

ITEM 5

PUBLIC EXHIBITION - MOBILE FOOD VENDING COUNCIL POLICY AND MOBILE FOOD VENDING TRIAL

The purpose of this report is to seek approval from Council in relation to the exhibition of the draft Mobile Food Vending Council Policy and commencement of the proposed trial and engagement approach.

RECOMMENDATION

- 1 Council approve the draft Mobile Food Vending Council Policy to be placed on exhibition from 1 September 2021 for a period of not less than three months.
- 2 Council approve the Mobile Food Vending trial to take place for a maximum of 12 months anticipated to commence over Summer 2021/2022.

REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation
Authorised by: Kerry Hunt, Director Community Services - Creative and Innovative City

ATTACHMENTS

- 1 Draft Mobile Food Vending Council Policy
- 2 Mobile Food Vending Locations

BACKGROUND

Mobile food vending vehicles (MFVV) are mobile facilities used for the retail sale of food, drinks, and related products on land from a food truck, van, cart or similar vehicle. A MFVV is any means of transport, whether self-propelled or not or otherwise designed to be moveable from place to place which is used for the selling of food.

MFVVs include vehicles used for on-site food preparation (for example hamburgers, hotdogs, and kebabs), one step food preparation (for example popcorn, fairy floss, coffee and fresh juice), and the sale of any type of food including pre-packaged food. Mobile food Vendors (Vendors) are considered retail food businesses.

Many Council's across Australia have endorsed policies and defined locations for trade to facilitate the operation of MFVVs across their local area. MFVVs often adopt innovative modes of trading through an offer that is flexible, affordable and fun, delivered on a mobile and temporary basis. Potential benefits include the potential to bring increased vibrancy, activation, and enjoyment of public land by local communities.

On 19 November 2018 pursuant to a Notice of Motion, Council resolved as follows:

'That a Councillor Briefing be held that outlines a stakeholder consultation program to review food truck policies which includes the following:

1. *Identifying public land not limited to the CBD that is appropriate for food trucks of mobile food vendors.*
2. *Identifying spaces in need of night-time activation and food options.*
3. *Developing a simple process for food trucks to book a space and pay their fee.*
4. *Reviewing our existing policy on mobile food vending vehicles.*
5. *Applying learnings from food truck trials in other local government areas such as the City of Sydney'.*

Mobile food and drink outlets must have consent of the owner of the land on which they are located. If a council or public authority has control and management of the land, such as a public road, public reserve or other public place, consent in writing of the Council or relevant public authority must be obtained.

Currently, there are multiple vendors operating out of private land in our LGA, and Council officers have received 30 enquiries in the past 18 months for locations on public land. At present, Council does not permit vendors to trade on road reserves or public land within the Wollongong LGA except for some specific licence arrangements. Council has advised enquirers that we are considering a Mobile Food Vending Policy with advice to subscribe to Council's website, social media and Tenderlink to keep up to date with the progress. Council officers have created a register of stakeholders to notify contacts once an expressions of interest process commences.

Wollongong City Council does not currently have a policy to permit mobile food vending vehicles on public land. As such, a project has been undertaken to satisfy the requirements of the Notice of Motion and to prepare a draft Mobile Food Vending Policy and trial for the Wollongong LGA.

Council officers have prepared a draft Mobile Food Vending Policy (Policy) (Attachment 1) to allow Council to approve MFVV to trade on public land. The Policy aims to deliver clear direction, transparency, and equal opportunity in permitting and approving MFVVs. This report seeks the endorsement of the Policy to proceed to exhibition and the commencement of a 12-month trial of MFVV on public land.

The trial will be offered via expression of interest, with successful applicants (Vendors) able to trade on defined public land under stipulated terms and conditions. During the trial period, a concurrent engagement will ensue, of which findings will be used to inform the Policy. The final Policy will then be reported back to Council for formal adoption.

Pertinent information regarding the process and findings are defined below.

Informing the draft Mobile Food Vending Policy

To initially inform Wollongong City Council's draft Policy, Council officers have undertaken research and analysis of the following:

- a) Legislative requirements of with Local Government Act, Crown Land Management Act and NSW Roads Act in regard to use and approvals.
- b) Consultation with various Local Council's that permit mobile food vending (Sydney, Newcastle, Shoalhaven, Brisbane and Lake Macquarie). Interview style questions were used to attain information which included their approvals process, premise for implementing, conditions, learnings and recommendations. In most cases, Local Council's provided internal documents as guidance, while policy and application documents were obtained from Council websites.
- c) Food safety approval and requirements.
- d) Associated Council policies and procedures were applicable.
- e) Existing Vendors operating in the Wollongong LGA (on private land or events) via their social media pages, request received by Council and registers held by the Health Division.
- f) Site inspections of prospective locations across the LGA to assess the suitability by considering opportunities and constraints.
- g) Feedback and advice from Council officers to inform the policy and trial parameters.

The draft Policy aims to achieve the following objectives

- a) Provide guidance and assistance to people wanting to operate a mobile food vending vehicle on Council-owned roads in the City of Wollongong Government Area.
- b) Encourage the activation of public spaces through a flexible food vending offer.
- c) Ensure that mobile food vending vehicles operate in accordance with the rules and restrictions on lawful parking spaces on Council-owned roads.
- d) Ensure that food sold through mobile food vending vehicles is safe and fit for human consumption.
- e) Ensure that mobile food vending vehicles are adequately equipped and meet relevant standards.

- f) Minimise any potential adverse impacts of mobile food vending vehicles on residential amenity and the environment.
- g) Ensure the safe operation of mobile food vending vehicles.
- h) Ensure the operation of mobile food vending vehicles does not increase litter or waste in or from the trading location.

Overview of proposed trial parameters

Policy	Draft Policy to be reported. The draft Policy is a Local Approvals Policy prepared and adopted by Council under s 158 of the <i>Local Government Act 1993</i> .
Trial	Trial and engagement process within a 12-month period. Trial and engagement are proposed to be undertaken during the daylight savings months from October 2021 to April 2022.
EOI/Tender/Rolling	Expression of Interest/quotation process to be undertaken to determine participants in the trial.
Website	Existing 'Food Businesses' page on Council website. Information and interactive map to be uploaded. https://wollongong.nsw.gov.au/business-in-wollongong/business-permits-and-regulations/food-businesses
Approval	Local Government Act 1993 - Section 68.
Fees and Charges	Existing fees and charges for a Section 68 approval and inspection of a food premises on Public Land.
Public Liability	\$10M third party and \$20M public liability.
Locations	Defined locations across the Wollongong LGA on public land. Council owned and managed roads and carparks as per map in Attachment 2 of this report and summarised below. These locations will be defined from time to time and communicated via Council's website.
Maximum no. of MFV	The total number of MFVV permitted to take part on the trial will be determined through expressions of interest process. Each site has a maximum number of vehicles permitted to trade at any one time. This has been determined based on potential adverse impacts and the amount of space available at each location to trade safely.
Operating hours	Monday – Sunday Standard operating hours: 7am – 7pm* *May be extended to 9pm on a location by location basis. <i>Note: Council reserves the right to amend the operating hours on a case by case basis noting planning legislation and nature of the location.</i>

Maximum stay per location	Stand in any one location for a maximum period of five hours at any one time, inclusive of set-up and pack-up times. A vendor can only trade at each location once per day. A vendor can trade across multiple locations within a day.
Food only	Food and non-alcoholic beverages only.
Exceptions	This trial/policy does not include existing licence agreements, sublicensing arrangements with sports groups/community groups and/or one-off approvals associated with events.

Proposed Locations

To identify suitable locations, Council officers developed assessment criteria which included:

- Permissible uses within that zone (compatibility considerations eg land use zone and plan of management perspective)
- Proximity to residential properties (potential residential amenity impacts)
- Proximity to existing food and beverage businesses
- Access to public open spaces and facilities
- Opportunity to activate public spaces
- Proposed hours of operation and length of trade (consideration of other food and drink premises near proposed location)
- Road, road-user and pedestrian safety
- A spread of sites across the LGA
- Opportunities for activation through a commercial offer.

Council is proposing to only permit trade within existing infrastructure designed for vehicles eg road reserve and carparks.

A total of 40 sites were assessed across the Wollongong LGA. From this assessment, and through feedback from internal staff, the sites identified in Attachment 2 were deemed appropriate noting the above criteria.

It is intended that these sites will permit trade for the extent of the trial not exceeding a 12-month period. Based on feedback from vendors and the community, sites will be reassessed prior to the final policy adoption.

Permitted trading areas, hours of operations and maximum number of vehicles permitted at each location have been plotted on an ArcGIS online map and will be made available on Council's website so operators could access in real time via smart phones. Maps showing these sites are shown in Attachment 2.

Approval process

Exempt Development

Under current legislation, mobile food and drink outlets may be exempt development if the proposal meets specified standards in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). Subdivision 27A mobile food and drink outlets outlines development standards for the carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle is development specified for this code. Specific standards apply within the provision, including approval required under section 68 LGA, if located on a public place.

Expressions of Interest

An expressions of interest process will be undertaken to select suitable Vendors for the trial. Once appointed, it is proposed that approved Vendors will remain able to trade for up to a period of 12 months whilst the Policy is finalised and endorsed. Subsequent expressions of interest processes will transpire following the adoption of a final Policy.

Section 68

Section 68 of the Local Government Act 1993 specifies a range of activities where approvals are required to be obtained from the local council. WFVV falls within the tabled categories of the provision, being *Part F - Other Activities, 7 Use a standing vehicle or any article for the purpose of selling any article in a public place*.

Licence/consent

The type of consent required can depend upon the classification of the subject land, being Public Roads, Council land encompassing Community and Operational land, and Crown Reserve. Relevant legislation that prescribes Council's ability in administering consents/licences, includes Local Government Act 1993 (LGA), NSW Road Act 1993 and Crown Land Management Act 2016.

Consent under Section 125 of the NSW Roads Act 1993 (Roads Act) is required before using a footway for restaurant purposes. Consent or conditional consent can be granted by a council that allows a person who conducts a restaurant adjacent to a footway of a public road to use part of the footway for the purposes of the restaurant.

A licence under Section 46 of the LGA is required to grant a short-term, casual purpose in respect of community land. Similarly, Section 2.20 of the Crown Land Management Act 2016 permits Crown Land Managers the authority to grant a short-term licence over dedicated or reserved Crown land. Prescribed purpose, conditions and maximum terms apply.

Council Policy Leases and Licences of Council Owned and Managed Land, Buildings and Public Roads and the Management Policy Occupation of Council Owned or Managed Land, Buildings and Public Roads facilitate and map the relevant legislative requirements in permitting and approving the occupation of subject land.

Fees and Charges

Council fees and charges associated with the registration and inspection of food businesses (which includes food trucks and vans) are established and viable under the management of Regulation Enforcement Health Department.

Fees and charges associated with application processing, annual charges, security bond and licence/consent preparation fees are also established under the management of Property Services.

- While Council has adopted the Property Services charge of 'Trading Licence and Street Vending Commercial Activities' for \$140 per day, the charge is unfeasible with the trial open for 12 months.

As the nature of a trial is to examine and assess performance and suitability, Council officers will apply for General Manager Approval for the exemption of fees for the 12-month trial period.

Evaluation of the trial including Council resourcing and market demand, will be used to inform Council of an appropriate fee to apply.

Trial and co-current engagement approach

To streamline the process and to pursue an informed and integrated public consultation period, Council officers are proposing the following approach for council reporting, trial and engagement:

1. Report to Council and recommend that Councillors endorse the draft Mobile Food Vending Policy in principle for the length of the trial and resolve to progress with a trial for a period of 12-months with co-current open engagement period.

2. After the trial period, collate feedback and report back to Council to have the Mobile Food Vending Policy adopted.

A trial approach will allow a more comprehensive assessment of social, economic or environmental issues or opportunities that may present themselves. Trialling 'lighter' projects such as food trucks and vans in defined locations will allow us to test ideas for use at different locations, reveal valuable community qualities and bring diversity to the urban landscape. Running an open engagement alongside a trial allows Council to pilot new ideas and methods, physically, programmatically and/or procedurally. The approach allows Council, the community and vendors appropriate time to test where and how the policy will function, of which feedback will be used to inform the final Policy for Council adoption.

It is proposed that various forms of engagement will occur across the trial with the level of influence varying. On top of our engagement approach, there are also statutory requirements for notification which vary dependent on the classification of Council land.

Finalising the Policy

The draft Policy will be amended upon evaluation of findings and comments received throughout the exhibition period. The draft Policy will then require endorsement by Council once finalised.

PROPOSAL

It is proposed that Council endorse the draft Mobile Food Vending Policy for public exhibition and approve the proposed trial.

The draft Policy will be reported back to Council following an evaluation of findings and comments received throughout the trial and engagement.

CONSULTATION AND COMMUNICATION

Internal Staff

Council officers have consulted with numerous internal stakeholders to seek input regarding the approvals process, parameters and conditions. These include:

- Legal Services
- Development Assessment and Certification
- Property and Recreation
- City Strategy
- Regulation and Enforcement - Health
- Economic Development
- Engagement
- Infrastructure – Traffic.

Benchmarking other Councils

Council officers consulted with various local councils that permit mobile food vending (Sydney, Newcastle, Shoalhaven, Brisbane and Lake Macquarie). Interview style questions were used to attain information which included their approvals process, premise for implementing, conditions, learnings and recommendations. In most cases, Local Council's provided internal documents as guidance, while policy and application documents were obtained from Council websites. These findings were key in developing and structuring the draft Policy and informed the approach to conducting a concurrent trial.

Surveys

To pursue an informed and integrated approach, a targeted survey was distributed to 90 existing and potential mobile food vendors (collated from Regulation and Enforcement's registered mobile food vendor records, enquiries to Council and local social media pages). The survey included general questions

regarding their current trade and important factors to operate successfully. The survey affirmed the researched assumptions of the expected needs of Vendors and provided local information that further informed parameters of the draft Policy.

Consultation has not yet been undertaken with the community, as the parameters and approvals process must first be established and endorsed. Council officers have, however, advised vendors enquiring about MFVV on public land, that a policy is being drafted. External stakeholder consultation with potential vendors, their customers and the community, will be undertaken during the trial and co-current engagement period. This fosters genuine feedback through a test environment, that proves a pragmatic approach in informing and finalising a Council policy.

PLANNING AND POLICY IMPACT

This policy supports our Community Goals outlined in Wollongong 2028, with interconnected objectives being:

- We have an innovative and sustainable economy
- Wollongong is a creative, vibrant City

It specifically delivers on core business activities as detailed in the City Centre Management, Economic Development, Property Services, and Public Health and Safety, Service Plan 2021-22.

SUSTAINABILITY IMPLICATIONS

Operators will be required to comply with Council's policies in relation to single use plastics and waste management.

RISK MANAGEMENT

The main risk associated with the Policy relates to public health and safety issues arising from the operation of the MFVV. These risks are mitigated through Council's annual food inspection program, complaint-based inspections, conditions of approval and the requirement for MFVV operators to hold current insurance policies to cover public liability, third party property damage and registered vehicle insurance.

Locations for vendors to operate have been chosen within existing infrastructure suitable for vehicles – road reserve and existing carparks. Locations have been assessed against criteria that considered safety, environmental and amenity impacts, access, and planning policy. This process has allowed Council officers to propose locations where adverse impacts are minimal and activation potential is great. If complaints are received from community members during trial, Council officers will review, and act where required.

FINANCIAL IMPLICATIONS

The approval of mobile food vending vehicles requires the collaboration between multiple teams within the organisation. However, where possible existing processes and fees are being utilised which are currently existing operations of these teams:

- Section 68 approvals through DAC
- Mobile food inspections through Regulation and Enforcement
- EOI and licences through Property Services.

As such, there is no financial impact from adoption of the draft Policy and the management of approvals of MFVV. It is intended that the income generated by the associated fees and charges is sufficient to offset Council's costs in managing the MFVV approvals. This process will be facilitated within Property Services existing operations.

The approval of MFVV will incur fees which include food inspections, Section 68 applications and licence/consent fees. Relevant fees are outlined in Councils Fees and Charges and will apply to the MFVV approval process.

This will be re-assessed after the 12-month trial. These fees are set by the Council and are similar to Council's fees for fixed food premises which are guided by state regulation and the NSW Food Authority.

CONCLUSION

The approval of the draft Mobile Food Vending Policy, trial and engagement process will aim to deliver clear direction, transparency, and equal opportunity in permitting and approving MFVVs.

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ADOPTED BY COUNCIL: : [TO BE COMPLETED BY GOVERNANCE]

PURPOSE

Wollongong City Council supports the operation of mobile food vending vehicles to enliven the City of Wollongong Local Government Area and encourage both diversity in takeaway food options and activation of public spaces.

The purpose of the Policy is to provide the framework for the operation of mobile food vending vehicles in the City of Wollongong Local Government Area. The Policy sets out the relevant legislative requirements for safe food handling and preparation practices and establishes the trading parameters on public land.

The Policy also supplements provisions of the Local Government Act 1993, the Roads Act 1993, the Food Act 2003 and associated regulations.

The Policy is divided into three parts in accordance with the requirements of the Local Government Act 1993:

- Part 1 of the Policy specifies any exemptions from the Policy;
- Part 2 of the Policy specifies the approval requirements which Council must consider when determining whether to grant approval for a particular activity;
- Part 3 of the Policy specifies other matters relating to approvals.

POLICY INTENT

The main objectives of this policy are to:

- a) Set criteria for the operation of mobile food vending vehicles on Council-owned and managed land in the City of Wollongong Local Government Area;
- b) Encourage the activation of public spaces through a flexible food vending offer.
- c) Minimise any potential adverse impacts of mobile food vending vehicles on residential amenity and the environment.
- d) Ensure that mobile food vending vehicles operate safely and in accordance with the rules and restrictions on Council-owned and managed land.
- e) Ensure that food sold through mobile food vending vehicles is safe and fit for human consumption.
- f) Ensure that mobile food vending vehicles are adequately equipped and meet relevant standards.

WOLLONGONG 2028 OBJECTIVES

This policy supports our Community Goals outlined in Wollongong 2028, with interconnected objectives being:

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- We have an innovative and sustainable economy
- Wollongong is a creative, vibrant City

PART 1: POLICY

Where the policy applies:

The Policy applies to all Council-owned and managed land within the City of Wollongong Local Government Area as defined in Appendix 1 of the Policy.

The Policy does not apply to any food truck or food van that is operating pursuant to a separate "events" authorisation and/or sporting ground licence issued by Council.

The Policy does not apply to the use and operation of any food truck or food van that is used on private land.

Approvals to which the policy relates:

The Policy applies to the following activity, as specified in the Table under Section 68 of the Local Government Act 1993:

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

For the purposes of the Policy a 'standing vehicle' includes any food truck or food van that has stopped to make a sale, prepare to make a sale, or with the intention to sell.

When will the policy be revoked?

In accordance with Section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election of Council, unless Council revokes the Policy sooner.

DEFINITIONS:

For the purposes of the Policy:

- a) A **mobile food vending vehicle** is a vehicle located on Council-owned roads and public 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 the Policy, the term "mobile food vending vehicle" refers to both food trucks and food vans, being vehicles that are registered within the meaning of the Road Transport Act 2013.

All mobile food vending vehicles require an approval issued by Council prior to operating.

- b) A **food truck** is a vehicle used for the purposes of on-site preparation and sale of hot and cold food (considered a medium to high risk food category). Food trucks routinely change location and must not remain in any one location for more than 4 hours at one time.
- c) A **food van** is a vehicle used for the purposes of selling tea, coffee, drinks, cakes, sweets or other similar food (low risk food category). Food vans routinely change location and

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can make intermittent stops of up to 15 minutes at any one time.

- d) A **food cart** is a unit/vehicle which may or may not be powered, that is for the purpose of selling food or drink which operates within Council-owned roads and does not meet the definition of a food truck or food van (Note: food carts are not supported under the Policy).
- e) **Council-owned roads** includes all of the land used for vehicular traffic, plus any footway, shoulder, kerb and gutter.
- f) **Operational Land** includes all council land classified as 'operational' under the Local Government Act 1993.
- g) **Community Land** includes all council land classified as 'Community Land' under the Local Government Act 1993.
- h) **Crown Land** includes all council land classified as 'Crown Land' under the Local Government Act 1993.

EXPLANATIONS OF NOTES IN THE TEXT

The notes in text boxes are explanatory notes and do not form part of the Policy. The notes are provided to assist with the understanding of the Policy.

EXEMPTIONS UNDER THE POLICY

There are no exemptions under the Policy for mobile food vending vehicles.

Note: Section 158(3) of the *Local Government Act 1993* requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council.

To ensure the safety of food for human consumption, there will be no exemptions for compliance with the Policy in relation to mobile food vending vehicles.

PART 2: COUNCIL APPROVAL + ASSESSMENT REQUIREMENTS:

General criteria for all mobile food vending vehicles:

Council will consider the criteria as outlined in this Policy when determining applications for Mobile Food Vending approvals to operate within the City of Wollongong's Local Government Area. The criteria for approval to be used in the assessment of a Mobile Food Vending Vehicle will include all the relevant provisions contained in the approved standards as set out in Part 2 and 3 of this Policy, the Food Act 2003, and the Food Standards Codes.

Section 68 Approval requirements

- a) The policy applies to application for an approval to undertake an activity under a Section 68F item 7 of the Local Government Act 1993, namely:

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- 7 Use a standing vehicle or any article for the purpose of selling any article in a public place.
- b) Only the sale of foodstuffs and drinks will be allowed from mobile food vending vehicles. No sale of alcohol, cigarettes or other products from mobile food vending vehicles will be approved

All Mobile Food Vending Vehicles subject to this Policy require a Section 68 approval issued by Wollongong City Council prior to operating on Council owned roads or on Council-owned and managed land. The operation of a Mobile Food Vending Vehicle, or the selling of any food from a mobile vehicle in a public place within the Wollongong Local Government Area without prior approval is an offence under the *Local Government Act 1993*.

- c) Prior to the issue of an approval under this Policy, the mobile food vending vehicle's business details must be notified to Council in accordance with the Food Act. This can be done by completing the Food Business Notification Form on Council's website. The vehicle is to be made available for inspection by Council's Environmental Health Officer. Council will charge a fee for inspecting the mobile food vending vehicle as per Council's adopted Fees and Charges Schedule. Based on The Food Regulation Partnership adopted in July 2018, Council may choose to not inspect the vehicle, if the applicant is able to produce a satisfactory operational inspection report from their home jurisdiction council.
- d) Where applicable under the Food Act, Mobile Food Vendors must appoint a Food Safety Supervisor (FSS). The Mobile Food Vendor must ensure that the appointed FSS maintains a current FSS certificate.
- e) Mobile Food Vending Vehicles approvals will contain conditions of operation to be complied with at all times, including but not limited to compliance with the Policy.
- f) An application for approval to use a mobile food vending vehicle is to be made on the approved form. The prescribed fee is also to be paid before the application is assessed. Council will charge a fee (see 'Fees and Charges' section) for the Mobile Food Vending Vehicle approval as per the Fees and Charges on Council's website.
- g) Approvals will take effect from the date stated thereon and shall expire 12 months after the date of approval or any other period of time as stated in the approval, up to a maximum approval period of 12 months
- h) The applicant is to submit evidence of public liability insurance indemnifying the council against any actions, suits, claims, demands or proceedings for death or injury to any third party or parties or loss of, or damage to, any property, with an indemnity amount of not less than \$20,000,000 per occurrence and noting Council as an interested party. The Insurance is to be valid at all times from the date of approval through to the date the approval lapses.
- i) The applicant is to submit copies of valid insurance policies that protect the applicant:
 - a. Against any injury to any third party or parties under Compulsory Third Party Insurance as required by the Motor Accidents Compensation Act 1999; and
 - b. Against loss of, or damage to, any property whatsoever caused by the use of the vehicle when being driven by the Licensee, an employee of the Licensee, an

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independent contractor or any other person (including a person not employed by the Licensee). The policy is to have a limit of indemnity of not less than \$20,000,000 and shall be extended to include "CTP Gap Coverage Endorsement" cover. The policy shall note the interest of the Council as an insured.

The Insurance is to be valid at all times from the date of approval through to the date the approval lapses.

- j) [and] any other insurance required by law or as reasonably required by Council.

General requirements in accordance with Food Safety Standard 3.2.3

All mobile food vending vehicles approved by Council are required to comply with the requirements of Food Safety Standard Further details on these requirements are contained within Mobile Food Vending Vehicles – Operation, construction and food handling guidelines, prepared by the NSW Food Authority.

Further details on these requirements are contained within the [Guidelines for Mobile Food Vending Vehicles](#) prepared by the NSW Food Authority.

MOBILE FOOD VENDING APPROVAL**General criteria for Food Vans and Food Trucks****Locations:**

Mobile Food Vendors may only operate in the areas specified as approved locations which are available on Council's website and may change from time to time.

Maps: The permitted trading locations for Mobile Food Vendors are shown in a map linked to the Council's website: www.wollongong.nsw.gov.au and search for "Mobile Food Vending". Locations are also listed in Appendix 1.

Mobile Food Vendors permitted to operate on Council-owned roads and public land are to:

- Be located within existing lawful parking spaces within the Road Reserve of existing carpark infrastructure; and
- Comply with the local parking restrictions; and
- Not operate directly in front of a residential building (house or apartment) on the same side of the road as the frontage of the residential building; and
- Comply with the relevant road rules; and
- Comply with the relevant rules associated with the public land parcel,

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Note: Council will use the following principles in determining the suitability of any additional mobile food vending locations to those specified in Appendix 1:

- Permissible uses within that zone (compatibility considerations e.g. land use zone and plan of management perspective)
- Proximity to residential properties (potential residential amenity impacts)
- Proximity to existing food and beverage businesses
- Access to public open spaces and facilities
- Opportunity to activate public spaces
- Proposed hours of operation and length of trade (consideration of other food and drink premises near proposed location)
- Road, road-user and pedestrian safety

Stopping time:

- Stand in any one location for a maximum period of five (5) hours at any one time, inclusive of set-up and pack-up times;
- A vendor can only trade at each location once per day
- A vendor can trade across multiple locations within a day

An authorised officer has the authority to require the vehicle to move on from the area within the prescribed period if necessary.

Permitted days and hours of operation:

- Standard operating hours are 7am to 7pm* each day, inclusive of set up and pack-up times.
- Extended hours of 7am to 9pm will be considered on a location by location basis
- Each permitted location has defined hours of operation. See Appendix 1
- Mobile food vending vehicles are not to remain in any permitted location overnight.

Parking:

Mobile Food Vending vehicles are to operate so as to:

- a) Not impact on or conflict with any marked bicycle lanes; and
- b) Ensure access to pedestrian ramps and footpaths are not compromised; and
- c) Ensure that access or egress from any building is not restricted by the operation of the food truck; and
- d) Ensure access to public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, fire hydrants, telephone booths and post boxes or the like

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- e) Ensure that trade does not occur into the road reserve.
- f) Vendors must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties.

Vehicle Specifications:

Mobile Food Vending Vehicles must be no wider than 2.5m.

Additionally, vehicles 7.5m or greater in length require separate Road Occupancy Permits.

Deliveries:

Mobile Food Vending Vehicles are to arrive at a location fully equipped. Deliveries are not to be made to a food truck while it is in operation on public land

Food Carts *Not* supported under the Policy

Applications for approval to operate a food cart on Council-owned roads pursuant to Section 68 of the Local Government Act 1993, for the purpose of selling any article in a public place, are not supported under the Policy

APPLICATIONS FOR APPROVAL

The completed forms must be accompanied with all supporting documentation required as outlined in the application form otherwise the application will not be assessed. Fees must be paid in full prior to an approval being issued.

ISSUING OF APPROVALS

- Approvals issued by Council will be to a person or corporation on a per vehicle basis. Approvals are specific to each Mobile Food Vending vehicle and they are not transferable between vehicles
- An approval will be provided to all Mobile Food Vending Vehicles when final approval has been issued. The approval must be attached and displayed on the approved vehicle in a location clearly visible to the customers at all times whilst in operation.
- No ownership transfer of Council approval (section 68) 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/operator.
- Approvals will be issued subject to conditions including, but not limited to, compliance with this Policy.

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PART 3: OTHER MATTERS RELATING TO APPROVALS FOR ALL MOBILE FOOD VENDING VEHICLES:**Serving:**

Mobile food vending vehicles are not to operate with their serving window opening onto any part of a vehicular carriageway (road or carpark) or a cycleway.

Customer Seating:

The placement of tables, chairs or other seating apparatus is not permitted at any time.

Signage:

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 vehicles.

The Policy does not allow the use of any temporary signage (eg A-frame boards) in association with the operation of any mobile food vending vehicle.

Waste management and Recycling:

Provisions for waste management are to include the following:

- Mobile food vending vehicle operators are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, and 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.
- 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.
- Details of liquid waste and garbage disposal arrangements must be supplied with the application for the mobile food vending vehicle.
- Packaging used for the sale of food and drinks should be selected for its suitability for recycling in the Wollongong Local Government Area.

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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.

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.

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.

Food Handling:

The requirements for the handling of food for sale and human consumption are outlined in the standards set by the NSW Food Authority's website (www.foodauthority.nsw.gov.au). The requirements apply to all food handling including 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).

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Preparing food at home:

Restrictions apply to the preparation of food as part of a home business. Please contact Council's Duty Planner for further information regarding restrictions in your residential zone.

Use of a separate premises:

Where the operation of the mobile food vending vehicle involves the use of premises within the City of Wollongong Local Government Area, for the storage or preparation of food in conjunction with a mobile food vending vehicle, a Development Consent for such a use may be required under the Environmental Planning and Assessment Act 1979. Any change in permanent facilities must be notified to Council. The business details must also be notified to Council under the provisions of the Food Act prior to commencement of operation. This can be done by completing the [Food Business Notification Form on Council's website](#).

Maintenance:

The vehicle and its associated fixtures, fittings and equipment must be kept clean, presentable and in a good state of repair and working order, free from dirt, fumes, smoke, foul odours and other contaminants.

Non-Compliance:

Council's Authorised Officers may issue improvement notices, 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 agencies such as the NSW Environment Protection Authority. Failure to adhere to any condition of approval and/or legislative requirement may result in modification, suspension or revocation of the approval, in addition to prosecution or the issue of fines.

REVIEW

The Policy is a Local Approvals Policy prepared and adopted under Section 158 of the Local Government Act 1993.

1. Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
2. A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

ROLES AND RESPONSIBILITIES

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993, and ensuring good governance, including open and transparent consultation

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during its development and review. Authorised officers of Council will issue approvals to operate a mobile food vending vehicle, enforce conditions of approval, and monitor and regulate non compliances with this Policy and relevant legislation.

Operators of mobile food vending vehicles are responsible for ensuring they have approval to operate on Council owned roads prior to trading at those locations. Operators must comply with the requirements of this Policy and relevant legislation while trading on Council owned land.

RELATED PROCEDURES

The following documents and Acts are relevant to this policy:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Food Act 2003*
- *Roads Act 1993*
- *Australia New Zealand Food Standards Code Food Safety Standards – Standard 3.1.1, Standard 3.2.2 and Standard 3.2.3*
- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *Road Rules 2014*
- *Councils Fees and charges*
- [Guidelines for Mobile Food Vending Vehicles](http://www.foodauthority.nsw.gov.au/) – July 2020 (available on the NSW Food Authority website <http://www.foodauthority.nsw.gov.au/>)
- *Department of Local Government Street Vending Control Guidelines 2017*
- *Leases and Licences of Council owned and managed land, buildings and public roads Council Policy*
- *Occupation of Council owned and managed land, buildings and public roads Management Policy*
- *Legal Costs payable by Lessees and Licensee of Council premises other than retail premises Council Policy*
- *Compliance and Enforcement Council Policy*

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APPROVAL AND REVIEW		
Responsible Division	Property + Recreation	
Date/s adopted	<i>Executive Management Committee</i> [updated by policy owner]	<i>Council</i> [DD Mmmm YYYY]
Date/s of previous adoptions		
Date of next review	[Two years from last adoption]	

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APPENDIX 1: PERMITTED TRADING LOCATIONS FOR MOBILE FOOD VENDING VEHICLES WITHIN WOLLONGONG LOCAL GOVERNMENT AREA

Trading locations for Mobile Food Vending Vehicles have been assessed based on permissibility of this use under the relevant Environmental Planning Instruments that apply to the Wollongong City Council Local Government Area, amenity, access and safety.

Maps: The Permitted Trading Locations for mobile food vending are specifically shown in a map linked to the Council's website: www.wollongong.nsw.gov.au and search for "Mobile Food Vending".

It is noted that the list of locations is likely to change from time to time.

Suburb	Location Name	Street Address	Council Land Classification
Stanwell Park	Stanwell Park Beach Carpark	Off Beach Drive	Crown Land + Community Land
Coalcliff	Coalcliff Beach Carpark	Off Bombora Way (ROW)	Community Land
Coledale	Sharkies Beach Carpark	Off Lawrence Hargrave Drive	Crown Land
Bellambi	Dobbie Reserve	Dobbie Avenue	Road Reserve
Bellambi	Bellambi Harbour	Off Robert Cram Drive	Community Land
Towradgi	Towradgi Park	Towradgi Road	Road Reserve
Fairy Meadow	Thomas Dalton Park Carparks	Off Elliotts Road and Pioneer Road	Community Land
West Wollongong	Roy Johansson Park	Euroka Street	Road Reserve
Wollongong	Neville McKinnon Park	Strathearn Avenue and South Street	Road Reserve
Farmborough Heights	Millingaa Park	Waples Road	Road Reserve
Port Kembla	Gallipoli Park	Quarry Street	Road Reserve
Dapto	Dapto Skatepark	Off Bong Bong Road	Community Land
Kanahooka	Kanahooka Park	Kanahooka Road	Road Reserve
Berkeley	Holborn Park	Holborn Road	Road Reserve
Windang	Windang Boat Ramp	Off Fern Street	Crown Land
Primbee	Purry Burry Park	Purry Burry Avenue and Bundah Place	Road Reserve + Community Land

MOBILE FOOD VENDING - PROPOSED TRIAL LOCATIONS

SUMMARY:	2
LOCATIONS – WARD 1	3
Stanwell Park	3
Coalcliff	4
Coledale	5
Bellambi	6
Towradgi	7
Fairy Meadow	8
LOCATIONS – WARD 2	9
West Wollongong	9
Wollongong	10
LOCATIONS – WARD 3	11
Farmborough Heights	11
Port Kembla	12
Dapto	13
Kanahooka	14
Berkeley	15
Windang	16
Primbee	17

SUMMARY:

Ward	Suburb	Location Name	Street Address	Council Land Classification	No of Vendors	Hours of operation
1	Stanwell Park	Stanwell Park Beach Carpark	Off Beach Drive	Crown Land + Community Land	2	7am-7pm
1	Coalcliff	Coalcliff Beach Carpark	Off Bombora Way (ROW)	Community Land	2	7am-7pm
1	Coledale	Sharkies Beach Carpark	Off Lawrence Hargrave Drive	Crown Land	2	7am-9pm
1	Bellambi	Dobbie Reserve	Dobbie Avenue	Road Reserve	2	7am-7pm
1	Bellambi	Bellambi Harbour	Off Robert Cram Drive	Community Land	2	7am-7pm
1	Towradgi	Towradgi Park	Towradgi Road	Road Reserve	3 (large area)	7am-9pm
1	Fairy Meadow	Thomas Dalton Park Carparks	Off Elliotts Road and Pioneer Road	Community Land	2	7am-7pm
2	West Wollongong	Roy Johansson Park	Euroka Street	Road Reserve	2	7am-7pm
2	Wollongong	Neville McKinnon Park	Strathearn Avenue and South Street	Road Reserve	3	7am-9pm
3	Farmborough Heights	Millingaa Park	Waples Road	Road Reserve	1 (small area)	7am-7pm
3	Port Kembla	Gallipoli Park	Quarry Street	Road Reserve	2	7am-7pm
3	Dapto	Dapto Skatepark	Off Bong Bong Road	Community Land	1 (small area)	7am-7pm
3	Kanahooka	Kanahooka Park	Kanahooka Road	Road Reserve	3 (large area)	7am-7pm
3	Berkeley	Holborn Park	Holborn Road	Road Reserve	3 (large area)	7am-9 pm
3	Windang	Windang Boat Ramp	Off Fern Street	Crown Land	2	7am-9pm
3	Primbee	Purry Burry Park	Purry Burry Avenue and Bundah Place	Road Reserve + Community Land	3 (large area)	7am-7pm

LOCATIONS – WARD 1

Stanwell Park

Carpark near surf club, off Beach Drive.

Lot 7304 Crown DP 1142283

Crown Land



Coalcliff

Carpark near Surfclub, off Bombora Way (ROW)

Lot 102 DP 603720, Lot 12 DP 1127511

Community Land – Park and Natural Area

Only Park areas have been marked for consideration.



Coledale
Sharkies Beach Carpark

Lot 7302 Crown DP 1149797

Lawrence Hargrave is a RMS classified road – not permitted

Carpark is Crown Land area

Coledale Beach and Rock Platform Lawrence Hargrave Drive COLEDALE NSW 2515



Bellambi

Bellambi Harbour off Robert Cram Drive

Small piece of Community Land – Park

Note: Either side is outside Council ownership/management.

Lot 158 DP 247217



Dobbie Avenue, near Dobbie Reserve

Road Reserve



Towradgi

Towradgi Park on Towradgi Road

Road Reserve



Fairy Meadow

Thomas Dalton Park, Carparks

Lot 2 DP 347972 (near surfclub)

Community Land – Sportsground

Food Vans only – not safe for Food Trucks to serve.



Lot 1 DP 863756

Community Land - Sportsground



LOCATIONS – WARD 2

West Wollongong

Roy Johansson Park, Euroka Street

Road Reserve



Wollongong

Neville McKinnon Park, Strathearn Avenue + South Street

Road Reserve



LOCATIONS – WARD 3

Farmborough Heights Milligaa Park, Waples Road

Road reserve



Port Kembla
Quarry Street, Gallipoli Park

Road reserve

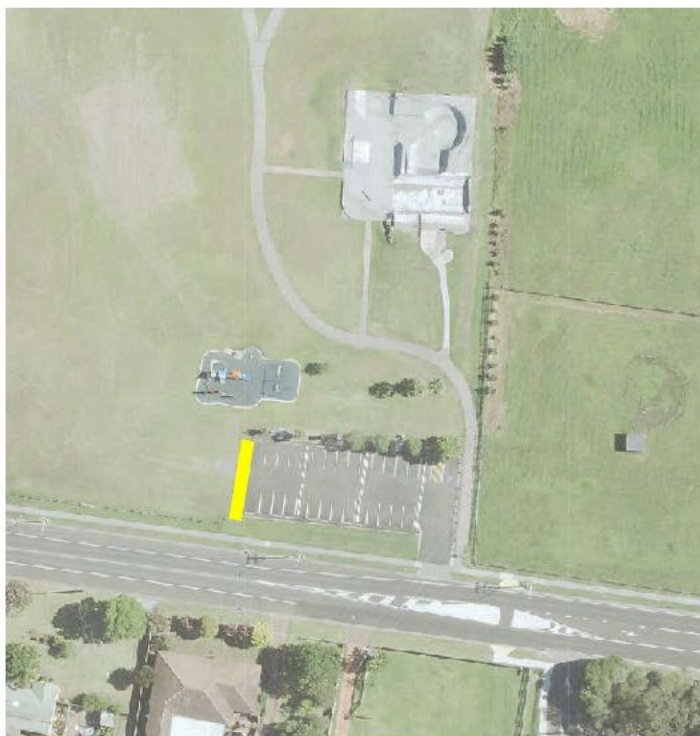


Dapto

Skatepark Carpark off Bong Bong Road

Lot 26 DP 259847, Lot 199 DP 263915

Community Land - Park



Kanahooka

Kanahooka Park, Kanahooka Road

Road Reserve

Kanahooka Park 1 Kanahooka Road KANAHOOKA NSW 2530



Berkeley

Holborn Park and Berkeley Skatepark, Holborn Road

Road reserve



Windang

Near Windang Boat Ramp and Surf club

Crown Land

Lot 7015 Crown DP 1029497

Perkins Beach Fern Street WINDANG NSW 2528



Primbee

Purry Burry Park, Purry Burry Avenue + Bundah Place

Community Land – Park

Road Reserve



