

Mobile Food Vending Vehicles Policy

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Purpose and Objectives

This Policy aims to establish guidelines for the operation of food trucks and food vans (Mobile Food Vending Vehicles) in the Randwick Local Government Area.

Its objective is to balance the benefits of providing activation and convenient food options for the community with the need to maintain public space environments in a fair and equitable way. By adhering to this Policy, Mobile Food Vending Vehicles can operate in a responsible and sustainable manner, enhancing the experience of public spaces while contributing to the local economy.

The principles that apply to this policy include:

- **Public Safety:** Food truck operations must prioritise public safety, adhering to all relevant health and safety regulations.
- **Environmental Protection:** Food trucks must operate in an environmentally responsible manner, minimising waste and ensuring proper disposal of all materials.
- **Community Well-being:** Food truck operations should enhance the community experience, offering a variety of food options and contributing to a positive atmosphere.
- **Fairness and Equity:** The policy should ensure fair and equitable access to designated spaces, avoiding monopolistic practices and complimenting existing businesses.

1. Scope

The Policy applies to Council owned spaces and roads within the Randwick Local Government Area (LGA).

This Policy applies to all Mobile Food Vending Vehicles, defined as a Council approved vehicle which provides food or drinks.

The Policy does not apply to Mobile Food Vending Vehicles:

- Trading in accordance with a development consent on private land
- Trading on public land in accordance with an approved event
- Trading on private land in accordance with Subdivision 27A of State Environmental Planning Policy- Exemption and Complying Development
- Not operating as a food business

1.1. Definitions

Food Truck:

A Food Truck is defined as medium/high risk vehicle which prepares food or drink with a kitchen and/or a kitchen preparation station. Examples include; Kebab Trucks, Burger Trucks and any trailers.

Food Van:

A Food Van is defined as a low-risk vehicle that sells prepackaged food, that requires little to no preparation. Examples includes ice cream trucks and coffee vans/carts.

All Food Trucks and Food Vans are classified as Mobile Food Vending Vehicles (MFVVs).

2. Overview

There are two types of possible approvals for MFVVs in the City of Randwick.

2.1. Itinerant Model

Mobile Food Vending Vehicles that have Randwick Council Local Approval and Temporary Food Premises (TFP) Approval can trade throughout the LGA on eligible roads and in car parks, within the State Environmental Planning Policy (Exempt and Complying Codes) 2008 hours of operation limited to between 7am and 10pm (or 7am – 7pm if operating in residential zones).

Excluded areas include:

- Council parks and reserves (unless with prior written Council approval or as part of a Council event)
- Beaches and National Parks
- State Roads
- Any distance within 200m of an established food business including but not limited to restaurants, cafes, sporting kiosks, takeaway businesses and including Council-approved fixed sites for MFVVs.

Randwick Council events that include mobile food vending vehicles can be delivered on Council parks and reserves (i.e. on grass) and are not governed by the exclusions in 4.1.

2.2. Fixed Site Model

MFVVs are also able to apply to Council to trade at designated fixed sites for an ongoing period of 30 days or longer as determined by Council e.g. 60 days or 90 days, between the hours of 7am-10pm, up to 7 days a week.

The intent of this model is to offer longer term tenure at a site, where the MFVV can create constancy for the local community, to contribute to activation of the local area, to build a sense of community and contribute to the local economy.

Selection of MFVV's for the fixed sites will on rotation and will be via an online Expression of Interest application form assessed by Council on the following criteria:

- Food Quality and Variety:
- Customer Experience:

- Compliance and Safety:
- Sustainable practice and impact
- Aesthetics and Branding
- Complementary Offerings to businesses

Fixed sites are located no less than 200m from established food businesses. For current and future fixed sites managed by Council, the 200m distance rule from other businesses can be waived at the General Manager's discretion, pending agreement with local businesses.

Council may remove or add new fixed sites to the program. New sites will be subject to community consultation prior to implementation.

A set fee will be charged for each site which will be in the Fees and Charges document.

3. Applications & Fees

3.1. Application and Approvals

Mobile Food Vending Vehicles require the prior written approval of Council to operate on a public road or on community or public land, in accordance with the Local Government Act 1993.

Applications are required to be made to Council under Section 68 of the Act and applications shall include full details of the proposed operation and use of the mobile food vending vehicle, including the type of operation i.e. itinerant and/or fixed site model and location/s.

Applications are considered in accordance with the Local Government Act 1993 and approvals are subject to any conditions contained in the notice of determination. Fees for the assessment of applications and the conducting inspections are determined by Council each year and are detailed in Council's Fees and Charges Pricing Policy.

Note: The operation and use of mobile food vending vehicles must meet the exempt development provisions in the NSW State Environmental Planning Policy (Exempt and Complying Development Code) 2008, otherwise a Development Application must be submitted to and approved by Council prior to obtaining approval under the Local Government Act 1993.

To apply to be an approved MMFVV, applications will be made via Council's website for both Itinerant and Fixed Site options. Both options require an application fee. Once received they will be reviewed and if approved, they will be sent with an invoice. Once payment has been received an approval letter/permit will be issued. The permit and notice of determination will need to be displayed at all times when onsite.

3.2. Registration of Food Vending Vehicles

Subject to obtaining prior approval to operate a Mobile Food Vending Vehicle, all vehicles must be approved by Council and be inspected by a Council Environmental Health Officer, to ensure compliance with the NSW Food Act, Regulation and food safety standards.

Applications for approval must include full details of the operation and use of the Mobile Food Vending Vehicle and compliance with food safety standards.

Fees for the approvals and inspection of Mobile Food Vending Vehicles are in accordance with Council's Fees and Charges.

Note: A separate application for Council approval and fee is required for each vehicle application. These fees are updated on an annual basis.

3.3. Council Events

All Council approved Mobile Food Vending Vehicles have the ability to be selected by Council to trade at Council events.

3.4. Fees

Please refer to the Fees and Charges on the Randwick City Council website for relevant fees and charges for the operation of Mobile Food Vending Vehicles in the City of Randwick.

Fees and charges include Temporary Food Permit application and Vehicle inspection, Event fees, Mobile Food Vending Approval / Licence fees, and Fixed Site fees.

4. Restrictions

Approved Mobile Food Vending Vehicles are permitted to operate on Council-owned roads within existing lawful car parking spaces, subject to the exclusions noted within this Policy and conditions of approval.

The operation of a Mobile Food Vending Vehicle must also comply with the local car parking restrictions of that parking space and all other applicable Road Rules. All Mobile Food Vending approval categories allow vehicles to pull up to a kerb, into a lawful parking spot, and to trade onto the footpath.

Vehicles must not park on the footpath or on driveways, and must not trade onto the street, bike lane or an adjacent car parking spot.

There must be no furniture or signage to be placed on public property.

4.1. Prohibited Roads, Streets and Land

Mobile Food Vending Vehicles are not permitted to trade on any land without prior consent from the landowner. Vehicles must not park on Council reserves or parks without prior written permission.

Mobile Food Vending Vehicles are not permitted to trade on State Roads. Refer to **Appendix 1** for an exclusion zone map and see below.

Further limitations may be specified in the conditions of approval.

4.2. Road Rules and Parking Rules

All Mobile Food Vending Vehicles must adhere to NSW Government and Council Road Rules and parking restrictions.

Vehicles can park in minimum required car parking spaces required or must comply with the specific car park rules i.e. 'parked in marked bay only' will not allow MFVVs to park in more than one space.

There is a maximum limit of three itinerant vehicles allowed at any one time in council car parks.

Council reserves the right to direct the Mobile Food Vending Vehicle to move on or relocate the truck if deemed unsafe. The Mobile Food Vending Vehicle must not impact the access of other vehicles or pedestrians. Failure to comply can result in a fine or revoking of approval.

All Mobile Food Vending Vehicles must not serve facing a road or cycleway at all times.

4.3. Vehicle Dimensions

The dimensions of a Mobile Food Vending Vehicle must not exceed the length of 11 metres and be no wider than 2.5 metres.

4.4. Deliveries

Mobile Food Vending Vehicles must arrive fully equipped at the approved trading site and are not permitted to receive deliveries to restock items for sale.

4.5. Hours of Operation

The use of Council owned land and roads for the purpose of operating Mobile Food Vending Vehicles is restricted to the following times:

1. 7am to 10pm, 7 days a week for areas adjacent to residential zones in accordance with SEPP NSW codes
2. 7am to 7pm within residential zones in accordance with SEPP NSW codes
3. Other specific hours, duration, or days, as may be specified in the conditions of approval.

An authorised Council Officer may request a Mobile Food Vending Vehicle to move from an approved location.

4.6. Proximity to Existing Businesses

MFVVs operating under the Itinerant model are not permitted to trade within 200m of any food-related business including cafés, kiosks, restaurants and fixed site food trucks approved by Council. This minimum distance requirement is primarily measured in a straight line from the closest point of the Mobile Food Vending Vehicle's location to the main entrance of the food premises, kiosk or authorised Mobile Food Vending Vehicle.

Fixed mobile food vending vehicle sites managed by Council allow a minimum of 150m from the site to food-related businesses, for approved operators.

Mobile food vending vehicles associated with a Council authorised event or activation may be permitted to trade within the specified distance to other businesses.

4.7. Food Safety and Vehicle Compliance

Mobile Food Vending Vehicles must be approved by Council, in accordance with the Food Act 2003 and Regulations.

The design, construction and operation of all permanent and temporary food premises, vendors and stalls must comply with the relevant requirements of the Food Act 2003, Food Regulation, the Australia New Zealand Food Authority (ANZFA) Food Standards Code and NSW Food Authority Guidelines for food businesses at temporary events.

These provisions include requirements relating to:

- The safe handling of food – skills, knowledge and controls.
- Health and hygiene requirements.
- Requirements for food handlers and businesses.
- Cleaning, sanitising and maintenance.
- Design and construction of food premises, fixtures, fitting and equipment.

Details of the business operator, operation and use of the mobile food vending vehicle and compliance with relevant food safety standards must be provided in the application for Registration. Further details can be obtained from Council's Environmental Health Team.

Council's Environmental Health Officers may also carry out inspections of MFVVs, to check compliance with relevant food safety requirements and standards. The relevant fee is required to be paid to Council for any inspections carried out by Council's Environmental Health Officers, in accordance with Council's Pricing Policy and Fees and Charges.

All operators are advised that any breaches of the Food Act 2003, the Food Regulation 2015, or Food Safety Standards may be liable to a Penalty Infringement Notice fine.

Council's Environmental Health Officers may also issue Notices and Orders to ensure compliance with the Food Act 2003, the Food Regulation 2015 and Food Safety Standards.

4.8. Liquor Licensing

MFVVs are not permitted to sell alcohol to the public regardless of whether it has a liquor licence or not.

MFVV's invited to Council events may be exempt from this requirement, with the approval of Council, relevant authorities and the correct documentation.

4.9. Approval Limits

Approvals issued to MFVV operators are limited by the following requirements:

1. Approvals are issued by Council on a per vehicle basis.
2. Any modifications to the vehicle or business including; major changes to the food menu, or food items sold, or changes to the design of the vehicle requires prior approval of Council.
3. Any change of address of the commercial kitchen supporting Mobile Food Vending Vehicles shall be notified to Council.
4. Approvals are specific to each MFVV, and they are not transferrable between vehicles.

5. No ownership transfer of a Council approval (under Section 68 and the Local Government Act 1993) is permitted.
6. Approvals will be issued subject to the conditions of approval including, but not limited to compliance with this Policy.
7. Randwick City Council reserves the right at any time to refuse or revoke any approval for a Mobile Food Vending Vehicle.

5. Other Requirements

5.1. Food preparation outside of MFVVs

Food storage, cooking or preparation is not permitted outside the approved and designated zone and on public property.

5.2. Maintenance of the Vehicle

Mobile Food Vending Vehicles must be kept clean and in a good state of repair and working order. Road worthiness shall be maintained and offensive noise, fumes, smoke, foul odours and other contaminants shall not be generated.

5.3. Waste Management

1. Mobile Food Vending Vehicle operators are responsible for the waste materials generated during their trading period. Waste material such as food packaging should be collected in bins or suitable receptacles, separated in to recyclable or non-recyclables, bagged or contained, stored within the vehicle and disposed of at the cost of the operator.
2. Details of liquid waste and garbage disposal arrangements must be supplied with the application for the Mobile Food Vending Vehicle.
3. Wastewater and accumulated rubbish shall not be disposed of in a manner which would give rise to a pollution offence under the protection of the Environmental Operations Act 1997.

5.4. Signage

An approval under this Policy does not imply any approval for the erection or display of any sign or sign structure not directly attached to the MFVV.

5.5. Lighting

- 1) Lighting from Mobile Food Vending Vehicles shall not interrupt or distract traffic flows or be unreasonably observable from surrounding residential areas.
- 2) At no time is the intensity, period of intermittency and hours of illumination to cause objectionable glare or injury to the amenity of the precinct. If, in the opinion of authorised Council officer, objectionable glare or injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.

- 3) The use of flashing lights or signs is only permitted in accordance with the road regulations.

5.6. Noise

- 1) The emission of noise associated with the use of the vehicle, including the operation of any mechanical plant and equipment, must comply with the following criteria:
 - a) The use of the vehicle and any associated equipment must be controlled so that any emitted noise is at a level so as not to create an “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* (POEO).
 - b) If any noise complaints are received and substantiated by an authorised Council officer, the Council officer may direct that the use of the Mobile Food Vending Vehicle must be suspended or moderated to prevent nuisance or until attenuation measures are completed and Council has confirmed in writing that the use may resume.
 - c) Any noise emission from the vehicle (including music or amplified noise) must not affect the amenity of the surrounding area or adjacent noise sensitive receivers by creating noise that is considered ‘offensive’ by an authorised Council officer, or police officer, in accordance with the POEO definition.
 - d) A MFVV must not emit any noise that an authorised Council officer believes to be unreasonable in a public place or impact on a noise sensitive receiver.
 - e) An authorised officer may require the vehicle to relocate nearby or request it to leave an area to mitigate or resolve a noise problem.

5.7. Legislation and Compliance

1. Failure to obtain the prior written approval of Council to operate a mobile food vending vehicle, stall or the like or failure to comply with the conditions of Council’s approval is an offence and Council may issue a fine, notice, order or commence legal proceedings for any breach of the Local Government Act 1993 or Environmental Planning and Assessment Act 1979.
2. Failure to comply with the Food Act, Regulation or food safety standards is also an offence, which may result in the issue of fines, notices and or legal proceedings.
3. Randwick City Council Rangers or other authorised officers may take enforcement action to noncompliance with this Policy and all related legislation.

5.8. Cancellation of Approvals

Council reserves the right to cancel approval for any food truck or food van if the operator breaches any provisions of the Policy, at the discretion of the General Manager. Should this occur, refunds to the MFVV operator may apply.

Contact:

Randwick City Council

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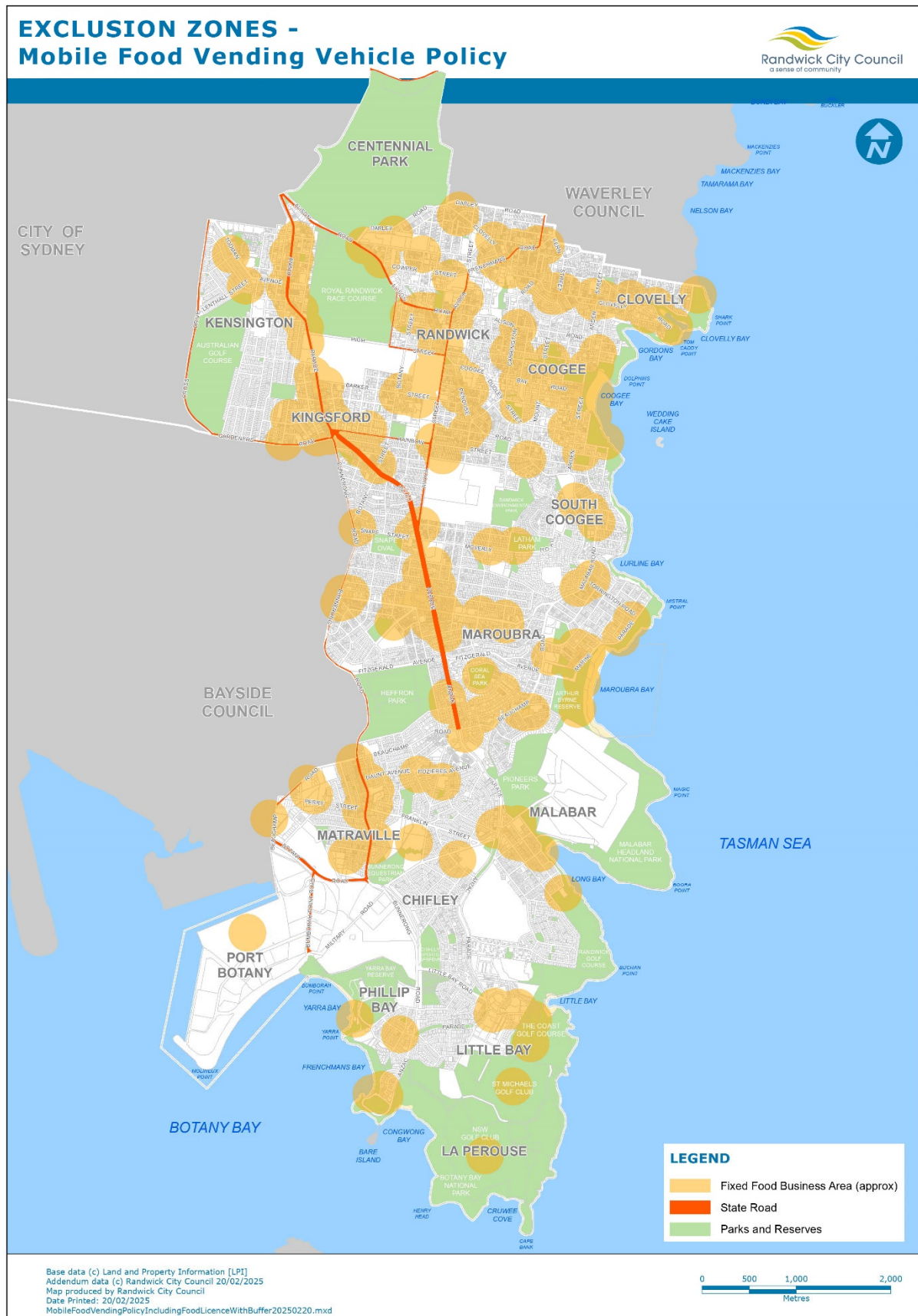
Appendix 1: Exclusion Zones Randwick City

Exclusion Map highlighting State Roads



200m Exclusion Map highlighting approx. locations of fixed food businesses

Please note this is a density map and does not feature every fixed food business in the LGA



Appendix 2: Definitions

The terms used within this Policy for Mobile Food Vending Vehicles are defined in the Dictionary in the Local Government Act 1993. The purpose of this Dictionary is to assist with the understanding of terms used throughout this Policy and to assist with the preparation of an application for approval.

“Approval” means an approval issued by Randwick City Council under the Local Government Act 1993.

"authorised person" 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.

“MFVV” means:

Mobile Food Vending Vehicle

"public place" for the purpose of this Policy 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.

"road" includes:

- (a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- (b) any part of a road and any part of anything referred to in paragraph (a), and
- (c) anything forming part of a road or anything forming part of anything referred to in paragraph (a).

"waste" means:

- (a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) garbage, being all refuse other than trade waste and effluent, and
- (d) includes any other substance defined as waste for the purposes of the Protection of the Environment Operations Act 1997, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

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