



CUMBERLAND  
CITY COUNCIL

# Mobile Food Vending Vehicle Policy

## AUTHORISATION & VERSION CONTROL

<b>Policy Number</b>	POL-035
<b>Policy Owner</b>	Director City Services
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## PURPOSE

The purpose of this Policy is to provide a framework for appropriate placement and operation of Mobile Food Vending Vehicles within the Cumberland City Council local government area.

## SCOPE

This policy applies to the operation of Mobile Food Vending Vehicles to ensure that all food sold is safe and fit for human consumption. All Mobile Food Vending Vehicles will be required to adhere to the requirements of the Roads Act 1993 & Regulations whilst trading within the Cumberland City Council local government area, where Council is the appropriate regulatory authority.

The policy will apply to Mobile Food Vending Vehicles but excludes the application of temporary food premises. A Mobile Food Vending Vehicle is any registered vehicle used on land that is either self-driven, or that can be towed and that is used in connection with the sale of food.

The Policy will be supported by a guideline document, which will be subject to review and adoption by Council's Executive Leadership team.

## DEFINITIONS

**Food Vans (Category 1)** - Serve food that is either; i) not potentially hazardous, or; ii) are potentially hazardous and pre -wrapped (frothing milk associated with a coffee van is exempt). Category 1 food vans (or coffee vans) do not have a kitchen and can operate on Council owned roads and parks (except for the excluded areas – refer to Cumberland City Council Mobile Food Vending Vehicles Guidelines).

**LGA** – Cumberland City Council Local Government Area

**Mobile** - Capable of being moved without any alterations or mechanical intervention with the vehicle / van.

**Mobile Food Trucks (Category 2)** - There are no restrictions to the menu and includes the service of "open" potentially hazardous foods. A kitchen fit-out in accordance with AS4674 – 2000: *Design, construction and fitout of food premises* and Food Standards Code 3.2.3 is required within these vehicles.

**Mobile Food Vending Vehicles** – Term used to encapsulate both, Food Vans (Category 1) and Mobile Food Trucks (Category 2).

**Temporary Food Premises** – Ground based four (4) sided temporary structures that sell food for a limited duration (not a Mobile Food Vending Vehicle).

## **POLICY STATEMENT**

In considering an application to operate a mobile Food Vending Vehicle under this Policy, Council must give consideration to related legislation as listed below and the criteria stipulated in the supporting Mobile Food Vending Guideline.

## **PRINCIPLES**

The purpose of this Policy is to allow Mobile Food Vending Vehicles to positively activate sites within the LGA and to provide food in areas where little or no food options are available.

## **REQUIREMENTS**

- Any application to operate a Mobile Food Vending Vehicle within the LGA shall be accompanied by the prescribed fee.
- When seeking to trade in a public place, the policy applies to approvals for an activity as provided by Section 68 of the Local Government Act 1993.
- When seeking to trade on private land, applicants need to consider if they satisfy the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and amendments. If not, then a Development Application will be required to be obtained from Cumberland City Council.
- Any approval issued to a Mobile Food Vending Vehicles will include conditions of operation that must be complied with at all times.
- The operation of any Mobile Food Vending Vehicle is subject to a satisfactory food hygiene and safety inspection from their home jurisdiction, which has been conducted within the 12 months prior to the application being made as well as the observations made by Council at the time of an inspection.

## **RELATED LEGISLATION**

Environmental Planning and Assessment Act 1979 and associated Regulations;

Food Act 2003 and associated Regulation;

Local Government Act 1993 and associated Regulation;

Protection of the Environment Operations Act 1997 and associated Regulations;

Roads Act 1993 and Australian Road Rules;

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

NSW Food Authority – Guidelines for Mobile Food Vending Vehicles

## **RELATED DOCUMENTS AND COUNCIL POLICY**

Cumberland City Council Mobile Food Vending Vehicles Guideline