as a proximity to nearby businesses, residential premises, Council strategic directions, traffic and local roadways, parking, impact on health and amenity, environmental considerations.

### **14.2. GENERAL CONDITIONS FOR MOBILE FOOD VEHICLES**

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 vehicles do not unfairly compromise the economic viability of existing shop front food operators during peak trading periods:

- 14.2.1. The operational hours of mobile food vehicles may be limited to those outside of existing business hours for surrounding food premises;
- 14.2.2. Food offered for sale from the mobile food vehicles may be restricted and described within the permit conditions;
- 14.2.3. Mobile food vehicles must not operate within 50 linear metres of an existing fixed food businesses, or 100 linear metres from an existing fixed food businesses of the same primary food type;
- 14.2.4. No more than four mobile food vehicles can gather in one location, unless as part of a specific event approved by Council's Events Team;

- 14.2.5. Mobile food vehicles trading permits will be reviewed annually to ensure existing local food businesses within Council activity areas are not unduly affected by nearby mobile food vehicles;
- 14.2.6. Council does not guarantee approvals for more than a 12 month period;
- 14.2.7. Food vendors must not attempt to sell any article of food away/separate from the mobile food vehicles;
- 14.2.8. 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 vehicles in the local area;
- 14.2.9. Residential areas: if carried out on land within or immediately adjacent to a residential zone—only be carried out between 7.00 am and 7.00 pm on any day. For variations to these times, a development application will be required;
- 14.2.10. Separate approval will be required if operators seek to use tables and chairs;
- 14.2.11. No amplified music, live music, spruiking, or the like is permitted, unless specific approval has been granted by Council.

### **14.3. Required Information**

The following information is required from the applicant when submitting an application to Council:

- 14.3.1. A completed Mobile Food Vehicles Application Form (section 68 form). Note: Incomplete application forms will not be processed;
- 14.3.2. A current certificate of currency (Public Liability Insurance) for a minimum \$20,000,000;
- 14.3.3. Proposed location of the mobile food vehicle(s) within Liverpool LGA. Location should indicate the location of nearby businesses and residential premises;
- 14.3.4. Proposed traffic and pedestrian management plan.

### **15. ASSESSMENT**

Following receipt of a complete application, Council will undertake an assessment. During the assessment process, the applicant will be required to organise an inspection of the vehicle with one of Council's environmental health officers.

When all fees have been received an approval to operate will be released allowing operation of the mobile food vehicle(s).

## **16. APPROVALS**

A separate approval must be obtained for each mobile food vehicle(s).

There are two types of approval:

- 16.1. An annual approval valid from 1 July to 30 June the following year (or such portion of the 12 months as is applicable); and a
- 16.2. Mobile food vendors operating an approved mobile food vehicle(s) will be permitted to operate at, and for the duration of, any fete, fair, festival, carnival, community market, sporting or similar event, with permission of the event organiser.

### **16.3. Ancillary Approval Requirements are as follows:**

- 16.3.1. Approvals must be on display and clearly visible to other persons, either in, or on, the mobile food vehicle;
- 16.3.2. If the business is sold, the new operator must complete a new application form (section 68) and submit to Council all the supporting documents, such as a copy of current public liability insurance cover as stated above;
- 16.3.3. The operation of a mobile food vehicle approved under this policy does not extinguish other legislative responsibilities that may be applicable (that is approvals required under the Environmental Planning and Assessment Act, Local Government Act, Food Act);
- 16.3.4. It is a requirement that all food businesses notify Council of their business and food activity detail;
- 16.3.5. Council reserves the right at its absolute discretion to refuse an application for an approval under Section 68 of the Local Government Act 1993.

### **16.4. Maximum Number of Permits and Permit Denial**

No more than 20 active mobile food vendor permits shall be allowed at any given time. This approval does not cover any community public events, such as Council's and external events and Category 1 approvals made in accordance with this policy. Permits shall be issued to qualified applicants on a first come, first served basis. Council may refuse a permit if the Council determines that issuing the permit will negatively impact traffic flow, or will otherwise be detrimental to the general public health and safety, or if the number of issued mobile food vehicles permits is already exhausted. Mobile food operators will be encouraged to adjust the locations or times of their proposed sales to accommodate the Council's ability to ensure public health and safety. Council may refuse a permit to anyone seeking a mobile food vehicles permit if the business has a poor record of conformance with permit requirements (that is if entity had poor service delivery record or poor feedback from other Councils). No permit shall be issued until the permit fee established by the schedule of fees has been paid in full.

## **17. CONSTRUCTION REQUIREMENTS**

Mobile food vending vehicles must be constructed and operated in accordance with the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles. A copy of which can be obtained from NSW Food Authority website.

## **18. INSPECTIONS**

All mobile food vehicles are required to undertake food safety inspections by Council's environmental health officers for which fees and charges are applicable in accordance with Council's adopted Fees and Charges.

Category 1 mobile food 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 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.

All vehicles subject to an inspection must be presented at a designated location convenient to both the environmental health officer and the operator at a mutually acceptable date and time.

## **19. DELIVERIES**

Mobile food vehicles are to arrive at an approved location fully equipped. Deliveries are not to be made to a mobile food vehicles while it is in operation.

## **20. MOBILE FOOD VEHICLE SPECIFICATIONS**

Specifications for mobile food vehicles include the following:

- 20.1. Mobile food vehicles must be no wider than 2.5m;
- 20.2. Additionally, vehicles 7.5m or greater in length require separate road occupancy permits.

## **21. PEDESTRIAN, PROPERTY AND TRAFFIC CONSIDERATIONS**

Mobile food vehicles must:

- 21.1. Not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land;
- 21.2. Not obstruct the operation of, or access to, any utility services on the land or on adjacent land;
- 21.3. Not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land;
- 21.4. Not result in any damage to public property on the land or on adjacent land.

## **22. AMENITY, SAFETY AND CLEANLINESS**

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

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

## **23. SIGNAGE**

- 23.1. An Approval under the policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the mobile food vending vehicle.
- 23.2. This policy does not allow the use of any temporary signage (for example, a-frame boards) in association with the operation of any mobile food vending vehicle.

## **24. ANIMALS & PESTS**

- 24.1. All practicable measures must be taken to prevent pests (including birds, spiders and flying insects) from entering or remaining in the vehicle.
- 24.2. No animal is permitted to enter any vehicle, whether the vehicle is in operation or not.

## **25. 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.

## **26. WASTE MANAGEMENT**

- 26.1. The operation of mobile food vehicles must ensure compliance with Protection of the Environment and Operations Act 1997 having regard to noise and litter.
- 26.2. All operators of mobile food vehicles must provide a clear waste management plan, ensuring that the litter created from the operations of the mobile food vehicles does not adversely impact on the surrounding environment or Council's existing waste management service in the surrounding area.
- 26.3. Following the conclusion of the day, the site is to be restored to the condition in which it was before the commencement of trading.

## **27. NOISE**

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

- 27.1. 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;
- 27.2. If any noise complaints are received and substantiated by an authorised Council officer, the officer may direct that the use of the mobile food vehicles /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.

## **28. 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.

## **29. NON – COMPLIANCE**

Council’s authorised officers may issue penalty infringement notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with the policy and all related offences. Serious pollution incidences can also be prosecuted by State NSW Government agencies such as the NSW Environment Protection Authority.

Where it is found that a condition of an approval to operate has not been complied with, Council may modify or revoke the approval, and, or require remedial action be undertaken to ensure compliance, and, or may issue a penalty infringement notice (PIN). The maximum penalty for non- compliance with an approval to operate is currently \$2,200 (S 627 Local Government Act 1993).

## **30. FOOD HANDLING**

All food businesses are required to comply with the Food Act 2003, Food Regulation 2015 and Australia New Zealand Food Standards Code. To assist with compliance, additional food safety information is available on the NSW Food Authority’s website. 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](http://www.foodstandards.gov.au)).

## **31. 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.

### **32. PREPARING FOOD AT HOME**

A separate approval will 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.

### **33. USE OF SEPARATE PREMISES**

Where the operation of the mobile food vending vehicle involves the use of premises within the Liverpool LGA, for the storage or preparation of food in conjunction with a mobile food vending vehicle, development consent for such use may be required under the Environmental Planning and Assessment Act 1979.

Any change in the permanent facilities must be notified to Council.

### **34. MAINTENANCE**

The 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.

### **35. USEFUL CONTACTS**

#### **Liverpool City Council**

Tel: 1300 36 2170

Fax: 02 9821 9333

Website: [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)

#### **NSW Food Authority**

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

+61 (02) 9741 4850 (outside Australia)

Fax: (02) 9741 4888 (within Australia)

+61 (02) 9741 4888 (outside Australia)

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

Email: [contact@foodauthority.nsw.gov.au](mailto:contact@foodauthority.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>

**APPENDIX 1**  
**CATEGORY 1 – FOOD VEHICLES WITHOUT A KITCHEN**  
**CONDITIONS OF APPROVAL**

**1. GENERAL**

- 1.1 All persons who offer for sale any article, including food for human consumption, on any public road or in any public place within the Liverpool LGA must not do so without holding a current “approval to operate as a mobile food vending vehicle” issued by Council.
- 1.2 The operation of the mobile food vending vehicle must comply with the requirements of Council’s policy and the conditions within.
- 1.3 This “approval to operate as a mobile food vending vehicle” is granted only to the current holder and is not transferable to any other person or entity.
- 1.4 Each registered vehicle must have a copy of their “approval to operate as a mobile food vending vehicle” while engaged in vending and must present it to an authorised officer of Council upon request. The licence must be kept in the mobile food vehicle at all times.
- 1.5 A person who is the holder of an “approval to operate as a mobile food vending vehicle” must not (for the purpose of sale) occupy any one position in a public road or vehicle, except for such period of time as they may be engaged in the actually serving of the customer. The operator, immediately after having served a customer, must move on, and must not return soliciting custom or selling over the same ground within one hour of the previous sale.
- 1.6 The mobile food vending vehicle must be a roadworthy registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Regulation 2007 and must operate in accordance with the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles as well as the requirements of the Food Act 2003 and Food Regulation 2015.
- 1.7 Mobile food vending vehicles operating within the Liverpool LGA are only permitted to sell items as set out in Council’s policy or other low risk foods. Cooking and food preparation apart from the preparation of tea, coffee or the like is not permitted within mobile food vehicles operating within this Liverpool LGA.
- 1.8 If a mobile food vending vehicle is to be used on private property, approval must be sought from landowners and development approval may be required from Council.
- 1.9 Failure to comply with any condition as set out within this approval or Council’s policy, may result in Council modifying or revoking an approval, and/ or require remedial action be undertaken to ensure compliance. Council may also issue a Penalty Infringement Notice (PIN). The maximum penalty

for non-compliance with an approval to operate is currently \$2,200 (S 627 Local Government Act 1993).

## 2. LEGAL

2.1 The mobile food vending vehicle and its operation must comply with the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles.

2.2 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.

2.3 The operation of the mobile food vending vehicle on a public roadway must comply with the following requirements:

2.3.1 A person must not (for the purpose of selling) occupy any one position in a public road with a mobile food vending vehicle, except for such period of time as the person maybe engaged in the actual serving of a customer. The person must then forthwith after serving a customer, move on, and must not return soliciting custom or selling over the same ground within one hour.

2.3.2 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 road. 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	

2.4 Electrically amplified sound equipment, for the purpose of informing members of the public that articles are on sale from the vehicle, must not be used or operated in any public place as follows:

2.4.1 While the vehicle is stationary; or

- 2.4.2 Before 8:00am or after 8:00pm (dawn to dusk) on any day; or
  - 2.4.3 For longer than 30 seconds in any period of three minutes; or
  - 2.4.4 Must not give rise to “offensive noise”, as defined under the Protection of the Environment Operations Act 1997.
  - 2.4.5 If an intruder alarm is installed on the mobile food van it must be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 2.5 The operation of the mobile food vending vehicle, including compressors, power generators, mechanical ventilation equipment and the like must not give rise to “offensive noise” as defined in the Protection of the Environment Operations Act 1997.
  - 2.6 Packaged foods for sale must meet the food labelling requirements specified under the FSANZ Food Standards Code.
  - 2.7 A food safety supervisor must be appointed to every applicable mobile food vending vehicle processing and selling food that is ready-to-eat, potentially hazardous (that is, needs temperature control) and not be sold and served in the supplier's original package. Further information can be obtained in the Guide for Businesses published by the NSW Food Authority. A copy of the food safety supervisor certificate must be kept inside the mobile food vending vehicle at all times and presented to a Council environmental health officer upon request.

### **3. CONSTRUCTION**

- 3.1. The mobile food vending vehicle must be constructed and operated in accordance with the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles.
- 3.2. The driving compartment must be separated from the food preparation, storage or sales area in a permanent manner acceptable to a Council environmental health officer.
- 3.3. The floor of the food preparation storage and sales area must be continuous vinyl sheeting (or other approved material) suitable weld-jointed and covered to all vertical intersections at a minimum 25mm radius.
- 3.4. The walls and ceiling of the food preparation, storage and sales area must be made of smooth impervious material capable of being washed or otherwise kept clean.
- 3.5. Benches, cupboards, shelves and other such equipment must be designed, constructed, located and installed in accordance with Standard 3.2.3 of the Food Standards Code.

- 3.6. The vehicle must be provided with a fresh water supply tank of sufficient quantity to enable hand cleansing and washing of equipment and fittings over a normal day's operation.
- 3.7. 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 vehicle. 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 be maintained at or near the hand washing facility at all times. An additional sink/s connected to a supply of hot and cold water is required for washing equipment, utensils and the like.
- 3.8. An adequate supply of hot water must be provided to the sink and hand basin in all cases where food is prepared within the vehicle.
- 3.9. The vehicle must 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. Disposal of all liquid wastes generated within the food van must be discharged to Council's sewer or as approved by Council's environmental health officer. Under no circumstances is liquid waste to be discharged upon the ground or to a stormwater drainage system.
- 3.10. Appliances for the storage of perishable foods must be provided which are capable of keeping cold foods below 5°C and hot food above 60°C. Thermometers accurate to +/- 1°C must be provided to check the temperature of potentially hazardous food in accordance with Standard 3.2.2 of the Food Standards Code.
- 3.11. 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.
- 3.12. 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 authorised officer.
- 3.13. Mobile food vending vehicles must have sufficient natural or mechanical ventilation.
- 3.14. The mobile food vending vehicle 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.

**APPENDIX 2  
CATEGORY 2 – FOOD VEHICLES WITH KITCHEN  
CONDITIONS OF APPROVAL**

**1. GENERAL**

- 1.1 All persons who offer for sale any article, including food for human consumption, on any public place within the Liverpool LGA must not do so without holding a current “approval to operate as a mobile food vending vehicle” issued by Council.
- 1.2 The operation of the mobile food vending vehicle must comply with the requirements of Council’s policy and the conditions within.
- 1.3 “Approval to operate as a mobile food vending vehicle” is granted only to the current holder and is not transferable to any other person or entity.
- 1.4 Each registered vehicle must have a copy of their “approval to operate as a mobile food vending vehicle” while engaged in vending and must present it to an authorised officer of Council upon request. The licence must be kept in the mobile food vehicle at all times.
- 1.5 The mobile food vending vehicle must be a roadworthy registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Regulation 2007 and must operate in accordance with the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles and the requirements of the Food Act 2003 and Food Regulation 2015.
- 1.6 The mobile food vending vehicle is only permitted to be located and trade in the designated approved area or as directed by an authorised officer of Council.
- 1.7 Mobile food vending vehicles operating within the Liverpool LGA are only permitted to sell items as set out in Council’s policy.
- 1.8 Council’s environmental health officers may undertake inspections at any time to assess compliance with the Food Act 2003, Australia New Zealand Food Standards Code, and the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles. Fees and charges will apply in accordance with Council adopted Fees and Charges.
- 1.9 Failure to comply with any condition as set out within this approval or Council’s policy, may result in Council modifying or revoking an approval, and/ or require remedial action be undertaken to ensure compliance. Council may also issue a Penalty Infringement Notice (PIN). The maximum penalty for non- compliance with an approval to operate is currently \$2,200 (S 627 Local Government Act 1993).

- 1.10 All operational activities must not give rise to the emission into the surrounding environment of gases, vapours, dust or other impurities which are a nuisance, injurious or prejudicial to health. Should a nuisance arise, Council reserves the right to require all smoke and odour generating activities to cease.
- 1.11 Spruiking, amplified music, live music, operating a public address systems or the like are not permitted unless specific approval has been granted by Council.
- 1.12 All operational activities from the mobile food vending vehicle, including compressors, power generators, mechanical ventilation equipment and the like must not give rise to “offensive noise” as defined in the Protection of the Environment Operations Act 1997.
- 1.13 Waste bins must be supplied and must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas and must not be obstructive in any manner and not give rise to offensive odour or encourage pest activity. Food residue, food scraps and waste material must be contained in appropriate commercial waste storage bins and be removed from the site when trading has ceased. Waste must not be permitted to accumulate on the ground near the allocated waste storage bins.
- 1.14 The area must be left in a clean and satisfactory condition following the conclusion of the day and be restored to the condition in which it was before the commencement of trading.

## **2. LEGAL**

- 2.1 The mobile food vending vehicle and its operation must comply with the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles.
- 2.2 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 Liverpool City Council specifically endorsed on the policy.
- 2.3 Packaged foods for sale must meet the food labelling requirements specified under the FSANZ Food Standards Code.
- 2.4 A food safety supervisor must be appointed to every applicable mobile food vending vehicle processing and selling food that is ready-to-eat, potentially hazardous (that is, needs temperature control) and not be sold and served in the supplier’s original package. Further information can be obtained in the Guide for Businesses published by the NSW Food Authority. A copy of the food safety supervisor certificate must be kept inside the mobile food vending vehicle at all times and presented to a Council environmental health officer upon request.

- 2.5 The operation of the mobile food vending vehicle must comply with the requirements of the Smoke-free Environment Act 2000 and associated regulation.

### **3. CONSTRUCTION**

- 3.1. The mobile food vending vehicle must be constructed and operated in accordance with the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles.
- 3.2. The driving compartment must be separated from the food preparation, storage or sales area in a permanent manner acceptable to a Council environmental health officer.
- 3.3. The floor of the food preparation storage and sales area must be continuous vinyl sheeting (or other approved material) suitable weld-jointed and covered to all vertical intersections at a minimum 25mm radius.
- 3.4. The walls and ceiling of the food preparation, storage and sales area must be made of smooth impervious material capable of being washed or otherwise kept clean.
- 3.5. Benches, cupboards, shelves and other such equipment must be designed, constructed, located and installed in accordance with Standard 3.2.3 of the Food Standards Code.
- 3.6. The vehicle must be provided with a fresh water supply tank of sufficient quantity to enable hand cleansing and washing of equipment and fittings over a normal day's operation.
- 3.7. 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 vehicle. 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 be maintained at or near the hand washing facility at all times. An additional sink/s connected to a supply of hot and cold water is required for washing equipment, utensils and the like.
- 3.8. An adequate supply of hot water must be provided to the sink and hand basin in all cases where food is prepared within the vehicle.
- 3.9. The vehicle must 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. Disposal of all liquid wastes generated within the food van must be discharged to Council's sewer, or as approved by Councils' environmental health officer. Under no circumstances is liquid waste to be discharged upon the ground or to a stormwater drainage system.

- 3.10. Appliances for the storage of perishable foods must be provided which are capable of keeping cold foods below 5°C and hot food above 60°C. Thermometers accurate to +/- 1°C shall be provided to check the temperature of potentially hazardous food in accordance with Standard 3.2.2 of the Food Standards Code.
- 3.11. 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.
- 3.12. 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 authorised officer.
- 3.13. Mobile food vending vehicles must have sufficient natural or mechanical ventilation.
- 3.14. The mobile food vending vehicle 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.

**APPENDIX 3  
CATEGORY 3 – FOOD VEHICLES AT COUNCIL APPROVED EVENTS  
CONDITIONS OF APPROVAL**

**1. GENERAL**

- 1.1. All persons who offer for sale any article, including food for human consumption, on any public place within the Liverpool LGA must not do so without holding a current “approval to operate as a mobile food vending vehicle” issued by Council.
- 1.2. The operation of the mobile food vending vehicle must comply with the requirements of Council’s policy and the conditions within.
- 1.3. “Approval to operate as a mobile food vending vehicle” is granted only to the current holder and is not transferable to any other person or entity.
- 1.4. Each registered vehicle must have a copy of their “approval to operate as a mobile food vending vehicle” while engaged in vending and must present it to an authorised officer of Council upon request. The licence must be kept in the mobile food vehicle at all times.
- 1.5. The mobile food vending vehicle must be a roadworthy registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Regulation 2007 and must operate in accordance with the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles and the requirements of the Food Act 2003 and Food Regulation 2015.
- 1.6. The mobile food vending vehicle is only permitted to be located and trade in the designated approved area or as directed by an authorised officer of Council.
- 1.7. Mobile food vending vehicles operating within the Liverpool LGA are only permitted to sell items as set out in Council’s policy.
- 1.8. Council’s environmental health officers may undertake inspections at any time to assess compliance with the Food Act 2003, Australia New Zealand Food Standards Code, and the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles. Fees and charges will apply in accordance with Council adopted Fees and Charges.
- 1.9. Failure to comply with any condition as set out within this approval or Council’s policy, may result in Council modifying or revoking an approval, and/ or require remedial action be undertaken to ensure compliance. Council may also issue a Penalty Infringement Notice (PIN). The maximum penalty for non- compliance with an Approval to Operate is currently \$2,200 (S 627 Local Government Act 1993).

- 1.10. All operational activities must not give rise to the emission into the surrounding environment of gases, vapours, dust or other impurities which are a nuisance, injurious or prejudicial to health. Should a nuisance arise, Council reserves the right to require all smoke and odour generating activities to cease.
- 1.11. Spruiking, amplified music, live music, operating a public address systems or the like are not permitted unless specific approval has been granted by Council.
- 1.12. All operational activities from the mobile food vending vehicle, including compressors, power generators, mechanical ventilation equipment and the like must not give rise to “offensive noise” as defined in the Protection of the Environment Operations Act 1997.
- 1.13. Waste bins must be supplied and must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas and must not be obstructive in any manner and not give rise to offensive odour or encourage pest activity. Food residue, food scraps and waste material must be contained in appropriate commercial waste storage bins and be removed from the site when trading has ceased. Waste must not be permitted to accumulate on the ground near the allocated waste storage bins.
- 1.14. The area must be left in a clean and satisfactory condition following the conclusion of the day and be restored to the condition in which it was before the commencement of trading.

## **2. LEGAL**

- 2.1. The mobile food vending vehicle and its operation must comply with the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles.
- 2.2. 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 Liverpool City Council specifically endorsed on the policy.
- 2.3. Packaged foods for sale must meet the food labelling requirements specified under the FSANZ Food Standards Code.
- 2.4. A food safety supervisor must be appointed to every applicable mobile food vending vehicle processing and selling food that is ready-to-eat, potentially hazardous (that is, needs temperature control) and not be sold and served in the supplier's original package. Further information can be obtained in the Guide for Businesses published by the NSW Food Authority. A copy of the food safety supervisor certificate must be kept inside the mobile food vending vehicle at all times and presented to a Council environmental health officer upon request.

- 2.5. The operation of the mobile food vending vehicle must comply with the requirements of the Smoke-free Environment Act 2000 and associated regulation.

### **3. CONSTRUCTION**

- 3.1. The mobile food vending vehicle must be constructed and operated in accordance with the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles.
- 3.2. The driving compartment must be separated from the food preparation, storage or sales area in a permanent manner acceptable to a Council environmental health officer.
- 3.3. The floor of the food preparation storage and sales area must be continuous vinyl sheeting (or other approved material) suitable weld-jointed and covered to all vertical intersections at a minimum 25mm radius.
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- 3.6. The vehicle must be provided with a fresh water supply tank of sufficient quantity to enable hand cleansing and washing of equipment and fittings over a normal day's operation.
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- 3.12. 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 authorised officer.
- 3.13. Mobile food vending vehicles must have sufficient natural or mechanical ventilation.
- 3.14. The mobile food vending vehicle 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.

**APPENDIX 4  
PERMITTED TRADING LOCATIONS – MOBILE FOOD VEHICLES**

<b>LOCATION NUMBER</b>	<b>SITE NAME</b>	<b>STREET ADDRESS</b>	<b>MAP</b>
1	Liverpool Old Court House	251 Bigge Street, Liverpool, NSW, 2170	<a href="#">Click here for location</a>
2	Bathurst Carpark	23 Bathurst Street, Liverpool, NSW, 2170	<a href="#">Click here for location</a>
3	Macquarie Mall	Macquarie St entrance Elizabeth St entrance	<a href="#">Click here for location</a>
4	Bigge Park	124 Bigge Street, Liverpool, NSW, 2170	<a href="#">Click here for location</a>
5	Woodward Park	44 Hoxton Park Road, NSW, 2170	<a href="#">Click here for location</a>
6	Apex Park	Elizabeth Street, Liverpool, NSW, 2170	<a href="#">Click here for location</a>
7	Collimore Park	Collimore Avenue, Liverpool, NSW, 2170	<a href="#">Click here for location</a>
8	Light Horse Park	1 Atkinson Street, Liverpool, NSW 2170	<a href="#">Click here for location</a>
9	Casula Powerhouse	1 Powerhouse Rd, Casula NSW 2170	<a href="#">Click here for location</a>
10	Carnes Hill Recreation Centre	600 Kurrajong Rd, Carnes Hill, NSW, 2171	<a href="#">Click here for location</a>
11	Liverpool Regional Museum	460-470 Hume Hwy Way, Liverpool 2170	<a href="#">Click here for location</a>

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.

**AUTHORISED BY**

Council Chief Executive Officer

**EFFECTIVE FROM**

21 February 2017

**DIRECTORATE RESPONSIBLE**

Community and Culture (Events)

**REVIEW DATE**

21 February 2019

**VERSIONS**

<b>Versions</b>	<b>Amended by</b>	<b>Changes made</b>	<b>Date</b>	<b>TRIM Number</b>
1	N/A	Adopted by CEO	21 February 2017	162121.2016

**THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH**

Community and Culture (Events)

Corporate Services (Governance and Legal)

Economic Development

Planning and Growth (Community Standards)

**REFERENCES**

These following Council's policies were researched in developing this policy

Adelaide City Council - The Mobile Food Vending Program 2015

Australia New Zealand Food Standards Code

Brisbane City Council – Mobile Food Vehicle

City of Gold Coast Council – Mobile Food Vending Application Guide

City of Sydney Council Food Truck Policy 2014

City of Yarra Council – Mobile Food Vehicles Guidelines

Event Organisers' Information Kit Event Guidelines

Food Safety at Temporary Events

Guidelines for Food Businesses at Temporary Events

NSW Food Authority's Guidelines for Mobile Food Vending Vehicles

Port Stephens Council – Mobile Food Vehicle Policy 2014