



MOBILE FOOD VENDING VEHICLES AND TEMPORARY FOOD STALLS POLICY

D3-04

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Policy Owner: Director Community, Planning & Environment

Category: Operational

Direction: 3. Our Innovative City

1. STATEMENT OF INTENT

The aims of this Policy are:

- 1.1 To supplement the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, the *Food Act 2003*, the *Food Regulation 2015* and Standards of the *Australia New Zealand Food Standard Code* (3.1.1, 3.2.2 and 3.2.3), by providing a framework for North Sydney Council to assess applications for the operation of food vending vehicles and temporary food stalls within the North Sydney local government area (LGA).
- 1.2 To assist persons wishing to make applications for approval to operate mobile food vending vehicles and temporary food stalls by setting out the information required by Council to assess applications.
- 1.3 To ensure that, in a public place, food sold to the public from a mobile food vending vehicle and temporary food stalls, is safe for human consumption and that the construction, fitting out and facilities for cleaning utensils, articles, hands, fittings and appliances in vehicles and stalls are adequate.
- 1.4 To ensure that trading, when undertaken in areas, does not place the public at risk.
- 1.5 To ensure that trading complements and does not compete with commercial centres.
- 1.6 Approval will not be given to an application for a road side or street stalls under this Policy¹.

¹ A road side stall located on private property is subject to a separate development application for assessment in line with the *Environmental Planning and Assessment Act 1979*.

2. ELIGIBILITY

- 2.1 This Policy applies to all members of the public/groups requiring a mobile food vending vehicle or temporary food stall within in the North Sydney LGA.
- 2.2 This is a Local Approvals Policy (LAP) prepared and adopted under Chapter 7, Division 1, Section 68, Part F of the *Local Government Act 1993*².
- 2.3 There are no exemptions under this policy for mobile food vending or temporary food stalls that are used for the sale of food in a public place³.
- 2.4 This policy is not applicable to⁴:
- a) vendors who operate under an existing approval issued by North Sydney Council; such at the markets
 - b) mobile food carts within a shopping centre;
 - c) a fixed kiosk within a shopping centre;
 - d) a temporary vehicle/kiosk located on private land;
 - e) a mobile food (road registered) vehicle permanently located on private land.
 - f) a temp food stall with an approved market or vehicle.

3. DEFINITIONS

The following definitions assist in the understanding of this policy and also to assist persons preparing an application for approval. *Note: the final source for definitions, and others not listed is the Local Government Act 1993, Section 4 of the Food Act 2003 and Clause 3 of the Food Regulation 2015:*

- 3.1 Appliance - means the whole or part of:
- a) any utensil, machinery, instrument, device, apparatus or article which is used, or designed or intended for use, in or in connection with the sale, manufacture, handling or consumption of food; or
 - b) any utensil, machinery, instrument, device, apparatus or article which is used or designed or suitable or intended for use, in cleaning anything which is an appliance by virtue of paragraph (a).
- 3.2 Approval - means an approval that is in force under the *Local Government Act 1993*.

2 Namely applies to No. 7 in Part F (Other Activities) "Use a standing vehicle or any article for the purpose of selling any article in a public place".

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

4 Both b) and c) are subject to a Development Application under the Environmental Planning and Assessment Act 1979.

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- 3.3 Approved fee - means:
- a) the fee prescribed by the regulations for the purposes of the provision in relation to which the expression is used or determined by Council in accordance with any such regulations; or
 - b) if no such regulations are in force, the fee (if any) determined by the Director-General for the purposes of the provision in relation to which the expression is used; or
 - c) if no such regulations are in force and no fee is determined by the Director-General, the fee (if any) determined by Council for the purposes of the provision in relation to which the expressions is used (as outlined in Council's *Fees and Charges Schedule*).
- 3.4 Approved standards - means:
- a) the standards prescribed by the regulations for the purposes of the provision in relation to which the expression is used; or
 - b) if no such standards are prescribed, the standards (if any) approved by the Director-General for the purposes of the provision in relation to which the expression is used; or
 - c) if no such standards are prescribed or determined by the Director-General, the standards (if any) determined by the Council⁵ for the purposes of the provision in relation to which the expression is used.
- 3.5 Area - an area as constituted under Division 1 of Part 1 of Chapter 9 of the *Local Government Act 1993*. *Note: For the purpose of this Policy, the area to which it applies is as constituted under the Local Government Act 1993.*
- 3.6 Authorised person - means:
- a) an employee of a Council, including Environmental Health Officers (EHO), generally or specially authorised by Council in respect of, or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used; or
 - b) a police officer.
- 3.7 Classified road - refers to any of the following: a main road, a State highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a State work. Refer to the *Roads Act 1993*, Part 5 for further details.
- 3.8 Food -

⁵ The standards determined by Council for mobile food vending vehicles and temporary food stalls are included in Appendices A and B, respectively. These are additional criteria to those taken from the *Food Regulation 2004* that Council must consider when determining applications.

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- a) includes:
 - i. any substance or thing of a kind used, or represented as being for use for human consumption (whether it is live, raw, prepared or partly prepared);
 - ii. any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (i);
 - iii. any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid;
 - iv. chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum; or
 - v. any substance or thing declared to be a food under a declaration in force under Section 3B of the *Commonwealth Food Standards Australia New Zealand Act 1991*, whether or not the substance, thing or chewing gum is a condition fit for human consumption.
 - b) however, food does not include a therapeutic good within the meaning of the Therapeutic Goods Act 1989; and
 - c) to avoid doubt, food may include live animals and plants.
- 3.9 Food stall - includes any structure used for the purpose of selling any article of food that is built or designed to enable it to be dismantled and removed from the site when required.
- 3.10 Handling - in relation to food, includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.
- 3.11 Park - in relation to land, means and areas of open space used for recreation. Not being bushland.
- 3.12 Premises - includes any land (whether or not appertaining to a building), any part of a building and any tent, stall or other structure.
- 3.13 Public place - means:
- a) a public reserve, public bathing reserve, public baths or public swimming pool; or
 - b) a public road, public bridge, public wharf or public ferry road; or
 - c) a Crown reserve comprising land reserved for future public requirements: or
 - d) public land that is not:
 - i. a Crown Reserve (other than a Crown Reserve that is a public place because of a), b) or c); or
 - ii. a common; or

- iii. land subject to the *Trustees of Schools of Art Enabling Act 1902*;
or
- iv. land that has been sold or leased for lawfully contracted to be sold or leased; or
- e) land that is declared by the regulations to be a public place for the purposes of this definition.

3.14 Public reserve - means:

- a) a public park; or
- b) any land conveyed or transferred to the Council under Section 340A of the *Local Government Act 1993*; or
- c) any land dedicated or taken to be dedicated as a public reserve under Section 340 or 340D of the *Local Government Act 1993*; or
- d) any land dedicated or taken to be dedicated under Section 49 or 50; or
- e) any land vested in the Council, and declared to be a public reserve, under Section 37AAA of the *Crown Lands Consolidation Act 1913*; or
- f) any land vested in the Council, and declared to be a public reserve under Section 76 of the *Crown Lands Act 1989*; or
- g) a Crown Reserve that is dedicated or reserved:
 - i. for public recreation; or
 - ii. for a purpose that is declared to be a purpose that falls within the scope of this definition by means of an order published in the Gazette by the Minister administering the *Crown Lands Act 1989*, being a Crown Reserve in respect of which a Council has been appointed as manager of a reserve trust for the reserve or for which no reserve trust has been established; or
- h) land declared as a public reserve and placed under the control of a Council under Section 52 of the *State Roads Act 1986*; or
- i) land dedicated as a public reserve and placed under the control of a Council under Section 259 of the *Roads Act 1993*, and includes a public reserve of which a Council has control under Section 344 of the *Local Government Act 1919*, or Section 48, but does not include a common.

3.15 Public road - a road which the public are entitled to use.

3.16 Retail trade - is trade with consumers.

3.17 Road - includes:

- a) highway, street, lane, pathway, footway, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and track-way, whether temporary or permanent; and
- b) any part of a road and any part of anything referred to in paragraph (a); and

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- c) anything forming part of a road or anything forming part of anything referred to in paragraph (a).
- 3.18 Roadside stall - includes any stand, van or vehicle set up on the side of a road selling to passing trade, not exceeding 20 square metres in floor space or area.
- 3.19 Sell - includes:
- a) barter, offer or attempt to sell; or
 - b) receive for sale; or
 - c) have in possession for sale; or
 - d) display for sale; or
 - e) cause or permit to be sold or offered for sale; or
 - f) send, forward or deliver for sale; or
 - g) dispose of by any method for valuable consideration; or
 - h) dispose of to an agent for sale on consignment; or
 - i) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work; or
 - j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award government the employment of the employee at the employee's place of work; or
 - k) dispose of by way of raffle, lottery or other game of chance; or
 - l) offer as a prize or reward; or
 - m) give away for the purpose of advertisement or in furtherance of trade or business; or
 - n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation service or entertainment; or
 - o) supply food (whether or not for consideration) in the course of providing services to patients or inmates in public institutions); or
 - p) sell for the purpose of resale.
- 3.20 Standing vehicle - includes any mobile food vending vehicle that has stopped to make a sale.
- 3.21 Street vending vehicle - for the purpose of street vending approval under the *Local Government Act 1993*, this term includes all types of vehicles (registered or unregistered) which are used for the sale of articles in a public road or public place.
- 3.22 Temporary food stall - includes any structure (food stall or mobile food stall, any van, truck, trailer or moveable module, tend or gazebo) used for the purpose of selling any article of food. A temporary food stall may be erected,

installed or located on a public place or public reserve which is used for the sale of food for the duration of any sporting event, fete, fair, festival, carnival, community markets or similar events. A temporary food stall includes any structure that is built or designed to enable it to be dismantled and removed from the site when required.

3.23 Temporary structure - includes:

- a) a booth, tent or other temporary enclosure, whether or not a part of the booth, tent or enclosure is permanent; and
- b) a mobile structure.

3.24 Vermin - includes rodents, reptiles, arachnids and insects of all descriptions.

4. PROVISIONS

The following provisions outline the criteria by which applications to operate mobile food vending vehicles and temporary food stalls will be assessed by Council:

4.1 General

4.1.1 Mobile food vending vehicle - Prior to the issuing of an approval under this policy, the mobile food vending vehicle must be presented to Council for inspection by an Environmental Health Officer (EHO), or as approved by the NSW Food Authority.

The criteria to be used by the EHO in assessing a mobile food vending vehicle for approval should include all the relevant provisions contained in the *Food Act 2003* and the *Food Regulation 2015*, the *Australia New Zealand Food Safety Standards*, *The NSW food Authority Mobile Food vending vehicles guidelines* and the additional approved standards, as set out in Appendix A.

4.1.2 Temporary food stall - Prior to the issuing of an approval for a temporary food stall under this policy, the applicant is to arrange for an inspection of the food stall no later than two working days prior to operation on the day the stall is to be used and before any food is prepared or sold from the temporary food stall.

The criteria to be used in assessing a temporary food stall for approval should include all the relevant provisions contained in the *Food Act 2003* and the *Food Regulation 2015*, the *Australia New Zealand Food Safety Standards 2015*, and the additional approved standards, as set out in Appendix B.

4.2 Applications

- 4.2.1 Mobile food vending vehicle - Applications must be submitted to Council on the *Application to Operate a Mobile Food Vending Vehicle Form*.
- 4.2.2 Temporary food stalls - Applications must be submitted to Council on the *Application to Operate a Temporary Food Stall Form*.
- 4.2.3 Each vehicle and/or stall must have an individual application form completed, which must be accompanied by the appropriate application fee and supporting documentation when submitting to Council for assessment. Approvals will be issued for a maximum of 12 months.
- 4.2.4 The criteria in Appendix D must be addressed and adhered to at all times.
- 4.2.5 Any application involving traffic safety and management will be referred to Council's Traffic Committee for comment.
- 4.2.6 In all cases, a written approval must be obtained from Council prior to operation.

4.3 Inspections

- 4.3.1 In accordance with the provisions of the *Food Act 2003*, Council Authorised Officers may inspect vehicles at any time during operation.
- 4.3.2 Temporary food stalls - all temporary food stalls must be inspected prior to the sale or preparation of food. The stall must not be used for sale or preparation of food until it has been inspected and approved.

A prior appointment must be made with Council's EHO for an inspection. At least 48 hours' notice is required.

In accordance with the *Food Act 2003*, Council Officers may inspect food stalls at any time of operation.

4.4 Fees

Fees for the assessment of applications, the issuing of approvals and the conducting of all inspections are determined by Council each year and are outlined with the annual *Fees and Charges Schedule*. The application fee includes the cost of the initial inspection.

Applications will only be considered for approval after payment of the approved fee. Additional inspection fees will be charged for all additional inspections of mobile food vending vehicles and temporary food stalls.

Note: Charities and 'not-for-profit organisations' such as service clubs and some community organisations operating temporary food stalls at carnivals, festivals or the like, are not required to pay the application fee. However, these organisations must still make application and comply with the criteria set out in Appendix B of this policy. Where re-inspections of food stalls are required, organisations and charities may be charged a reinspection fee in accordance with Council's Fees and Charges Schedule.

Local sporting groups and the like who sell food from canteens, stalls, barbeques or the like at weekend competition games must make application (with fee exemption) prior to the beginning of each season. Compliance with Appendix B is required and Council inspections of these facilities may be made from time to time.

4.5 Use of Separate Premises

Where it is proposed to use any premises (either within or outside the North Sydney LGA) for the storage or preparation of food in conjunction with a mobile food vending vehicle, Development Consent under the *Environmental Planning and Assessment Act 1979* to use such premises for the proposed use must be obtained from Council.

Where the use of premises is outside the control of Council, a copy of the approval from the relevant Council or NSW Food Authority and copies of the most recent inspection reports must be provided with the initial application, or the first renewal application following the adoption of this Policy.

4.6 Noise

Use of amplified music, bells or a public address system is restricted to the approved hours of operation on any day. The use of such equipment is also prohibited whilst the vehicle is stationary. Noise complaints from the operation of food vehicles and temporary stalls will be dealt with in accordance with the above requirements and the relevant noise control legislation. Details of all noise generating equipment must be provided to Council with the application.

4.7 Waste Management

Mobile vendors and temporary food stall operators are required to be responsible on a daily basis for the waste materials that they generate. Waste materials such as food packaging and the like should be collected in bins or suitable receptacles, bagged or contained, and stored and disposed of at the

cost of the operator. Bins must be readily available to customers. Where reasonable and feasible, packaging used for the sale of food should be selected for its suitability for recycling in the relevant local Council area and recycled where possible. Details of how waste will be managed must be provided with the application.

4.8 Signage

Approvals under this Policy do not infer any approval for the erection or display of any sign or sign structure not directly attached to the mobile vending vehicle or temporary food stall.

Signage on roads relating to the vending activity is prohibited. Traffic Control signage is only permitted provided it is approved as part of a Traffic Management Plan.

4.9 Road Transport Rules

All the provisions of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* must be complied with. The vehicle operator must comply with such road rules with respect to period parking restrictions, obstruction of sight lines, traffic signals and road signage.

The NSW Road Rules must be complied with at all times.

Mobile food vendors operating within a registered vehicle must obey all regulatory parking restrictions, including parking meters.

4.10 Prohibited: Zones, Neighbourhood Shopping Centres, Roads

The selling of goods from mobile food vending vehicles is prohibited within a 100 metre buffer of commercial zones, and along classified roads. A list of zones and roads is contained in Appendix C to this Policy.

4.11 Chosen Route

On each day that mobile vending is carried out, the route chosen for vending should be traversed once only with no part of the route retraced for additional vending purposes. A copy of planned routes should support the application for approval by the Traffic Committee.

4.12 Stopping Time and Distance Between Stops

Mobile vending can be carried out for a maximum of 20 minutes at any one position (unless continuously serving or requested by an authorised officer to leave the area). After stopping to vend, the vending vehicle must drive a

minimum of 100 metres before again stopping to vend.

4.13 Hours of Operation

Hours of operation for mobile food vending vehicles are subject to assessment and approval by Council.

Mobile food vending vehicles must only operate between 8:00am and 8:00pm on any day of the week. *Note: Mobile food vending vehicles are generally prohibited from operating after sunset for reasons of traffic safety, particularly in consideration of children crossing the road to or from the mobile food vending vehicle.*

4.14 Owner/Operator Insurance

The vehicle owner/operator must keep an insurance policy in respect to public and products liability of an amount of not less than \$20 million (for each accident or event) and shall provide to Council, with the application form and at any other time on request, a certificate of currency for that insurance policy. The policy must also insure against any action that may arise from damage to property or injury to any person using the footpath or public road in the vicinity of the activity from which approval is sought.

4.15 Penalties applicable to approvals

The penalties for failure to obtain an approval or failure to comply with an approval for a mobile food vending vehicle or a temporary food stall are as set out in the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*. A summary of the penalties is as follows:

4.15.1 Penalty notice offences (on-the-spot fines) under the *Local Government (General) Regulation 2021* - Schedule 1:

- a) Section 626 - Failure to obtain approval carries a prescribed on-the spot fine equivalent to two penalty units; and
- b) Section 627 - Failure to comply with terms of the approval carries a prescribed on-the-spot fine equivalent to one penalty unit.

4.15.2 Penalties under the *Local Government Act 1993*:

- a) Section 626 - Failure to obtain approval carries a maximum penalty of 20 penalty units; and
- b) Section 627 - Failure to comply with terms of the approval carries a maximum penalty of 20 penalty units.

4.16 Revoke or Amend an Approval to Operate

Where it is found that a condition of any approval to operate has not been complied with Council may decide to either modify the approval or revoke the approval.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 Council's Environmental & Building Compliance Department is responsible for issuing approvals.

5.2 Council's Rangers & Parking Services Department is responsible for implementation/enforcement of provisions.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Compliance and Enforcement Policy
- Local Environmental Plan 2013
- Outdoor Dining Policy
- Requirements for Temporary Food Stalls Guidelines
- Sustainable Public Events Policy
- Use of Footpath for Outdoor Dining or Displaying of Goods Policy

The Policy should be read in conjunction with the following documents:

- Australia New Zealand Food Standards Code (Standards 3.1.1, 3.2.2 and 3.2.3)
- Australian Standard 4674-2004, Design, Construction and Fit-out of Food Premises Local Government Act 1993
- Food Act 2003
- Food Regulation 2015
- Local Government (Approvals) Regulation 1999
- Local Government (General) Regulation 2021
- Local Government (Orders) Regulation 1999
- NSW Food Authority Guidelines for Mobile Food Vending Vehicles
- Protections of the Environment Operations Act 1997
- Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
- Road Transport (Vehicle Registration) Regulation 2017

Version	Date Approved	Approved by	Resolution No.	Review Date
1	22 October 2012	Council	627	2012/13
2	18 February 2013	Council	61	2016/17
3	25 June 2018	Council	214	2020/21
4	26 September 2022	Council	296	2024/25

APPENDIX A: CRITERIA COUNCIL MUST CONSIDER WHEN DETERMINING APPLICATIONS TO OPERATE A MOBILE FOOD VENDING VEHICLE

1. Eligibility

- a) A food-vending vehicle includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.
- b) Roadside stalls are prohibited in North Sydney LGA and therefore will not be approved under this policy.
- c) Where Council's EHO is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of the policy.
- d) Food vending vehicles are permitted to operate as follows:
 - i) On public roads except those arterial, sub-arterial and collector roads;
 - ii) By standing on a permitted public road only for such period of time as the operator may be engaged in serving a customer and must keep moving once that customer is served. After stopping to vend, the vending vehicle must drive a minimum of 100 metres before again stopping to vend;
 - iii) As a food stall in conjunction with a regular sporting event, fete, fair, festival, carnival, community market or similar event held on a public place or reserve with the written consent of the event organiser, lessee, or seasonal event hirer. A site plan identifying the location of trade will also be required.
- e) Food vending vehicles must not operate:
 - i) as a roadside stall (i.e. stationary for more than 20 minutes without serving a customer);
 - ii) as a stall to sell food to the public on any site that first requires development consent under the *Environmental Planning and Assessment Act 1979* for that use.

The construction and fit-out of the mobile food vending vehicle must comply with relevant requirements of the *Food Act 2003* and the *Food Regulations 2015*, incorporating the *Australia New Zealand Food Standards Code* and the *NSW Food Authority "Mobile Food Vending Vehicles - Operation, Construction and Food Handling Guidelines"*.

2. Applications to Install and Operate a Mobile Food Vending Vehicle

Refer to Part 4 of this policy for details of making an application for the operation of a mobile food vending vehicle. An application for a mobile food vending vehicle must be made using the approved *Application to Operate a Mobile Food Vending Vehicle Form* and payment of an application fee. Approval and registration of a mobile food vending vehicle is subject to an inspection of the vehicle which shows satisfactory compliance with this Appendix.

3. Annual Registration of Mobile Food Vending Vehicles and Regular Inspections

Refer to Part 4 of this policy for details of annual registration of mobile food vending vehicles. Arrangements for Council's EHO to carry out an inspection of a mobile food vending vehicle

is to be made annually unless approved under NSW Food Authority agreement. A fee for the application is to be paid pursuant to Clause 4.4 of this policy. An approval will be issued upon satisfactory inspection and is to be retained in the vehicle at all times during operation (see Part 4.3.2). In accordance with the *Food Act 2003*, Council Officers may inspect vehicles at any time of operation.

APPENDIX B: CRITERIA COUNCIL MUST CONSIDER WHEN DETERMINING APPLICATIONS TO OPERATE A TEMPORARY FOOD STALL**1. Eligibility**

- a) A temporary food stall includes any structure, food stall or mobile food stall, erected installed or located on a public place or public reserve which is used for the sale of food for the duration of any sporting event, fete, fair, festival, carnival, community markets or similar event. Where a food stall is to operate at any of these locations, the applicant must obtain the written consent of the event organiser, lessee or seasonal event hirer to allow operation under their approval.
- b) A food stall includes any structure used for the purpose of selling any article of food that is built or designed to enable it to be dismantled and removed from the site when required.
- c) A temporary food stall includes any van, truck, trailer or movable module, tent or gazebo used for the purpose of selling any article of food.
- d) Where the EHO is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this policy.

The construction and operation of any food stall must comply with relevant requirements of the *Food Act 2003* and the *Food Regulations*, incorporating the *Food Standards Code* and the *NSW Food Authority "Food Handling Guidelines for Temporary Events"*.

2. Applications to Install and Operate a Temporary Food Stall

Refer to Part 4.2 of this policy for details of making an application and the requirements for the inspection of temporary food stalls. A temporary food stall must not be used for the sale or preparation of food until it has been inspected and approved.

An application for a temporary food stall must be made using an approved *Application to Operate a Temporary Food Stall Form* and payment of an application fee where applicable.

A prior appointment must be made with Council's EHO for an inspection. At least 48 hours' notice is required.

Refer to Part 4.4 of this policy, which sets out fee exemptions for Service Clubs and some Community Organisations from paying an application fee. An application, however, is still required from those groups whose temporary food stall is to be inspected, prior to use, as required in 4.2 and 4.3 of this policy.

Local sporting groups who sell food from temporary canteens, stalls, barbeques or the like at regular weekend competition games must make application (with fee exemption) prior to the beginning of each season. Compliance with the Appendix B is required and inspections of these facilities will be made from time to-time.

APPENDIX C - COMMERCIAL ZONES, MAIN ROADS, AND BUFFER DISTANCES IN WHICH SELLING OF FOOD FROM MOBILE FOOD VENDING VEHICLES IS PROHIBITED

Mobile food vending vehicles are prohibited from trading in or within a 100 metres buffer from the following commercial zones. In addition, vehicles are not permitted to trade along classified, arterial, sub-arterial, collector roads, roads with speed limits greater than 50 km/h, and within school zones when reduced speed limits are applicable.

i) Commercial Zones

The following zones under *North Sydney Local Environmental Plan 2013*:

- B1 - neighbourhood centre
- B3 - commercial core
- B4 - mixed use

ii) Classified Roads

The following classified roads as identified under the *Roads Act 1993*:

- Bannerman Street
- Belgrave Street
- Brook Street
- Chandos Street, between Oxley and Brook Streets
- Clarke Street
- Ernest Street
- Falcon Street
- Gerard Street
- Harriett Street
- High Street, between Warringah Expressway and Clarke Road
- Kurraba Road, between Clarke and Wycombe Road
- McPherson Street
- Miller Street
- Military Road
- Murdoch Street
- Pacific Highway
- River Road
- Shirley Road between, River Road and the Pacific Highway
- Warringah Expressway
- Wycombe Road

iii) The following Council roads:

Any road with a sign posted speed limit greater than 50km/h.

iv) School Zones:

Mobile food vending vehicles are not permitted to trade in school zones, or on a road or footpath, which directly has access to a school during times when the reduced speed limit is applicable.

APPENDIX D: CRITERIA FOR APPROVALS

1. General

Council will determine the health, hygiene and safety controls placed on street vending activities.

2. Pedestrians

Street vending activities catering for pedestrians must:

- a) Not unduly obstruct the free passage of pedestrians, especially children, people with prams, the elderly and people with disabilities, including wheelchair users.
- b) Be located on footpaths wide enough to accommodate the street vending activity as well as to allow the free movement of pedestrians during peak periods. A minimum clearance of 1.3m (greater for more highly pedestrianised areas) must be provided at all times to accommodate the needs of pedestrians, including mobility impaired people.
- c) Not be located where they would breach regulatory or signposted/standing restrictions.
- d) Not to be located in front of driveways or entrances to properties unless written permission of the property owner is obtained.
- e) Not be located such that customers are forced to stand on the roadway.
- f) Not be located in Council owned/public parks, reserves including car parks.

3. Passing Traffic

Street vending activities catering for passing traffic must:

- a) Not be located where speed limit is 50km/hr or higher.
- b) Not to be located on a hill or a bend where sight distance is limited.
- c) Not to be located in front of driveways or entrances to properties unless written permission from the property owner has been obtained.
- d) Not to be located where motorists are forced to park in the kerbside lane, where parking/standing restrictions apply.
- e) Have sufficient parking near the site.
- f) Not be located in a two-lane, two-way (one lane in each direction) street, unless safe approach to the facility and safe departure from the facility is available.

4. Approvals

The standard conditions of street vending approval is that the vending operator must:

- a) Display evidence of a current street vending approval whenever street vending activities are being conducted.

- b) Provide proof of identity whenever requested by an authorised Council employee or by the Police, and
- c) Comply with relevant food and traffic regulations.

An approval may be revoked if the operator does not comply with the written conditions.