



## 1.0 Purpose

The Mobile Food Vending Vehicles Policy (Policy) provides the framework for the operation of mobile food vending vehicles on Council-owned roads within the Canterbury Bankstown Local Government Area (LGA).

The Policy aims to ensure that mobile food vending vehicles operate in accordance with relevant legislative instruments and best practice in all aspects of food safety.

## 2.0 Scope

This Policy is a local approvals policy. It applies to activities listed under Section 68 of the *Local Government Act 1993*, with specific relevance to item 7 of Part F, namely:

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

This Policy details the Section 68 approval process and conditions for the operation of mobile food vending vehicles on Council-owned roads within the Canterbury Bankstown LGA.

This Policy does not apply to mobile food vending vehicles:

1. Trading in accordance with a development consent under the *Environmental Planning and Assessment Act 1979* (NSW) or under the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* on private land;
2. Trading on public land in accordance with an approved temporary event; or
3. Not operating as a food premises.

## 3.0 Terms and Definitions

In this Policy the terms below have the following meanings.

Term	Definition
<b>Development Consent</b>	Consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development and includes, unless expressly excluded, a complying development certificate.
<b>Food Premises</b>	A business, enterprise or activity that involves the handling of food intended for sale or the sale of food regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature, and includes vehicles.
<b>Mobile Food Vending Vehicle</b>	Any means of transport which is used for selling food. It includes vehicles used for one-step food preparation, and the sale of any type of food including pre-packaged food.
<b>Public Land</b>	Includes operational land, community land, the road reserve and Crown land in the Canterbury-Bankstown Local Government Area
<b>Standing Vehicle</b>	Any mobile food vending vehicle that has stopped to make a sale. Includes all mobile food vending vehicles that require an approval issued by Canterbury-Bankstown Council prior to operating on Council-owned roads.



## 4.0 Policy Statement

Council is committed to managing its open space to provide for the community's cultural and social needs in line with promoting the Canterbury-Bankstown (Council) as a '*Prosperous and Innovative*' destination in accordance with the 2036 Community Strategic Plan.

The Policy provides information for people wanting to operate a mobile food vending vehicle to ensure:

1. Operation in accordance with road rules and parking restrictions;
2. Sale of food safe and fit for human consumption;
3. Compliance with the *Food Act 2003* with regards to business registration and vehicle fit out;
4. Minimise any potential negative impacts such as waste or impact on other businesses; and
5. The safe operation of Mobile Food Vending Vehicles in the community.

## 5.0 Policy Criteria

### 5.1 Approval Application Process

Approval must be sought from Canterbury-Bankstown Council (Council) prior to operating a mobile food vending vehicle on Council-owned roads. A completed Mobile Food Vending Vehicle (Section 68) Approval form must be submitted to Council together with:

- Service NSW Vehicle Registration (as proof of registration);
- Certificate of Currency for Third Party Property Damage Insurance to the minimum value of \$20,000,000; and
- Certificate of Currency for Public and Product Liability Insurance to the minimum value of \$20,000,000.

Insurances must be valid from the date of approval through to the date the approval lapses.

Following receipt of a completed application, Council may undertake a visual assessment of the mobile food vending vehicle by an Environmental Health Officer. The purpose of the inspection is to ensure that the vehicle complies with the NSW Food Authority's '*Guidelines for Mobile Food Vending Vehicles*' and *Food Premises and Equipment* of the Food Standards Code 3.2.3.

Once all fees have been received by Council, written approval to operate the mobile food vending vehicle will be issued to the applicant. This approval will contain conditions of operation and an approval sticker. The approval sticker must be attached and displayed on the approved vehicle in a location clearly visible to the customers at all times whilst in operation.

Approvals will take effect from the date stated thereon and expire twelve (12) months after the date of the approval or any other time as stated on the approval, although no greater than 12 months. An application to renew approval is to be lodged with Council prior to the expiration of the current approval.

### 5.2 Approval Application Fee

A fee applies for the assessment of an application and approval to operate a mobile food vending vehicle in accordance with Council's fees and charges.



Council will not issue a refund of any fees paid if the business is sold or transferred. Approval is not transferrable. A new owner of a mobile food vending vehicle must make a new application and pay the appropriate fees for approval.

## 5.3 Food Safety Requirements

Mobile food vending vehicles must operate in accordance with the provisions of the NSW *Food Act 2003* and *Food Safety Practices and General Requirements* of the Food Standards Code 3.2.2 and the NSW Food Authority's '*Guidelines for Mobile Food Vending Vehicles*'. All food is to be stored and prepared in the mobile food vending vehicle during the period of operation, or at an approved commercial food premises. No food is to be stored or prepared at a residential premise.

## 5.4 Mobile Food Vending Vehicle Construction Requirements

Mobile food vending vehicles must not exceed 2.5 metres in width or 7.5 metres in length.

Mobile food vending vehicles must be designed and constructed in accordance with the NSW Food Authority's '*Guidelines for Mobile Food Vending Vehicles*' and *Food Premises and Equipment* of the Food Standards Code 3.2.3.

The vehicle must be kept clean and in a good state of repair and working order, ensuring road worthiness and that noise, fumes, smoke, foul odours and other contaminants are not generated.

## 5.5 Food and Drink Permitted to be Sold

Mobile food vending vehicles are only permitted to sell one-step preparation food and drink (e.g. coffee, and ice cream) as per their approval.

## 5.6 Trading Locations and Restrictions

All mobile food vehicle vending approvals allow trucks to pull up to a kerb, into a lawful parking spot, and to trade onto the footpath. Vehicles must not park on the footpath or on driveways, and must not trade onto the street, bike lane or an adjacent car parking spot.

Operation is strictly prohibited on arterial, sub-arterial or collector roads. These roads are listed below, although Council may include other roads at any time in the future:

[Beamish Street](#)  
[Chapel Road](#)  
[Canterbury Road](#)  
[Davies Road](#)  
[Edgar Street](#)  
[Fairford Road](#)  
[Henry Lawson Drive](#)  
[Hume Highway](#)

[Haldon Street](#)  
[King Georges Road](#)  
[Milperra Road](#)  
[Punchbowl Road](#)  
[Roberts Road](#)  
[Stacey Street](#)  
[Waterloo Road](#)  
[Woodville Road](#)

Operators are responsible for checking local restrictions on parking times based on vehicle length and weight prior to trading. Operators must always comply with the road rules.



## 5.6.1 Proximity to Existing Food Premises

Mobile food vending vehicles are not permitted to operate within 100 metres of a fixed food premises (for example, café, bakery or restaurant) unless approved and licenced by Council.

## 5.6.2 Operating in or in Proximity to Public Parks, Sporting Field, Reserves and Public Car Parks

Mobile food vending vehicles are not permitted to operate in or within 100 metres of any public park, reserve, sporting field or public car park unless approved and licenced by Council.

## 5.7 Hours of Operation

The hours of operation for mobile food vending vehicles is restricted to 7:00am – 7:00pm Monday to Sunday in residential areas, and 6:00am – 7:00pm Monday to Sunday in industrial areas.

## 5.8 Stopping Time

Each mobile food vending vehicle can trade for a maximum period of 15 minutes in one location or until customers in the immediate vicinity are served. At all times the vehicle must comply with relevant parking restrictions and road rules and must be operated itinerantly.

## 5.9 Standalone Items

The placement of any standalone items such as signage, generators, heaters, tables, chairs, awnings, marquees or the like is not permitted.

## 5.10 Deliveries

Mobile food vending vehicles must arrive fully equipped at all trading locations and are not permitted to receive any deliveries.

## 5.11 Noise

The use of the mobile food vending vehicle and any associated equipment 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* (NSW) to any affected receiver.

Mobile food vending vehicles are prohibited from using a public address system and can only use amplified music or bells whilst the vehicle is moving and only between the hours of 9:00am – 7:00pm.

## 5.12 Waste Management and Recycling

Mobile food vending vehicle operators are responsible for the management of waste throughout operation. Waste materials such as packaging and waste water should be collected in bins or suitable receptacles, bagged or contained, stored within the vehicle and disposed at the cost of the operator.

Under no circumstances is liquid waste (including waste water or oil) to be discharged to the ground or in the stormwater drain.



## 5.13 Liquor Licencing

No mobile food vending vehicle operator is to obtain a liquor licence or sell alcohol to the public.

## 5.14 Penalties

Council's Rangers or other Authorised Officers may take enforcement action for non-compliance with this Policy and related legislation, including directing the operator to cease trading or revoking approval.

The penalties for failure to obtain an approval or failure to comply with an approval are set out in the *Local Government (General) Regulation 2021*. Council reserves the right to decide enforcement action for breaches of this Policy.

## 6.0 Approval and Review

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### 6.1 Policy Owner

Manager, Regulatory Services

### 6.2 Authorisation

Adopted by Canterbury-Bankstown Council on [DD/MM/YYYY].

### 6.3 Reviews and Modifications

The next review is due on [DD/MM/YYYY].

## 7.0 Related Documents

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### 7.1 Laws and Standards

- *Environmental Planning and Assessment Act 1979* (NSW)
- *Food Act 2003* (NSW)
- *Food Regulation 2015* (NSW)
- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021* (NSW)
- *Protection of the Environment Operations Act 1997* (NSW)
- *Roads Act 1993* (NSW)
- *Roads Regulation 2018* (NSW)
- *Road Transport (Vehicle Registration) Regulation 2017* (NSW)
- *State Environment Planning Policy (Exempt and Complying Development Codes) 2008* (NSW)

### 7.2 Associated Documents

- Canterbury-Bankstown Council Section 68 (Mobile Food Vending Vehicle) application form;
- Council's Schedule of Fees and Charges; and
- NSW Food Authority's '*Guidelines for Mobile Food Vending Vehicles*'.