



FOOD TRADING AT EVENTS AND FROM PUBLIC ROADS POLICY P2.0237.3

FOOD TRADING AT EVENTS AND FROM PUBLIC ROADS POLICY

DIRECTORATE: Planning and Environment
BRANCH: Environment and Regulatory Services
CATEGORY: 2

1. Purpose

This Policy has been developed to supplement the relevant legislation that governs the sale of food at Temporary Events (Events) and from Public Roads including the provisions of the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, *Food Act 2003*, *Food Regulation 2015* and the *Food Standards Code*.

This Policy was adopted in 2020 and reviewed and updated in 2023 to reflect changes in the mobile and temporary food industry, update definitions and streamline Council's approval process.

2. Alignment with Community Strategic Plan

Council's Community Strategic Plan 2036 identifies five key directions to guide Council towards the achievement of the community vision of 'a connected, diverse and thriving community embracing opportunities of growth'.

The following objectives are applicable to this Policy and relevant to the key direction of:

- W2.1 – Promote and facilitate programs and services that support good community health and wellbeing
- P1.3 – Facilitate business and industry growth and support new ways of working
- P3.1 – Support small, local and start-up business

3. Scope

This Policy applies to all Proprietors selling food through a Temporary Food Stall or Mobile Food Vehicle within the Camden LGA.

Part 1 of this Policy relates to food trading at Events and **Part 2** relates to Selling Food from Public Roads.

In accordance with the *Food Act 2003*, all food businesses are required to notify their activity to the local authority (Council). In addition, approval is required to sell food in a public place under section 68 of the *Local Government Act 1993*, except where exempted by Council's Local Approvals Policy. This Policy combines the notification and approvals processes.

4. Objectives

The objectives of this Policy are to:

- Provide a clear and concise policy for the management of all food trading, operating or intending to operate within the Camden LGA at Events and from Public Roads
- Outline the requirements and simplify the administration of food trading at Events and from Public Roads
- Detail the options and process that needs to be followed to obtain approval from Council
- Ensure that the construction, fit out and operation of Temporary Food Stalls and Mobile Food Vehicles are appropriate for the storage, preparation, handling and sale of food
- Minimise risk to the public from the sale of food.

5. Approvals

Food Proprietors selling food at Events or from Public Roads must apply for and receive either:

- Selling food at Events approval:
 - Single-event approval
 - One-year approval
- Selling food from Public Roads Approval:
 - One-year approval

Refer to Part 1 of this Policy for further details on selling food at Events.

Refer to Part 2 of this Policy for further details of selling food from Public Roads.

5.1 Food Trading on Private Land (not at Events).

Council approval is not required for the sale of food from a Mobile Food Vehicle on private, commercial or industrial land. The prior consent from the

owner of the land must be obtained before sale. The operation must comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This includes, a limit of one vehicle per site is permitted and the hours of operation are restricted from 7am to 7pm in residential zones.

Prior to trading, Proprietors must Notify Council via Councils Food Premises Notification form.

6. General Requirements

6.1 Design and Construction Requirements

Temporary Food Stalls and Mobile Food Vehicles must be designed, constructed and fitted out in accordance with:

- NSW Food Authority's 'Guidelines for Food Business at Temporary Events' and 'Guidelines for Mobile Food Vending Vehicles'
- *Food Act 2003* and *Food Regulation 2015*
- Food Safety Standards – Australian and New Zealand Food Standards Code

Copies of the NSW Food Authority Guidelines can be obtained from the NSW Food Authority website: www.foodauthority.nsw.gov.au.

Legislation may be accessed online: www.legislation.nsw.gov.au.

The Food Standards Code can be obtained at www.foodstandards.gov.au/code.

6.2 Use of Separate Premises

Food preparation at home or any other premises for the purpose of selling from a Temporary Food stall or Mobile Food Vehicle may require development consent. Contact Council for further information.

Any separate premises must comply with the *Food Act 2003*, the Food Standards Code and AS4674: Design, Construction and fit out of food premises.

6.3 Fees and Charges

Application fees will be charged in accordance with Council's adopted fees and charges, revised each financial year. Applications will not be accepted without payment of the applicable fee.

Where a reinspection of a Temporary Food Stall is required due to non-compliance, a reinspection fee may be charged in accordance with Council's adopted fees and charges.

6.4 Refunds

Generally, there will be no refunds of application fees. Council's Manager Environment and Regulatory Services may consider a request for refund of fees in extenuating circumstances. Requests shall be made in writing and will be assessed on individual merits.

6.5 Insurance

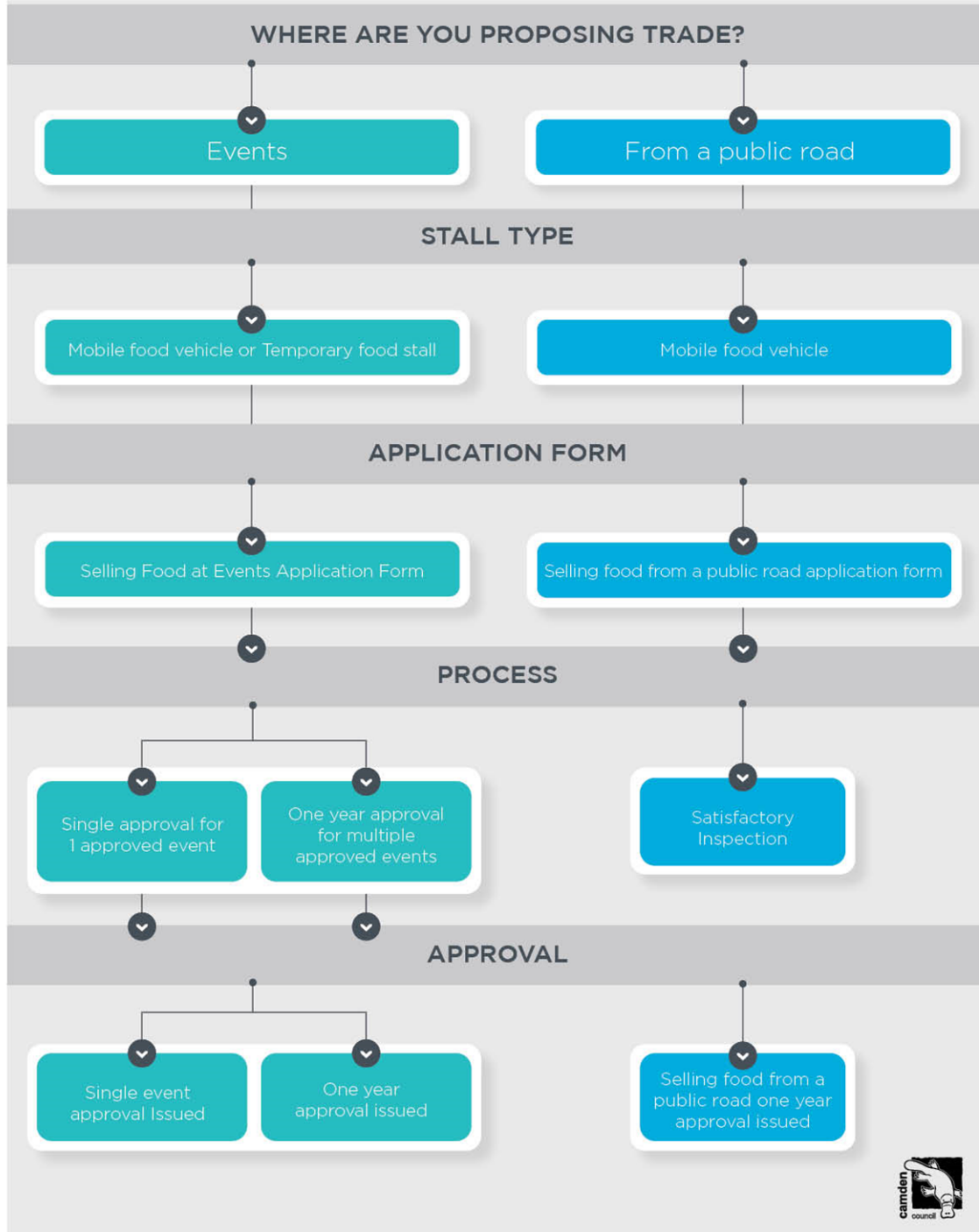
An application for approval must include a copy of the Proprietors current public and product liability insurance. The Proprietor must maintain an insurance policy in respect of public and product liability to a combined total of not less than \$20,000,000 for any one occurrence and in the aggregate.

6.6 Non-compliance

If Council becomes aware that a condition of an approval has not been complied with, it may modify or revoke the approval and/or require remedial action to be undertaken.

In the event that a Proprietor of a Temporary Food Stall or Mobile Food Vehicle does not comply with the requirements of this policy, the *Food Act 2003*, the Food Standards Code or any other relevant legislation, code, standard or policy, Council's Authorised Officers may initiate appropriate regulatory action in accordance with Council's Environment and Regulatory Services Enforcement Policy.

Application Flow Chart



PART 1 – SELLING FOOD AT EVENTS

7. Selling Food at Events

7.1 Approvals

All Proprietors who sell food at events must apply for and receive a 'Selling Food at Events' approval before operating in the Camden LGA including (but not limited to) Proprietors who:

- Sell food for profit
- Offer samples and/or goods for tasting
- Sell only pre-packaged food
- Sell only drinks
- Are local sporting groups or charities who sell potentially hazardous food from temporary food stalls.

7.2 Approval Categories

7.2.1 Proprietors can apply for approvals in either of the following two categories:

- Single-event approval
- One-year approval valid for a period of 12 months.

7.2.2 A single-event approval permits the Proprietor to operate a Temporary Food Stall at a single specified Event in the Camden LGA subject to the conditions outlined in the approval for that Event. A single-event approval is valid only for the Event specified and is not transferable to any other Temporary Food Stall Proprietor or Event. A separate approval is required for each vendor selling food within the same Event.

7.2.3 A one-year approval permits the Proprietor to operate a Temporary Food Stall at Events in the Camden LGA subject to the conditions of the approval. An application for one year registration may be submitted at any time and will be valid for 12 months from the date of issue of the approval.

7.3 Application Process

7.3.1 An application for approval or renewal under this Policy must be submitted for single Events, new applications and upon expiry of an existing approval.

Proprietors should apply for an approval at least 21 days prior to the first proposed trading of food or additional fees may apply.

7.3.2 An application for approval shall include:

- A completed 'Selling Food at Events' application form
- Payment of the applicable application fee
- A copy of the Proprietors current public and product liability insurance (certificate of currency)
- A copy of the relevant food safety supervisor certificate (if applicable)
- Temporary Food Stall or Mobile Food Vehicle layout plan.

The Proprietor must maintain an insurance policy with respect to public and product liability in the amount of not less than \$20,000,000 for any one occurrence and in the aggregate.

Application forms are available on Council's website and may be submitted electronically or in person at 70 Central Avenue, Oran Park.

7.4 Approval Number

Each 'Selling Food at Events' approval will be issued with a unique approval number. Proprietors must provide their approval number to the Event organiser, and to Council's authorised officer on request.

7.5 Selling food at Events on public and private land

7.5.1 Under section 68 of the *Local Government Act 1993*, a person who wishes to engage in trade on public land can only do so with prior approval of Council. A proprietor who holds a current 'Selling Food at Events' approval is taken to have been granted approval from Council to trade on public land.

7.5.2 Events on public or private land may be subject to development consent. Events on Council owned land may also require approval from Councils Sport and Recreation Branch and/or the Public Affairs Branch.

7.5.3 Trade must occur in accordance with the conditions of the approval held. Proprietors may only trade during approved Events and with the permission of the Event Organiser.

7.5.4 Proprietors trading during a sporting season or sporting event are only to trade after an approval has been issued by Council and with the written permission of the associated/relevant sporting group, if any.

For information on use of Council's Parks and Reserves, contact Councils Sports and Recreation Branch on 13 CAMDEN.

7.6 Fee Exemptions

Council will grant exemptions for the payment of the 'Selling Food at Events' fee if the Proprietor:

- Holds a current 'Selling Food from Public Roads' approval issued under section 68 of the Local Government Act by Camden Council.
- Is a school Parents and Citizens Association
- Is a registered charity
- Is a not-for profit local sporting group
- Is a community organisation that can demonstrate not for profit status (e.g. Lions Club, Country Women's Association etc.)
- Is applying to sell only food that is not classed as potentially hazardous food and is pre-packaged where no samples are offered (e.g. Honey or jam in jars)
- Is selling only uncut fresh product (e.g. whole fruit and vegetable)

7.7 Inspections

An Authorised Officer may enter and inspect any premises that they reasonably believe are being used in conjunction with the handling of any food intended for sale.

Council inspections may take place at any time during any Event, whether on private or public land. It is an offence to obstruct access to an Authorised Officer.

PART 2 – SELLING FOOD FROM PUBLIC ROADS

8. Selling Food from Public Roads

8.1 Approvals

8.1.1 An approval is required to use a standing vehicle or any article for the purpose of selling any article in a public place, in accordance with the Local Government Act 1993. For the purposes of this Policy, a standing vehicle includes any Mobile Food Vehicle which has stopped on a Public Road to make a sale or with the intention to sell food.

8.1.2 A separate approval is required for each Mobile Food Vehicle. Once issued, approvals are not transferable to any other proprietor or vehicle.

8.1.3 A 12 month approval permits the Proprietor to sell food from a Public Road within the Camden LGA from an approved Mobile Food Vehicle, subject to the conditions of the approval. An application for annual registration may be submitted at any time within the year and will be valid for 12 months from the date of issue.

8.1.4 Approvals will only be issued to suitable vehicles which meet the following:

- Vehicle to be registered with Transport for NSW
- Vehicle trade permitted only facing the kerbside
- Trade only permitted from within the vehicle, if the vehicle operator needs to exit the vehicle, this is to be for service of product only (no food or drink preparation)

8.1.5 Mobile Food Vehicle Proprietors must seek information from Transport for NSW for their license and registration requirements, including any warning light requirements in compliance with the Road Transport (Vehicle Registration) Regulation 2017.

8.2 Application Process

8.2.1 An application to Sell Food from a Public Road must be submitted annually. An application must include:

- A completed 'Selling food from a Public Road' application form
- Payment of the relevant application fee

- A copy of the Proprietors current public and product liability insurance. The Proprietor must maintain an insurance policy in respect to public and product liability to a combined total of not less than \$20,000,000 for any one occurrence and in the aggregate.

8.2.2 A Proprietor holding a current Selling Food from a Public Road approval may apply for a fee exemption for a one-year 'Selling Food at Events' approval.

8.3 Inspections

8.3.1 Prior to the issue of an approval, Mobile Food Vehicles must be presented for inspection each year. A prior appointment must be made with Council's Environment and Health Officers for inspection.

8.3.2 Following a satisfactory Council inspection, a Selling Food from a Public Road approval will be issued. The Proprietor is to operate the vehicle in accordance with the conditions of the approval at all times.

8.3.3 Council may provide an exemption from inspection, on application where:

- the Mobile Food Vehicle has been satisfactorily inspected within the last 12 months, or
- the Mobile Food Vehicle only handles pre-packaged ready to eat food

8.3.4 In accordance with the Food Act 2003 and Food Regulation 2015, Council's Authorised Officer may inspect Mobile Food Vehicles at any time during operation.

8.4 Operation of Mobile Food Vehicles selling food from the Public Road

8.4.1 Noise

The use of amplified music, bells or public address system is restricted to the approved hours of operation on any day. The use of such equipment is also prohibited while the vehicle is stationary. The operations shall not cause offensive noise within the meaning of the *Protection of the Environment Operations Act*.

8.4.2 Operating Areas

The selling of food from a Mobile Food Vehicle is prohibited within all areas detailed in Appendix 2, which include prohibited zones, neighbourhood shopping centres and roads, within 100m of a shop or commercial centre.

8.4.3 Hours of Operation

Permitted hours of operation for mobile food vehicles conducting road trading are between 7:00am and 7:00pm on any day.

8.4.4 Pedestrian and traffic consideration

While selling Food from a Public Road, the proprietor must not:

- Restrict any vehicular or pedestrian access to or from any road or entry to or from any building
- Park in a manner which allows trade facing the roadway or trade facing or access from a car parking space
- Obstruct the operation of, or access to any utility services
- Be located within the canopy of, or result in damage to any tree
- Cause damage to public property on the land on which they are operating or on any adjacent land
- Stop within 15m from bus stops and taxi ranks, to ensure safety and access
- Obstruct sight lines, traffic signals and road signage
- Be located on footpath areas
- Stop within 25m from a marked pedestrian crossing or similar traffic control facilities

8.4.5 Stopping time and distance between stops

Mobile Food Vehicles may trade in an approved location for a maximum of 20 minutes at any one position unless required by an Authorised Officer to leave the area. After stopping to vend, the vehicle must proceed a minimum of 100m before again stopping to trade.

9. Roles and Responsibilities

9.1 Manager Environment and Regulatory Services

The Manager Environment and Regulatory Services will be responsible for this Policy and will coordinate the following functions in relation to the Policy:

- Maintaining the register for Temporary Food Stalls and Mobile Food Vehicle applications and approvals

- Keeping the Policy current
- Reporting

9.2 Environmental Health Officer

Environmental Health Officers will be responsible for the following functions in relation to the Policy:

- Assessing applications and issuing approvals
- Conducting inspections under the Food Act 2003
- Investigating breaches of the Policy and enforcing compliance

10. Reporting

The Policy reporting includes:

- Food Regulation Partnership – annual report to NSW Food Authority
- Internal annual reporting for inspections completed

11. Evaluation

The success of this Policy will be measured by:

- Numbers of reported breaches of the Policy
- Maintaining numbers of approvals issued under this Policy
- Improved administrative efficiencies.

12. Definitions

Authorised Officer

An officer appointed and delegated by Council to exercise functions under the provisions of the *Local Government Act 1993* and/or the *NSW Food Act 2003*. . In regard to the *NSW Food Act 2003* Authorised Officers include Environmental Health Officers (EHO) and the Team Leader Environment and Health. The Manager Environment and Regulatory Services and the Director of Planning and Environment have specific delegations for purposes of enforcement of the Food Act.

Event Organiser A person or organisation responsible for organising an approved event including appropriate approvals e.g. development consent and/or event approval. Also includes a person/group responsible for organising a sporting season at Council's sporting grounds and the lessee responsible for the booking for a 'bookable space' at a Council-owned community facility.

Food 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
- 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 6 of the *Food Standards Australia New Zealand Act 1991* (Cth.), whether the substance, thing or chewing gum is in a condition fit for human consumption or not.

However, food does not include a therapeutic good within the meaning of the *Therapeutic Goods Act 1989*.

To avoid doubt, food may include live animals and plants.

Food Business A business, enterprise or activity that involves:

- a) The handling of food intended for sale, or
- b) The sale of food.

Regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involved the handling or sale of food on one occasion only.

Food Premises	Any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, boats and pontoons. It also includes any other place declared by the relevant authority to be premises (under the <i>Food Act 2003</i>) kept or used for the handling of food for sale, regardless of whether those premises are owned by the proprietor, including premises used principally as a private dwelling, but does not mean food vending machines or vehicles used only to transport food.
Food Safety Standards	The standards contained in Chapter 3 of the Australian New Zealand Food Standards Code.
Handling of 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 Vehicle	Any vehicle including but not limited to a truck, van, trailer or scooter used for the retail sale of food, direct to the consumer on a public roadway. It does not include a food transport vehicle used to deliver food from a fixed food business to the consumer.
Not-for-profit	A group that does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run it or their friends or relatives).
Potentially Hazardous Food	Food that has to be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the Food or to prevent the formations of toxins in the food.
Pre-packaged food	Food which is sold in the manufacturer's original packaging.
Private Land	<ul style="list-style-type: none">a) Land owned by a person, organisation or company, orb) Government or Crown land, orc) All other lands not classified as public land.
Proprietor	<ul style="list-style-type: none">a) The person carrying on the food business, orb) If the person in paragraph (a) cannot be identified, the person in charge of the food business.
Public Land	Land that is classified as community or operational land under Division 1 of Part 2 of Chapter 6 of the <i>Local Government Act 1993</i> .

- Public Place**
- 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 land 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 *Trustee 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
 - e) Land that is declared by the regulations to be a public place for the purposes of this definition.

Public Road A road which the public are entitled to use

- Sell Food** Means to:
- 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 for deliver for sale, or
 - g) Dispose of to an agent for sale on consignment, or
 - h) Provide under contract of service, 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 of a term of the employee's contract of service, for consumption by the employee at the employees place of work, or
 - j) Dispose of by way of raffle, lottery or other game of chance, or
 - k) Offer as a prize or reward, or
 - l) Give away for the purpose of advertising or in furtherance of trade of business, or
 - m) Supply food under a contact (whether the contract of made with the consumer of the food), together with accommodation, service or entertainment, on consideration of an include charge for the food supplied and the accommodation, service or entertainment, or
 - n) Supply food in the course of providing services to patients in public hospitals or inmates in correctional centres, or
 - o) Sell food for the propose of resale.

Temporary Events (Events)	A fete, festival, sporting event, carnival, fair, community event, market, hiring of a Council owned community facility, or the like which has been Approved by a development consent and/or the appropriate forms from Councils Sports and Recreation Branch and/or Public Affairs Branch
Temporary food Stall	Any structure, food stall, mobile food vehicle, van, truck, trailer, moveable 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 public land or private land at sporting events, fetes, fairs, festivals, carnivals, community markets or similar events.

13. Related Materials

13.1 Related Legislation

- Australian and New Zealand Food Safety Standards
- *Camden Local Environment Plan 2010*
- *Environmental Planning and Assessment Act 1979*
- *Food Act 2003*
- *Food Regulation 2015*
- *Food Standards Australia New Zealand Act 1991*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Protection of the Environment Operations Act 1997*
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021
- *Therapeutic Goods Act 1989*

13.2 Related Policies, Procedures and Other Guidance Material

- Council's Food Premises Inspection Program
- Environment and Regulatory Services Enforcement Policy
- NSW Food Authority website

APPENDIX 1 – MOBILE FOOD VEHICLE PUBLIC ROAD TRADING PROHIBITED OPERATING AREAS

Commercial zones, neighbourhood shopping centres, main roads and buffer distances in which the Selling of Food from Mobile Food Vending Vehicles is prohibited

Mobile Food Vending Vehicles are prohibited from trading:

1. Within a 100-metre buffer from the following land use zones as per the *Camden Local Environment Plan 2010 and the State Environmental Planning Policy (Precincts – Western Parkland City) 2021*:
 - B1 – Neighbourhood Centre
 - B2 – Local Centre
 - B3 – Commercial Core
 - B4 – Mixed Use
 - B5 – Business Development
 - B7 – Business Park
 - E1 – Local Centre
 - MU1 – Mixed Use and;
2. Along arterial, sub-arterial and collector roads and roads with speed limits greater than 60km/h, and;
3. Within designated school zones, and;
4. Within Council owned car parks.

Neighbourhood Shopping Centres include:

1. Bringelly	9. Gregory Hills
2. Camden	10. Harrington Park
3. Catherine Field	11. Leppington
4. Cobbitty	12. Mount Annan
5. Currans Hill	13. Narellan Vale
6. Elderslie	14. Oran Park
7. Emerald Hills	15. Spring Farm
8. Gledswood Hills	16. Camden South

5. And any other business districts approved and/or built after the date of this document.

Camden Council
Food Trading at Events and from Public Roads Policy

Approval and Review	
Responsible Branch	Environment and Regulatory Services
Responsible Manager	Manager Environment and Regulatory Services
Date Adopted	Executive Leadership Group – 05/10/2023
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Version Control				
Version	Date Adopted	Approved By	EDMS Ref.	Description
1	24/10/2005	Council	15/217188	Initial adoption of policy.
2	10/03/2020	Council	20/203749	Major amendments
3	05/10/2023	ELG	20/203749	Minor amendments, policy title change and new template.



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