

POLICY NAME: MOBILE VENDING ON PUBLIC LAND

POLICY REF: M03

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OBJECTIVE

The objectives of this policy are to:

- Identify the types of Mobile Food Vending activities that are permitted on public reserves and public roads in Ballina Shire.
- Establish a framework and associated requirements for the operation of Mobile Food Vending businesses in Ballina Shire.
- Establish a process for Council's receipt of applications for Mobile Food Vending and determination of applications.
- Differentiate between the requirements applicable to fixed site Mobile Food Vending and non-fixed site Mobile Food Vending.

POLICY

Section A – Permitted Vending

This policy permits Mobile Food Vending on public land and on public roads (as nominated in Section B) through a mobile outlet such as a food truck, van or cart or other similar vehicle where the outlet meets the definition set out under Subdivision 27A Mobile food and drink outlets under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Subdivision 27A as at 10 November 2023 is reproduced in Attachment 1.

No other forms of Mobile Food Vending are permitted on public land or public roads unless otherwise authorised by development consent under the terms of the *Environmental Planning and Assessment Act 1979*.

In the case of proposals for Mobile Food Vending on public land or roads that require development consent, Council's authority to lodge a development application may only be granted by agreement with the General Manager or as directed by the elected Council or Crown Land Manager (as applicable). Any such proposals must be able to demonstrate a clear significant public and economic benefit to the shire. Typical small business activities such as the sale of flowers, clothes, handicrafts and other goods are unlikely to demonstrate the required level of public and economic benefit to the shire.

The effect of the above is that Mobile Food Vending that meets the set definition may be authorised on public land and public roads without the need for development consent.

No Mobile Food Vending Vehicle is to trade within 200m of an existing trading takeaway food or drink premises open for business that is serving the same or similar food types. This minimum distance requirement is measured in a straight line from the closest point of the Mobile Food Vending Vehicle location to the main entrance of the takeaway food and drink premises.

The fixed site mobile food vending locations shown in Attachment Four is compliant with the minimum 200m separation distance requirement at the time of adoption of the policy. In cases where new takeaway food or drink premises are established after the adoption of this policy Council will review mobile food vending sites to ensure ongoing compliance with the separation distance requirement. This may result in some locations and sites being removed from this policy.

This policy does not apply to Mobile Vending (including food) that is otherwise carried out as part of another activity (such as markets or festivals) that is authorised by Council.

Where there is inconsistency between this policy and Council's Commercial Activities on Public Land Policy, this policy prevails.

Section B – Locations Where Mobile Food Vending is Permitted

Mobile Food Vending is permitted under this policy in the following circumstances:

1. Fixed Sites - Location Specific (Reserve Areas)

Mobile Food Vending is permitted from within the Council managed reserves specified in Table 1. Temporary fixed Mobile Food Vending Vehicles may trade in these areas between the hours of 7:00 am and 7:00pm on any day subject to compliance with the Guidelines contained in Attachment 2.

Table 1: Mobile Food Vending Locations within Council Reserves

Location	Site Description
Missingham Park	Missingham Park adjacent to the spit as shown in the plan contained in Attachment 4 (Three sites).

Each reserve identified in Table 1 has nominated sites for Mobile Food Vending to be located. These sites are available to all licensed vendors, with use of a site on a given day available to the first vendor to set up their operation.

Mobile Food Vending within Council reserves must be from a registered vehicle that is self-contained or capable of being towed lawfully on the road (e.g. a trailer or caravan), provided that the Mobile Food Vending Vehicle can be wholly located within an area of 5m x 5m.

The vehicle must be fully or at least partially self-contained and require no or minimal setting up.

Fixed sites may be considered for food vendors to prepare multistep ready-to-eat foods such as sandwiches and cooked meals, subject to approval.

Where nominated reserve sites are otherwise lawfully occupied by members of the public, a Mobile Food Vending Permit does not require that the area is vacated to enable Mobile Food Vending to be undertaken.

A Mobile Food Vending Permit holder is allowed to trade within 20m of a nominated site on a reserve. This provides flexibility for traders in the event that an on reserve site is occupied (e.g. by a parked car).

Where a nominated site becomes unavailable due to Council operational requirements (e.g. construction, reserve maintenance and repairs) for a period of more than four weeks, Council may identify an alternate site within the same reserve to enable authorised trading to continue.

2. Non Fixed Sites - Roads and Car Parking Areas

Mobile Food Vending is permitted from Council owned roads and formed roads and car parking areas within Council managed reserves subject to compliance with the Guidelines contained in Attachment 3 where:

- The vending is undertaken from a rigid axle vehicle that is inclusive of the infrastructure required to carry out the vending (i.e. not trailers, caravans or the like), and
- The vending involves single step food preparation only and is predominantly comprised of coffee and hot beverage sales, pre-made snacks and/or ice cream sales and the like, and

- The carrying out of the vending is compliant with NSW road rules including safe operation and parking of vehicles, and
- The Mobile Food Vending Vehicle is stationary on the land (inclusive of the immediate surrounds of the location at which the vehicle is parked) for a period not exceeding 45 minutes.

Section C – Approval Documentation Required and Responsible Council Sections

All fixed and non-fixed site mobile food vendors must make an application for approval to operate. Where approval is granted, approvals must be renewed upon expiry and an annual licence/ approval fee paid (where vendors wish to continue trading).

Where appropriate Council will authorise Mobile Food Vending (Fixed and Non-Fixed sites) to occur on public land or roads via a Mobile Food Vending Permit. A permit provides for approval under the relevant legislation as indicated in Table 2.

Table 2: Permit Approval Types

Land Type	Approval Type (Permit)	Maximum Permit Term	Responsible Section(s)
Crown Land Management Act 2016	licence	1 Year	Open Space and Reserves, Community Property.
Council Owned Land	S68 Local Government Act Approval	1 Year	Open Space and Reserves, Community Property.
Road	S138 Roads Act Approval	1 Year	Infrastructure Planning and Community Property

In addition to the above, all mobile food vendors must obtain relevant approvals relating to the handling and sale of food.

Permits are granted on a per vehicle basis and are not transferable. No refund of fees paid will be given where a business ceases to trade or a vending operation is sold. Where a business is sold, the new proprietor is required to make a new application for a Mobile Food Vending Permit and obtain the necessary permit prior to trading.

Section D – Permit Application Process and Fees (This section only applicable to Fixed Sites which have not been allocated as part of an EOI Process)

New proposals for Mobile Food Vending must complete the Application for Mobile Food Vending Form.

Applications for fixed and non-fixed site Mobile Food Vending must be accompanied by the required application fee as set out in Council's adopted fees and charges.

To continue trading beyond a granted permit period, existing approved mobile food vendors must complete the Application for Mobile Food Vending Form. Renewal applications must be accompanied by the applicable annual permit fee set out in Council's adopted fees and charges. Renewal applications must be made four weeks prior to the expiry of the current permit (alternatively, a new application and payment of the applicable fee is required). Applications for non-fixed site Mobile Food Vending that are consistent with the terms of this policy and adequately address the matters set out in Section E may be approved by staff within the responsible sections noted above (consistent with delegations).

Applications that do not meet the requirements of this policy will be declined or in certain cases, including all applications for fixed site Mobile Food Vending received as part of an EOI process, will be reported to the elected Council for direction.

Council will not grant donations or reductions in fees and charges to charitable organisations (or others) wishing to hold a Mobile Food Vending Permit.

This policy does not establish a limitation on the number of non-fixed site Mobile Food Vending approvals that may be issued.

Section E – Approval Requirements and Considerations

A Mobile Food Vending Permit must not be granted until food approvals are in place or a suitable condition is applied to require relevant food approvals to be in place before trading commences.

Mobile Food Vending operations must meet the following requirements:

- Operate in accordance with the NSW Food Authority *Guidelines for Mobile Food Vending Vehicles*, and
- Have the consent of the owner of the land on which the vending is to be carried out (in the case of this policy, this is Ballina Shire Council), and
Explanatory Note: Where a permit is granted for Mobile Food Vending under this policy, this is taken to constitute the consent of Council (but this only applies in circumstances where a permit is able to be granted under this policy)
- Not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- Not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
- Not be located under the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
- Not result in any damage to public property on the land or on adjacent land, and
- If carried out on land in a residential zone - only be carried out between 7.00 am and 7.00 pm ~~on any day~~, and
- If located on a public place - have any approval required under s68 of the *Local Government Act 1993*, the *Crown Land Management Act 2016*, or s138 of the *Roads Act 1993*, and
- Operate in a safe manner and in accordance with applicable road rules, and
- Operate in accordance with the Mobile Food Vending Guidelines contained in Attachments 2 or 3.

These matters may be addressed by conditions attached to a Mobile Food Vending Permit.

Section F – Breaches of Policy and Enforcement

Where the terms of this policy and associated permits for mobile food vendors are breached, Council may take enforcement action under the terms of the relevant legislation. Council Rangers and other Authorised Officers may take enforcement action for non-compliance.

BACKGROUND

This policy has been prepared to provide a decision making framework to address proposals for Mobile Food Vending activities on public land and public roads.

The policy identifies the types of Mobile Food Vending that are permitted in Ballina Shire along with nominated locations for such uses and key considerations and requirements. The policy also addresses application, approval and fee matters.

The policy is important in determining what types of Mobile Food Vending may be approved on public land and under what circumstances such an approval may be granted.

The policy applies to Council owned land, Crown Reserves where Council is the Crown Land Manager and public roads administered by Council as a roads authority.

This policy constitutes a local approvals policy under the terms of the *Local Government Act 1993*.

DEFINITIONS

Fixed Site Mobile Food Vending	refers to vendors approved to trade from specific sites in accordance with the requirements contained in Part 1 of Section B of this Policy.
Mobile Food Vending	means the sale of food, drinks and associated products from a registered vehicle.
Mobile Food Vending Permit	means a written authorisation issued by Council for the operation of a Mobile Food Vending outlet on public land or public roads under the terms of the applicable legislation.
Mobile Food Vending Vehicle	means a vehicle used for the sale of food, drinks and associated products from a registered vehicle or a vehicle that can be towed lawfully on the road (including a registered trailer, push cart or registered caravan). Vehicles operating on fixed sites must be at least partially self-contained and preferably fully self-contained, with no to minimal set up. Vehicles operating at non-fixed sites must be fully self-contained and be a rigid axle vehicle.
Mobile Vending	means the sale of goods or services from a vehicle or associated trailer or any other form of temporary trading from or associated with a vehicle.
Non Fixed Site Mobile Food Vending	refers to vendors approved to trade from roads and reserves in accordance with the requirements contained in Part 2 of Section B of this Policy.

SCOPE OF POLICY

This policy applies to:

- Council employees
- Councillors
- Community members

RELATED DOCUMENTATION

Related documents, policies and legislation:

- Ballina Coastal Reserve Plan of Management 2011
- Ballina Shire Council Commercial Activities on Public Land Policy 2014
- Crown Land Management Act 2016
- Environmental Planning and Assessment Act 1979
- Food Act 2003
- NSW Food Authority Guidelines for Mobile Food Vending Vehicles 2013
- Local Government Act 1993
- Local Government (General) Regulation 2005

REVIEW

The Mobile Food Vending on Public Land Policy is to be reviewed within one year of the election of each new Council.

ATTACHMENT 1 - EXEMPT DEVELOPMENT CRITERIA – MOBILE FOOD AND DRINK PREMISES

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Current version for 30 October 2023 (accessed 10 November 2023)

Part 2 Division 1 Subdivision 27A

Subdivision 27A Mobile food and drink outlets

2.54A Specified development

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.

2.54B Development standards

The standards specified for that development are that the development must—

- (a) have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and
- (b) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
- (c) not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
- (d) not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
- (e) not result in any damage to public property on the land or on adjacent land, and
- (f) if carried out on land in a residential zone—only be carried out between 7am and 7pm, and
- (f1) if carried out on land immediately adjacent to a residential zone—only be carried out between 7am and 10pm, and
- (g) if located on a public place—have any approval required under section 68 of the *Local Government Act 1993*, and
- (h) if located on private land—be limited to 1 development on that land and not contravene any conditions of a development consent for any other use carried out on the land.

Note –

A registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Regulation 2007*, or a cart, bicycle cart or the like must operate in accordance with the *Guidelines for mobile food vending vehicles* (NSW/FA/F1055/1302) published by the NSW Food Authority in February 2013, and any requirements of the *Food Act 2003*.

ATTACHMENT 2 – FIXED SITE MOBILE FOOD VENDING GUIDELINES

1. Parking and Site Occupation Requirements

- 1.1 Mobile Food Vending Vehicles must operate in full compliance with existing road rules and parking restrictions when operating on Council-owned roads, including no parking on footpaths or across driveways.
- 1.2 Where a designated trading area within the nominated trading locations on public land is occupied by the general public (e.g. a parked car) a Mobile Food Vending Vehicle is allowed to trade within 20m of that nominated trading location on similarly designated land.
- 1.3 Except as provided for under 1.2, where a designated trading area within the nominated trading locations on public land is occupied by the general public—or a reserve user group, mobile food vendors may not trade from an alternate site at that location whilst ever the designated areas are occupied.
- 1.4 Where a designated trading area within the nominated trading locations is unavailable due to construction, maintenance or other like activities, Council may make an alternative site available on request.
- 1.5 Nominated sites for trading within public reserves must only be occupied by one vendor at a time.
- 1.6 The maximum area in which trading is permitted shall be limited to a square having dimensions of 5m x 5m.

2. Deliveries

- 2.1 Mobile Food Vending Vehicles must arrive fully equipped at all trading locations and are not permitted to receive any deliveries.

3. Liquor Licencing

- 3.1 No Mobile Food Vending Vehicle is to sell or provide alcohol to the public.

4. Customer Seating

- 4.1 The placement of tables, chairs or other seating apparatus is to be wholly contained within the permitted trading area.
- 4.2 Shade structures are permitted subject to being located within the permitted trading area and being attached to the mobile food vending vehicle. Freestanding marquees, pergolas or the like are not permitted at any time.

5. Council Authorised Events and Occupation of Public Land

- 5.1 Mobile Food Vendors must not trade unless separately authorised to do so where an area is occupied or otherwise is being used for or in association with a Council authorised event or market.
- 5.2 Mobile Food Vendors must not trade unless separately authorised to do so where an area is occupied or otherwise is being used for or in association with another Council approval for the use of public land.

6. Public Access

- 6.1 Mobile food vendors must not unduly impede public access and must wait for nominated reserve sites to be vacated where they are otherwise lawfully occupied by members of the public.

7. Signage and Advertising (Including Corporate Advertising, Third Party Advertising and Promotional Hire)

- 7.1 A Mobile Food Vending Permit under this Policy does not provide approval for the erection or display of any sign or sign structure not directly attached to the Mobile Food Vending Vehicles.
- 7.2 Signage on Mobile Food Vending Vehicles is limited to two non-moving sign each having a maximum area of 2m² permanently affixed to the Mobile Food Vending Vehicle.
- 7.3 Mobile Food Vending Vehicles are not permitted to trade if the vehicle is re-branded or re-appropriated for a temporary promotion, third party advertising purposes or corporate sponsorship.

8. Hours of Operation

- 8.1 Operating a Mobile Food Vending Vehicle is restricted to between the hours of 7am and 7pm.

9. Food Premises and Equipment

- 9.1 Without limiting the requirements of the Food Safety Standards 3.2.2, 3.2.3, and any conditions of approval, the general requirements for the design, fit out, and operation of a Mobile Food Vending Vehicle must have a layout and construction that:
- Is appropriate for the types of food produced and activities conducted, and
 - Provides adequate space for all activities and for all equipment to be used or stored, and
 - Allows easy cleaning or sanitising procedures of all structures and equipment, and
 - Prevents entry of pests, dust, fumes, smoke and other contaminants, and
 - Excludes favourable sites for pests to harbour (live and breed), and
 - Provides for hand washing facilities, washing up area, food preparation areas, cooking facilities, adequate food storage and refrigeration facilities and waste disposal areas commensurate with the type of food vending to be undertaken.

Detailed requirements for the operation and fitout of vehicles are available in the **NSW Food Authority Guidelines for Mobile Food Vending Vehicles** which can be found on [Ballina Shire Council](#) and the [NSW Food Authority](#) websites.

10. Obligations on People Selling Food

- 10.1.1 All food businesses are required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003, Food Regulation 2015 and Food Standards Code. The Food Standards Code 3.2.2 Food Safety Practices and General Requirements and 3.2.3 Food Premises and Equipment, are available on the Food Standards Australia New Zealand website at www.foodstandards.gov.au.

10.2 The prior consent of every local council in whose area the vehicle will be used for storing, preparing or selling food, may be required. It is important to check the requirements with every local council you propose to work in prior to operation, as penalties may apply for not having the appropriate approvals.

10.3 Failure to comply with the requirements of the Act may result in prosecution, penalty infringement notices, product being seized, improvement notices or warning letters being issued, or prohibition orders (e.g. prohibiting the sale of food or the use of certain equipment) being served.

11. Toilet Facilities

11.1 Suitable toilet facilities are to be identified for use by food handlers during hours of operation.

12. Vehicle Inspections

12.1 All Mobile Food Vending Vehicle operators must make their vehicle available for inspection for food safety requirements prior to issue of an approval, and/or from time to time as requested by Council.

12.2 Random inspections of Mobile Food Vending Vehicles may be conducted by Council officers during hours of operation.

13. Maintenance of the Vehicle

13.1 The vehicle must be kept clean and in a good state of repair and working order, ensuring road worthiness.

14. Waste Management

14.1 A Waste Management Plan is required to be prepared and approved for each Mobile Food Vending proposal. The plan is to incorporate the following:

14.1.1 Details of the waste minimisation strategy proposed for the Mobile Food Vending proposal. The strategy is to include details of packaging proposed, anticipated volumes generated, recycling options and other details considered to be relevant by Council for the proposal.

14.1.2 Provision of suitable garbage receptacles with close fitting lids are to be provided in the vehicle.

14.1.3 Provision of suitable receptacle(s) outside of the vehicle for depositing of take away food containers and other litter.

14.2 Garbage generated within the vehicle is not to be disposed of at public garbage bins.

14.3 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, stored within the vehicle and disposed at the cost of the operator.

14.4 Any waste produced by the Mobile Food Vending Vehicles must be removed from the site by the Mobile Food Vending Vehicle operators at the end of the trading period.\

14.5 The trading area must be left in a clean and tidy condition at the end of each trading interval.

14.6 Liquid waste must not be discharged to the ground or in any stormwater drain.

15. Water Supply

15.1 The vehicle must be provided with an adequate supply of potable water stored in food grade water storage 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.

15.2 The vehicle must be equipped with a waste water tank of sufficient capacity to contain all stored potable water with extra capacity for the containment of other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

15.3 Disposal of all liquid wastes generated within the food van must be through the sewer (and grease trap where necessary) or as approved by Council.

15.4 All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water. Hot water must be available at all times during the preparation and sale of food.

16. Control of Pollution

16.1 Operators must also comply with the *Protection of the Environment Operations Act 1997*.

17. Copies of Approvals

17.1 A copy of the current Mobile Food Vending Permit and current Commercial Food Premises Registration applicable to the Mobile Food Vending Vehicle is to be kept in the vehicle at all times and made available to Council officers on request.

18. Insurance

18.1 The Mobile Food Vendor the subject of the Mobile Food Vending Permit must maintain an insurance policy for Public Liability for an amount which may be payable arising out of any one single accident or event of not less than \$20 million or such other sum as is reasonable as determined by Council.

18.2 The Mobile Food Vendor must provide to Council a copy of the certificate of currency for the Public Liability insurance held on request.

19. Work Health and Safety

19.1 Mobile Food vendors must operate in a manner that is compliant with applicable work health and safety laws.

20. Management Plan

20.1 Where Mobile Food Vending is to be undertaken from one of the nominated sites within a Council managed reserve, the Mobile Food Vendor must have in place a site management plan addressing the requirements of Council's Mobile Food Vending on Public Land Policy and its associated guidelines as a minimum.

21. Application Information

21.1 Applications for a Mobile Food Vending Permit must be accompanied by the following information in relation to the vehicle involved in the vending:

- Photograph of the vehicle, and
- Dimensions of the vehicle, and
- Vehicle number plate.

ATTACHMENT 3 – NON-FIXED SITE MOBILE FOOD VENDING GUIDELINES**1. Parking and Site Occupation**

- 1.1 Mobile Food Vending Vehicles must operate in full compliance with existing road rules and parking restrictions when operating on Council-owned roads, including no parking on footpaths or across driveways.
- 1.2 Mobile Food Vending Vehicles must not be located at any one location for periods exceeding 45 minutes.
- 1.3 Once a Mobile Food Vending Vehicle has vacated a site within the road and car parking network, the vendor must wait at least two hours before returning to that site or any area within 500m of that site.

2. Deliveries

- 2.1 Mobile Food Vending Vehicles must arrive fully equipped at all trading locations and are not permitted to receive any deliveries.

3. Serving of Food

- 3.1 Mobile Food Vending Vehicles must not sell with their serving window facing the road carriageway (must face the footpath) so as to ensure the safety of pedestrians.
- 3.2 Mobile Food Vending Vehicles must not vend with their serving window facing a cycleway, to ensure the safety of pedestrians and to minimise pedestrian traffic across the cycleway.

4. Liquor Licencing

- 4.1 No Mobile Food Vending Vehicle is to sell or provide alcohol to the public.

5. Customer Seating

- 5.1 The placement of tables, chairs or other seating apparatus is not permitted at any time.
- 5.2 The erection of awnings, marquees, pergolas or the like is not permitted at any time.

6. Council Authorised Events and Occupation of Public Land

- 6.1 Mobile Food Vendors must not trade unless separately authorised to do so where an area is occupied or otherwise is being used for or in association with a Council authorised event or market.
- 6.2 Mobile Food Vendors must not trade unless separately authorised to do so where an area is occupied or otherwise is being used for or in association with another Council approval for the use of public land.

7. Public Access

- 7.1 Mobile food vendors must not unduly impede public access.

8. Signage and Advertising (Including Corporate Advertising, Third Party Advertising and Promotional Hire)

- 8.1 A Mobile Food Vending Permit under this Policy does not provide approval for the erection or display of any sign or sign structure not directly attached to the Mobile Food Vending Vehicles.
- 8.2 Mobile Food Vending Vehicles are not permitted to trade if the vehicle is re-branded or re-appropriated for a temporary promotion, third party advertising purposes or corporate sponsorship.

9. Hours of Operation

- 9.1 Operating a Mobile Food Vending Vehicle is restricted to between the hours of 7am and 7pm.

10. Proximity to Existing Premises

- 10.1 No Mobile Food Vending Vehicle is to trade within 200m of an existing trading takeaway food or drink premises open for business that is serving the same or similar food types. This minimum distance requirement is measured in a straight line from the closest point of the Mobile Food Vending Vehicle location to the main entrance of the takeaway food and drink premises.
- 10.2 For the purposes of the Mobile Vending on Public Land Policy, existing take away food and drink premises includes only the types of take away food and drink premises that are used predominantly for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

11. Proximity to Residential Buildings

- 11.1 Mobile Food Vending Vehicles cannot wait for trade directly in front of any residential building (house or apartment) or buildings that contain residential premises (mixed use sites) on the same side of the road as the building frontage.

12. Food Premises and Equipment

Without limiting the requirements of the Food Safety Standard and any conditions of approval, the general requirements for the design, fit out, and operation of a Mobile Food Vending Vehicle must have a layout and construction that:

- Is appropriate for the types of food produced and activities conducted, and
- Provides adequate space for all activities and for all equipment to be used or stored, and
- Allows easy cleaning or sanitising procedures of all structures and equipment, and
- Prevents entry of pests, dust, fumes, smoke and other contaminants, and
- Excludes favourable sites for pests to harbour (live and breed), and
- Provides for hand washing facilities, washing up area, food preparation areas, cooking facilities, adequate food storage and refrigeration facilities and waste disposal areas commensurate with the type of food vending to be undertaken.

Detailed requirements for the operation and fit out of vehicles are available in the NSW Food Authority Guidelines for Mobile Food Vending Vehicles which can be found on Ballina Shire Council and the NSW Food Authority websites.

13. Obligations on People Selling Food

- 13.1.1 All food businesses are required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003, Food Regulation 2015 and the Food Standards Code. The food Standards Code 3.2.2. Food Safety Practices and General Requirements and 3.2.3 Food Premises and Equipment are available on the Food Standards Australia New Zealand website.
- 13.2 Failure to comply with the requirements of the Act may result in prosecution, penalty infringement notices, product being seized, improvement notices or warning letters being issued, or prohibition orders (e.g. prohibiting the sale of food or the use of certain equipment) being served.
- 13.3 The prior consent of every local council in whose area the vehicle is used for storing, preparing or selling food, may be required. It is important to check the requirements with every council you propose to work in prior to operation, as penalties may apply for not having the appropriate approvals.

14. Toilet Facilities

- 14.1 Suitable toilet facilities are to be identified for use by food handlers during hours of operation.

15. Vehicle Inspections

- 15.1 All Mobile Food Vending Vehicle operators must make their vehicle available for inspection for food safety requirements prior to issue of an approval, and/or from time to time as requested by Council.
- 15.2 Random inspections of Mobile Food Vending Vehicles may be conducted by Council officers during hours of operation.

16. Maintenance of the Vehicle

- 16.1 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.

17. Waste Management

- 17.1 Suitable garbage receptacles with close fitting lids are to be provided in the vehicle.
- 17.2 Garbage generated within the vehicle is not to be disposed of at public garbage bins.
- 17.3 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, stored within the vehicle and disposed at the cost of the operator.
- 17.4 Any waste produced by the Mobile Food Vending Vehicles must be removed from the site by the Mobile Food Vending Vehicle operators at the end of the trading period.
- 17.5 The trading area must be left in a clean and tidy condition at the end of each trading interval.
- 17.6 Liquid waste must not be discharged to the ground or in any stormwater drain.

18. Water Supply

- 18.1 The vehicle must be provided with an adequate supply of potable water stored in food grade water storage 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.
- 18.2 The vehicle must be equipped with a waste water tank of sufficient capacity to contain all stored potable water with extra capacity for the containment of other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning.
- 18.3 Disposal of all liquid wastes generated within the food van must be through the sewer (and grease trap where necessary) or as approved by Council.
- 18.4 All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water. Hot water must be available at all times during the preparation and sale of food.

19. Control of Pollution

- 19.1 Operators must also comply with the *Protection of the Environment Operations Act 1997*.

20. Copies of Approvals

- 20.1 A copy of the Mobile Food Vending Permit and Commercial Food Licence applicable to the Mobile Food Vending Vehicle is to be kept in the vehicle at all times and made available to Council officers on request.

21. Insurance

- 21.1 The Mobile Food Vendor the subject of the Mobile Food Vending Permit must maintain an insurance policy for Public Liability for an amount which may be payable arising out of any one single accident or event of not less than \$20 million or such other sum as is reasonable as determined by Council.
- 21.2 The Mobile Food Vendor must provide to Council a copy of the certificate of currency for the Public Liability insurance held on request.

22. Work Health and Safety

- 22.1 Mobile Food vendors must operate in a manner that is compliant with applicable work health and safety laws.

23. Management Plan

- 23.1 Where Mobile Food Vending is to be undertaken from one of the nominated sites within a Council managed reserve, the Mobile Food Vendor must have in place a site management plan addressing the requirements of Council's Mobile Food Vending on Public Land Policy and its associated guidelines as a minimum.

24. Application Information

- 24.1 Applications for a Mobile Food Vending Permit must be accompanied by the following information in relation to the vehicle involved in the vending:
- Photograph of the vehicle, and

- Dimensions of the vehicle, and
- Vehicle number plate.

ATTACHMENT 4 - MAP (LOCATION SPECIFIC RESERVE AREAS)



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Missingham Park – Spit
(Reserve Area Mobile Food Vending Site)



ballina shire council
geospatial information system

Projection: GDA94 / MGA zone 56
Date: 28/08/2018

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