

CAMDEN COUNCIL

Local Approvals Policy



Mobile Food Vending Vehicles and Temporary Food Stalls In a Public Place

Camden Council has adopted this Policy to establish the criteria that will be used in considering applications to operate mobile food vending vehicles and temporary food stalls.

The Policy will also assist persons wishing to make application for approval to operate mobile food vending vehicles and temporary food stalls by setting out the information required by Council to assess applications.

The Policy does not consider applications for roadside stalls or street stalls.

Adopted – 24/10/05

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Preliminary

1. The Title of the Policy

This Policy (“the Policy”) is called Local Approvals Policy – Mobile Food Vending Vehicles and Temporary Food Stalls (2005).

2. The Status and Purpose of the Policy

(1) The Policy 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) The purpose of the Policy is to supplement provisions of the Local Government Act (LGA 1993) 1993, the Local Government (Approvals) Regulation 1999, the Food Act 2003, the Food Regulations 2004 and Standards 3.1.1, 3.2.2 & 3.2.3 of the Australian New Zealand Food Standards Code.

This policy is split into three parts:

Part 1 specifying the circumstances in which a person is not required to obtain a particular approval from the Council;

Part 2 specifying criteria, which the Council must consider when determining whether or not to grant approval to a particular activity; and

Part 3 specifying other matters relating to approvals not dealt with by the Local Government Act 1993, the Local Government (Approvals) Regulation 1999, the Food Act 2003, the Food Regulations 2004 and Food Safety Standards 2001.

3. The General Aims of the Policy

The aims of the Policy are:

- to ensure that, in a public place, food sold to the public from mobile food vending vehicles 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;
- to ensure that trading, when undertaken in areas, does not place the public at risk;
- to ensure that trading complements and does not compete with commercial centres.

4. The Policy Commencement Date

The Policy was adopted by Council on 24th October 2005 and will become operational on 25th October 2005.

5. Where the Policy Applies

The Policy applies to all public places within the Camden Local Government Area.

6. The Approvals the Policy Relates To

The Policy applies to approvals for activity No. 7 in Part F (Other Activities) listed in the Table to section 68 of the LGA 1993, namely:

Deleted:

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

Note: This Policy is not applicable to:

- 1 Vendors who operate under an existing approval issued by Camden Council;
- 2 Mobile food carts within a shopping centre;
- 3 A fixed kiosk within a shopping centre;
- 4 A temporary vehicle / kiosk located on private land;
- 5 A mobile food (road registered) vehicle located on private land.

The above (numbers 2 to 5) are subject to a Development Application under the Environmental Planning & Assessment Act 1979.

Note: APPROVAL WILL NOT BE GIVEN TO AN APPLICATION FOR A ROADSIDE STALL

For the purposes of this Policy:

“a standing vehicle” includes any mobile food vending vehicle that has stopped to make a sale; and

“any article for the purpose of selling” includes a temporary food stall; and

“a roadside stall” includes any stand, van or vehicle set up on the side of a road selling to passing trade.

Note: A roadside stall located on private property is subject to a separate development application for assessment in line with the Environmental Planning and Assessment Act 1979.

7. Definitions

A “food-vending vehicle” includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.

A “temporary food stall” includes any structure, food stall or mobile food stall, any van, truck, trailer or movable module, tent 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 event.

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.

Other definitions relevant to this Policy are outlined in Appendix 5 of the Policy.

8. Explanation of the Notes in the Text

The notes in the text boxes

are explanatory notes and do not form part of the Policy. They are provided to assist understanding.

9. Other Relevant Documents

The following documents are related, either directly or indirectly, to the Policy:

Local Government Act 1993;

- Local Government (Approvals) Regulation 1999;
- Local Government (General) Regulation 1999;
- Local Government (Orders) Regulations 1999;
- Food Act 2003;
- Food Regulation 2004;
- Camden Council's Food Premises Code;
- Standards 3.1.1, 3.2.2 & 3.2.3 of the Australian New Zealand Food Standards Code;
- Road Transport (Safety & Traffic Management)(Road Rules) Regulation 1999;
- Road Transport (Vehicle Registration) Regulation 1998;
- Protection of the Environment Operations Act 1997;

- National Code for the Construction and Fitout of Food Premises;
 - National Code for Temporary Food Premises;
 - Australian Standard 4674-2004, Design, Construction and Fit-out of Food Premises;
- and
- Council's Policy – Footpath Trading Policy in Camden & Narellan CBD's.

PART 1:Exemptions from the Necessity to Obtain Approval

10. Exemptions Under the Policy

There are no exemptions under this Policy for mobile food vending vehicles or temporary food stalls that are used for the sale of food in a public place.

Note: 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 the Council.

Given the importance of preserving the safety of food for sale for human consumption there will be no exemptions for compliance with this Policy given to mobile food vending vehicles or temporary food stalls.

PART 2:Criteria for Consideration when Determining Applications

11. General Matters for Consideration

(1) Criteria to be used in Assessing an Application for a Mobile Food Vending Vehicle

Prior to the issuing of an approval under this Policy, the mobile food vending vehicle must be made available to Camden Council for inspection by an Environmental Health Officer (EHO).

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The criteria to be used in assessing a mobile food vending vehicle for approval should include all the relevant provisions contained in the Food Regulations 2004, the Food Safety Standards 2001 and the additional approved standards, as set out in Appendix 1 to this Policy.

(2) Criteria to be Used in Assessing an Application for a 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 2 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 Regulations 2004, the Food Safety Standards and the additional approved standards, as set out in Appendix 2 to this Policy.

Where there is an intention for a Temporary Food Stall to operate on a footpath in Camden or Narellan, reference also should be made to Council's Policy titled "Footpath Trading Policy in Camden & Narellan CBD's".

Part 3: Other Matters Relating to Approvals

12. Applications for Approval of Mobile Food Vending Vehicles or Temporary Food Stalls

Applications for approval to operate must be made pursuant to section 68 (F7) of the Local Government Act 1993.

Copies of the application form "Applications for Approval to Conduct Mobile Food Vending / Temporary Food Stalls In A Public Place" can be obtained from Council offices. Each completed form must be accompanied by the appropriate application fee with supporting documentation when submitting to Council for assessment.

In all cases, a written approval must be obtained from Council prior to operation. Approvals will be issued for a twelve month period only.

13. Inspections for Operation

(a) Mobile Food Vending Vehicles

All mobile food vehicles operating in the Camden Local Government Area must be presented for inspection prior to renewal each year or as requested by Council.

A prior appointment must be made with Council's Environmental Health Officer for the renewal inspection.

In accordance with the Food Act 2003 and Regulations 2004, Council officers may inspect vehicles at any time of operation.

Note: Following a Council inspection, an annual approval letter will be issued once a food-vending vehicle is approved for use. The letter is to be retained in the vehicle at all times of operation and must be suitably mounted for display and accessible for viewing by an authorised officer.

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(b) Temporary Food Stalls

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

14. Fees

Fees for the assessment of applications, the issuing of approvals and the conducting of all inspections are determined in accordance with Council's "Adopted Pricing Schedule of Miscellaneous Fees & Charges" so as to recover Council's costs in providing these services.

Applications will only be considered for approval after payment of the approved fee. The application fee includes the cost of the initial inspection. Annual application fees for food vending vehicles and for temporary food stalls will be charged in accordance with Council's fees and charges schedule. Additional inspection fees will be charged for all additional inspections of vending vehicles.

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 2 of this Policy.

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 2 is required and Council inspections of these facilities will occur.

Where reinspections of food stalls are required, organisations and charities may be charged a reinspection fee in accordance with Council's fees and charges schedule.

15. Use of Separate Premises

Where it is proposed to use any premises, either within or outside the Camden Local Government Area, 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 the relevant council. Where the use of premises is outside the control of Camden Council, a copy of any approval from the other Council with copies of most recent inspection reports must be provided to support the application. The food inspection report must not be older than twelve months.

16. 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.

17. 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. 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 should be provided with your application.

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18. Signage

Approvals under this Policy does 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.

19. 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 and not trade in areas that are restricted to under one (1) hour parking.

20. 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, neighbourhood shopping centres and along arterial, sub-arterial or collector roads. A list of roads and suburbs is contained in Appendix 3 to this Policy.

21. 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.

22. Stopping Time and Distance Between Stops

Mobile vending can be carried out for a maximum of 20 minutes at any one position (unless requested by an authorised officer to leave the area). After stopping to vend, the vending vehicle must proceed a minimum of 100 metres before again stopping to vend.

23. Hours of Operation

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

24. 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.

25. 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 1999. Council reserves the right to decide legal remedy for breaches of this Policy from the following penalties.

A summary of the penalties is as follows:

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- (1) **Penalty notice offences (on-the-spot fines) under the Local Government(General) Regulation 1999 – Schedule 1:**

Section 626 – Failure to obtain approval carries a prescribed on-the-spot fine equivalent to 2 penalty units.

Section 627 – Failure to comply with terms of the approval carries a prescribed on-the-spot fine equivalent to 1 penalty unit.

(2) Penalties under the Local Government Act 1993:

Section 626 – Failure to obtain approval carries a maximum penalty of 20 penalty units.

Section 627 – Failure to comply with terms of the approval carries a maximum penalty of 20 penalty units.

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Note: Penalties for offences are expressed in penalty units as per clause 17 of the Crimes (Sentencing Procedure) Act 1999. The amount of a penalty unit is \$110 (at the time of adoption of the Policy).

Note: Other penalties may also apply as relevant under the Food Act & Regulations and the Protection of the Environment Operations Act 1997.

26. 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.

27. NSW Food Authority Notification

The Food Safety Standards set out a framework for controlling potential threats to food safety. All food businesses that include mobile food vendors and temporary food stall vendors are required by the standards to complete a "NSW Food Business Notification Form" or "NSW Temporary Food Event Notification Form". Once the form is completed the form can be forwarded to the NSW Food Authority or completed on-line.

Copies of these forms can be obtained from Council offices or the NSW Food Authority.

Appendix 1

Criteria Council must Consider when Determining Applications to Operate a Mobile Food-Vending Vehicle

Note: 1.A food-vending vehicle includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.

1 Roadside stalls are prohibited in Camden and therefore roadside stalls will not be approved under this Policy.

2 Where the Environmental Health Officer (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.

3 Food vending vehicles are permitted to operate as follows:

a) Mobile vending can be carried out for a maximum of 20 minutes at any one

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position. After stopping to vend, the vending vehicle must proceed a minimum of 100 metres before again stopping to vend.

b) 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.

5. Food vending vehicles must not operate:

- a) on public roads listed in Appendix 3,
- b) as a roadside stall,
- c) as a stall to sell food to the public on any site that first requires

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Development Consent under the Environmental Planning & Assessment Act 1979 for that use.

The construction and fitout of the mobile food vending vehicle must comply with relevant requirements of the Food Act 2003, and, the Food Regulations 2004 incorporating the Food Standards Code.

1. Construction and Finish of Surfaces

- 1.1 The internal surfaces of walls, ceilings, doors, sliding partitions and those parts of the wall formed by built-in fittings, must be of stainless steel, colour bonded metal, commercial grade laminated plastics or similar approved materials.
- 1.2 All surface materials must be fixed so as to provide an impervious smooth even surface free of buckles, fixing screws, open joints, spaces, cracks or crevices.
- 1.3 All wall, floor and ceiling materials must be joint-free to the maximum extent possible.
- 1.4 All surfacing materials must be but-jointed and finished with cover strips provided in accordance with the manufacturer's specifications. Overlapping is not permitted. Cover strips must be sealed with approved materials.

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2. Floors

- 2.1 Floors must be constructed of materials which are impervious, non-slip and non-abrasive, having an unbroken surface and capable of withstanding heavy duty operation.
- 2.2 The intersections of all walls with floors must be coved (rounded) to a radius of at least 25 millimetres.
- 2.3 Heavy duty vinyl sheeting and welded (seamless) jointed flooring materials must be laid over a solid base strictly in accordance with the manufacturer's specifications.
- 2.4 Where vinyl sheeting is turned up to form a cove, a filter or backing piece must be fitted to provide support.
- 2.5 Floors must be fitted flush with the door sill or, alternatively, a floor waste with a screwed removable plug must be provided to allow disposal of wastewater to sewer.

3. Door Openings and Serving Openings

- 3.1 Doors and serving hatches must be finished internally with the same materials as the walls.
- 3.2 Adequate fly proofing must be provided to all door and window openings where appropriate.
- 3.3 Roof vents must be proofed against the access of flies and dust.
- 3.4 The driving compartment of the vehicle must be separated and effectively sealed

from the food preparation and storage section. A self-closing and close-fitting door may be fitted to an opening in the dividing wall. The driving compartment must not be used for the storage, preparation and sale of food.

3.5 The area of all serving openings must be as small as possible to assist in excluding dust, fumes and insects during travel.

3.6 The doors of shutters to all door openings and serving openings must be close fitting and vermin-proof.

3.7 The serving compartment of food vehicles vending food (eg soft serve ice-cream) must be fitted with a sliding window for serving customers.

4. Cupboard and Counter Construction

4.1 Cupboard counter tops, benches and similar fittings must be constructed of metal, solid core timber or similar material, glued or jointed to approval.

4.2 The cupboard surfaces and counter tops must be free of cracks, crevices or cavities and all exposed surfaces including tops and exposed edges must be lined with a smooth impervious material (see criteria 1.1).

4.3 Cupboards, counter tops and benches must be supported on non-corrosive solid or tubular steel legs or brackets securely fixed to the walls.

4.4 Timber framing is not permitted.

4.5 A clear space between the floor and the underside of cupboards and shelving of not less than 150mm must be provided.

4.6 The flanges on all legs of fixed equipment must be sealed onto the floor material.

4.7 All cupboards and component shelving must be lined internally with approved material. (see criteria 1.1).

4.8 Cupboards designed with a cavity (false bottom) between the floor and the base are not permitted.

4.9 Sliding doors of cupboards must have the bottom guides of runners designed to permit food refuse to fall through to the floor, or the bottom guides or runners may be terminated 25 millimetres from each end of the door opening so as to permit easy cleaning.

5. Installation of Fittings

5.1 Hot water heaters, pump motors and refrigeration equipment must be mounted on metal frames at least 150 millimetres high.

5.2 All service pipes including gas lines, electrical conduit and water and drainage pipes must be concealed into walls and floors.

5.3 Cooking equipment must not be placed beneath windows, wall cupboards, serving openings or shelving.

5.4 Refrigerators, freezers and cooking equipment must be secured to prevent movement, and positioned so as to provide a space of at least 10 millimetres between the wall and the fitting (for easy cleaning).

5.5 All food displayed is to be protected from likely contamination from droplet infection from customers' breath, handling, smoking, or from insects, dust or other contaminants by approved glass or perspex screens.

6. Ventilation

6.1 A mechanical ventilation exhaust system will be required to be installed with hoods serving such heating or cooking appliances as may be specified by Council. Any exhaust ventilation system must be constructed and installed in accordance with the requirements of Council.

6.2 Fittings must not be placed directly above cooking or heating appliances where they might interfere with the flow of air into the mechanical exhaust ventilation system.

6.3 The exhaust vent of the mechanical ventilation system must discharge vertically in an approved position where no nuisance will be created.

6.4 All intake and exhaust vents must be fitted with a fly-proof screen when not in use.

2 Washing Facilities

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7.1 A single bowl sink of sufficient size to hold equipment and utensils must be provided with an adequate and instantaneous supply of hot and cold running water through a common mixing spout. Hot water temperature should not be less than 40 degrees Celsius.

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7.2 Where eating and drinking utensils and vessels are re-used, a double bowl sink or an approved dish or glass washing machine must be installed. Hot water at a temperature of 77 degrees Celsius must be provided to one of the bowls.

7.3 A wash hand basin with hot and cold water, mixed through a common spout, together with a sufficient supply of soap and single use towels, is to be provided.

7.4 The vehicle must be equipped with a waste water tank preferably external to the vehicle, of sufficient capacity to hold all waste liquids and with an outlet of sufficient diameter to facilitate easy flushing and cleaning. This tank must only be emptied at the premises at which the vehicle is housed and must be disposed of to the sewer to Sydney Water Trade waste requirements. A written response from Sydney Water in relation to the

disposal must be submitted with any application for approval.

Note: The disposal of wastewater onto the ground surface or into the stormwater system may constitute a breach under the POEO Act 1997.

7.5 All sinks and wash hand basins must be provided with sanitary traps.

7.6 All water used in the vehicle must be potable, stored in approved containers and suitably protected against likely contamination. All tanks must be capable of being easily cleaned.

8. Hot and Cold Food Storage and Display Units

8.1 Suitable refrigeration must be provided in the vehicle for the storage of all perishable foodstuffs.

8.2 All refrigeration must be capable of maintaining temperatures prescribed in the Standard 3.2.2 of the Food Standards Code. This applies, in particular, to clause 22 which requires temperature measuring devices.

8.3 Refrigerated storage and dispensing equipment must maintain soft serve ice cream and soft serve flavoured ices at a temperature not greater than 5 degrees Celsius. Ice cream, flavoured ices and ice confections must be maintained at a temperature not greater than minus 18 degrees Celsius.

8.4 Soft serve mix must be stored at temperatures according to the manufacturer's instructions.

9. Receptacles for Clothing and Soiled Clothes

9.1 Separate lockers / cupboards and receptacles with close-fitting lids / doors must be provided for the storage of operator's personal items.

2 Garbage

10.1 Suitable garbage receptacles with close-fitting lids must be provided in the vehicle.

10.2 When directed, a suitable receptacle must be provided outside the vehicle for depositing of take-away food containers and other litter.

10.3 All garbage collected should be separated and recycled. The cost of disposal is to be born by the operator and under no circumstances is garbage to be disposed into public waste bins.

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Mobile Food Vending Vehicles and Temporary Food Stalls 2005

11. Use of Vehicles

11.1 The vehicle must be used for the vending and delivery of food only and must, at all times, be maintained in a satisfactory standard of cleanliness and repair.

11.2 Every person engaged in the preparation or delivery of food for sale must keep, at all times, receptacles, utensils and vehicles used in connection with food for sale clean, free from dust, odours, flies and other insects.

11.3 Every person engaged in the preparation or delivery of food for sale must, when so engaged, maintain his / her clothing and keep his/ her body clean.

11.4 A food vehicle must not be used for sleeping purposes. Formatted: Bullets and Numbering

11.5 No animal or bird is to be kept in the vehicle at any time.

11.6

The vehicle and equipment must be thoroughly cleaned at the conclusion of the day's operations.

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

See Part 3 - clause 12 and 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 an approved application form and payment of an application fee. Copies of the application form are available at Council's offices at 37 John Street, Camden and Queen Street, Narellan.

Approval and registration of a mobile food vending vehicle is subject to an inspection of the vehicle which shows satisfactory compliance with this Appendix 1.

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

See Part 3 - clause 13 of this Policy for details of annual registration of mobile food vending vehicles.

An approval will be issued upon satisfactory inspection and is to be retained in the vehicle at all times during operation (see Part 3, Clause 13a).

Arrangements for a Council Environmental Health Officer to carry out a food premises inspection of a mobile food vending vehicle must be made every six months after the annual approval. A fee for the inspection is to be paid pursuant to Part 3 - clause 14 of this Policy.

In accordance with the Food Act, Council Officers may inspect vehicles at any time of operation.

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Criteria Council Must Consider when Determining Applications to Operate a Temporary Food Stall

Note: 1.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.

1 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.

2 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.

3 Where the Environmental Health Officer (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 2004 incorporating the Food Standards Code.

1. Method of Construction

1.1 A temporary food stall must be constructed to minimise contamination of food.

1.2 All temporary food stalls (other than open temporary food stalls – refer point 7) must have a roof covered with canvas or heavy-duty opaque plastic sheeting or similar. Where food is being prepared inside the stall, three sides must be enclosed to full height with similar material as for the roof. Shade-cloth may be used as an alternative for the sides. Food must not be prepared or displayed outside the stall.

High temperature equipment associated with the cooking of food, ie the use of a barbeque, should occur outside a temporary food stall where there is a perceived danger of materials catching fire. The cooking equipment should be located adjacent to the stall and suitably barricaded to restrict public access.

2. Protection of Food

2.1 All food stored in the stall must be in sealed food grade container and food containers must be stored at least 150mm of the ground.

2.2 A physical barrier must be provided between displayed food and the public. The preferred means of achieving this includes:

- (a) Clear plastic/perspex sneeze barriers, or
- (b) Sandwich display type counters.

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2.3 Potentially hazardous foods including meats, chicken, seafood, eggs, milk and milk products and cooked rice, must be kept, until sold, at temperatures above 60 degrees Celsius or below 5 degrees Celsius.

2.4 Temporary food stalls preparing and/or selling perishable foods must be provided with:-

- (a) Fly-proof food warmers capable of storing food above 60 degrees Celsius; and/or
- (b) Refrigerators, freezers or coolers capable of storing food below 5 degrees Celsius.

3. Cooking Facilities

3.1 All heating and cooking equipment including open flame barbeques and cooking plates should be located immediately adjacent to the temporary food stall and not within reach of the public. Note: Council may vary the location of the cooking facility when deemed necessary.

3.2 Every attempt must be made to protect such cooking area from dust contamination

and droplet infection, including coughing or sneezing by the public.

3.3 Wherever cooking is carried out, adequate provision must be made to protect the stall walls from heat, flame and splashing. A suitable portable fire extinguisher and a fire blanket (in accordance with AS2444-2001) must be located adjacent to all cooking areas.

2 **Washing Facilities**

- 4.1 Separate hand washing facilities must be provided for washing hands within the temporary food stall. For example, a plastic catch bowl with a minimum storage of 20 litres of potable water supply made immediately available for the washing of hands.

Note: The disposal of wastewater into the stormwater will constitute a breach under the POEO Act 1997.

- 4.2 Disposable paper towels and liquid soap must be provided and utilised in each temporary food stall.
- 4.3 Where it is proposed to wash cooking / serving utensils on site, appropriate facilities in accordance with the Food Standards Code shall be provided.

5. **Refuse Disposal**

5.1 Suitable garbage receptacles must be provided near the stall for the public to dispose of waste material.

5.2 Arrangements are to be made for the storage and removal of garbage to Council's satisfaction.

6. **General Requirements**

6.1 All condiments such as sauce, mustard etc., must be contained in squeeze type dispensers with resealable caps or in individual sealed packs.

6.2 Only disposable utensils including knives, forks, spoons, chopsticks and disposable bowls and plates are to be provided to the public.

6.3 All disposable eating utensils must be pre-wrapped in paper napkins, cellophane bags or similar material prior to distribution to the public.

6.4 Drinking straws, paper cups, spoons etc., must be enclosed in suitable dispensers that prevent exposure to contamination.

6.5 Beverages must be dispensed from an enclosed receptacle equipped with a tap or spout.

6.6 All pre-packed food stuffs shall be labelled in accordance with the provisions of relevant food legislation.

7. **Open Temporary Food Stalls**

7.1 Only canned or bottled soft drinks and pre-packaged foods, such as potato chips and confectionary, may be sold from open temporary food stalls. Note: The operation of a barbeque is not considered an open temporary food stall (see clause 1.2 and clause 3).

2 **Applications to Install and Operate a Temporary Food Stall**

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See Part 3 - clauses 12 and 13 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 form and payment of an application fee where applicable. Copies of the application form are available at Council's offices in Camden or Narellan.

See the Note to Part 3 - clause 14 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 clause 12 and 13 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 2 is required and inspections of these facilities will be made from time-to-time.

Appendix 3

Commercial Zones, Neighbourhood Shopping Centres, 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 and neighbourhood shopping centres. In addition, vehicles are not permitted to trade along arterial, sub-arterial, collector roads, roads with speed limits greater than 60 km/h, and within school zones when reduced speed limits are applicable.

(i) Commercial Zones:

- 3 (a) - Business General
- 3 (b) - Business Special
- 3 (b1) - Business Support
- 3 (c) - Neighbourhood Business
- 3 (e) - Town Centre
- 3 (f) - Town Centre Support
- 3 (g) - District Business Zone

(ii) Neighbourhood Shopping Centres that include:

- Bringelly
- Camden South
- Catherine Field
- Cobbitty
- Currans Hill
- Elderslie
- Harrington Park
- Leppington
- Narellan Vale

(iii) Arterial, Sub-arterial or Collector Roads that Include:

[Narellan Road, Camden Valley Way, Camden Bypass, Old Hume Highway between Kelloway Avenue and Wire Lane, Burragorang Road, The Northern Road and Bringelly Road.](#)
[Any road with a signposted speed limit greater than 60km/h.](#)

(iv) School Zones:

The vending vehicle is not permitted to trade in school zones during times when the reduced speed limit is applicable.

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Appendix 4

Definitions

Expressions used in this Local Approvals Policy (Mobile Food Vending Vehicles and Temporary Food Stalls) are defined in the Dictionary at the end of the Local Government Act 1993 (the "Act Dictionary" also section 4 (Definitions) of the Food Act 2003 and Clause 3 of the Food Regulation 2004.

A selection of definitions from these statutes, plus others that are relevant to this Policy, are set out below to assist in the understanding of the policy and also to assist persons preparing an application for approval. However, the final source for definitions, and others not listed in the following, remains in the statutes named above.

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).

Approval¹, means an approval that is in force under the Local Government Act 1993.

Approved fee², 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 the 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 the Council for the purposes of the provision in relation to which the expression is used.

Note: There being no fee prescribed by the regulations or the Director-General, the Council determines application fees each year in the fees and charges portion of the annual budget.

Approved form², means

(a) the form prescribed by the regulations for the purposes of the provision in relation to which the expression is used; or

(b) if no such form is prescribed, the form (if any) approved by the Director-General for the purposes of the provision in relation to which the expression is used; or

¹ Food Act 2003 ² Local Government Act 1993

(c) if no such form is prescribed and no form is approved by the Director-General, the form approved by the Council for the purposes of the provision in relation to which the expression is used.

Note: The application forms approved by the Council for mobile food vending vehicles and temporary food stalls are shown in Appendices 3.

Approved standards², 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 Council for the purposes of the provision in relation to which the expression is used.

Note: Standards determined by the Council for mobile food vending vehicles and temporary food stalls are included in Appendices 1 & 2, respectively. These are additional criteria to those taken from the Food Regulation 2004 that Council must consider when determining applications.

Area², means an area as constituted under Division 1 of Part 1 of Chapter 9 of the Local Government Act 1993.

Note: For the purposes of this Policy, the area to which it applies is as constituted under the Local Government Act 1993.

Authorised person², means:

- (a) an employee of a Council generally or specially authorised by the 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.

Note: The Environmental Health Officer employees of Council are authorised to inspect and approve or refuse applications for mobile food vending vehicles and temporary food stalls.

Food¹, (1) includes:

- (a) 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), or
- (b) 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 (a), or

¹ Food Act 2003 ² Local Government Act 1993

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- (c) 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, or
- (d) chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or
- (e) any substance or thing declared to be a food under a declaration in force under section 3B of the Food Standards Australia New Zealand Act 1991 of the Commonwealth,

whether or not the substance, thing or chewing gum is a condition fit for human consumption.

- (2) However, **food** does not include a therapeutic good within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth.
- (3) To avoid doubt, **food** may include live animals and plants.

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.

Food vending vehicle, includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.

Handling¹, 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.

Mobile food stall, includes any van, truck, trailer or movable module, used for the purpose of selling any article of food.

Park², in relation to land, means an area of open space used for recreation, not being bushland.

Premises, includes any land (whether or not appurtenant to a building), any part of a building and any tent, stall or other structure;

Premises², means any of the following:

- (a) a building of any description, or any part of it and the appurtenances to it;
- (b) land, whether built on or not;
- (c) a shed or other structure;
- (d) a tent;
- (e) a swimming pool;
- (f) a ship or vessel of any description (including a houseboat); and

- (g) a van.

¹ Food Act 2003 ² Local Government Act 1993

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Public place², 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 road ferry; or
- (c) a Crown reserve comprising land reserved for future public requirements; or
- (d) public land or Crown land that is not:
 - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)); or
 - (ii) a common; or
 - (iii) land subject to the Trustees of Schools of Arts Enabling Act 1902; or
 - (iv) land that has been sold or leased or lawfully contracted to be sold or leased; or
 - (v) land that is declared by the regulations to be a public place for the purposes of this definition.

Public reserve², means:

- (a) a public park; or
- (b) any land conveyed or transferred to the Council under section 340A of the Local Government Act 1919; or
- (c) any land dedicated or taken to be dedicated as a public reserve under section 340 or 340D of the Local Government Act 1919; 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

¹ Food Act 2003 ² Local Government Act 1993

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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.

Public road², means a road which the public are entitled to use. **Retail trade**, means trade with consumers. **Road**², 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 any thing referred to in paragraph (a); and
- (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).

Roadside stall, includes any stand, van or vehicle set up on the side of a road for the purpose of selling or passing trade.

Sell¹, 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 governing 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 in public hospitals (within the meaning of the Health Services Act 1997) or inmates in correctional centres (within the meaning of the Crimes (Administration of Sentenced) Act 1999), or
- (p) sell for the purpose of resale.

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Temporary structure², 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.

Temporary food stall, 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 fete, fair, festival, carnival, community market or similar event.

Vehicle, means any means of transport, whether self-propelled or not, and whether used on land or sea or in the air, which is used or is capable of being used for the carriage or storage, or in connection with the sale, of food.

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

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¹ Food Act 2003 ² Local Government Act 1993