

**DATE ADOPTED: 28 JANUARY 2020**

**VERSION: 2.0**

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## POLICY OBJECTIVES

The objectives of this Policy are to:

- Provide guidance for people wanting to operate mobile food vending vehicles within the Maitland City Council Local Government Area (LGA).
- Ensure consistency and equity in the application, assessment and approval process for mobile food vending vehicles operating in public places within the LGA.
- Activate and revitalise public places across Maitland.
- Ensure food safety and hygiene standards are met at all times.
- Minimise any potential negative impacts and ensure the safe operation of mobile food vending vehicles and that trading does not place the public at risk.
- Ensure any activity is complementary to existing fixed business' premises.

Approvals for mobile food vending are guided by assessment considerations that support broader Council directions. Council would like to see operators demonstrating sustainable practices, presenting their vehicle in a vibrant and creative way, utilising local food and providing high quality offerings.

The Policy is divided into three parts in accordance with the requirements of the *Local Government Act 1993*:

- Part 1 specifies any exemptions
- Part 2 specifies the criteria Council must consider when determining approvals for the activity, and
- Part 3 specifies other matters relating to approvals not dealt with by the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, the *Roads Act 1993* and the *Food Act 2003*.

## POLICY SCOPE

This Policy applies to Council owned and managed roads within the Maitland City Council Local Government Area, Council managed sportsgrounds and public places where approval has been granted (contained in Appendix 1) specifically for operating a mobile food vending vehicle.

This Policy does not apply to mobile food vending vehicles:

- providing catering services at public or private events
- trading on private land in accordance with development consent
- not operating as a food business.

## POLICY STATEMENT

Maitland City Council supports the operation of mobile food vending vehicles to enable positive activation of its public spaces. Their operation supports the Maitland Place Activation Strategy that aims to enliven underutilised spaces, provide opportunities for social connection and seed new economic opportunities and experiences across Maitland. Specifically, mobile food vending in public places provides opportunity to support the growth of a new nighttime economy.

This policy provides Council with guidance to effectively and consistently manage mobile food vending within public roads, sportsgrounds and within approved public spaces.

## **POLICY APPROVALS**

This Policy is a Local Approvals Policy prepared and adopted under Section 158 of the *Local Government Act, 1993*.

The policy applies to approvals for an activity as per Section 68 F Item 7 of the *Local Government Act 1993*; *Use a standing vehicle or any article for the purpose of selling any article in a public place.*

All applicants issued with an approval will be required to comply with the conditions of operation contained in the Mobile Food Vending Guidelines. The guidelines will provide direction relating to the application and approval process, fees and other terms and conditions.

## **PART 1: EXEMPTIONS FROM APPROVAL**

There are no exemptions under the Policy for Mobile food vending vehicles.

## **PART 2: COUNCIL APPROVAL REQUIREMENTS**

### **LOCATIONS**

Operation of a mobile food vending vehicle may only occur in the areas specified in Appendix 1 which may be updated and modified from time to time. Mobile food vending vehicles must not trade on any roads not listed in Appendix 1 without Council approval to do so.

No mobile food vending vehicle is to trade within 50m of an existing trading food and drink premises open for business serving the same or similar food types. The distance requirement is measured in a straight line from the closest point of the mobile food vending vehicle to the main entrance of the food and drink premises.

Mobile food vending vehicles are not permitted to trade directly in front of a residential building (house or apartment) on the same side of the road as the building frontage.

There are three approved types of trading locations:

**Street trading:** Approved mobile food vending vehicles can operate on Council owned roads in the areas specified in Appendix 1. Mobile food vendors operating on Council owned roads must:

- Be located within existing lawful parking spaces
- Comply with parking restrictions
- Comply with relevant road rules
- Not remain on the road overnight
- Not impact on access to pedestrian ramps, pedestrian flow and footpaths
- Ensure access remains to public street furniture including but not limited to tables, chairs, rubbish bins, drinking fountains, fire hydrants and post boxes.

Further conditions regulating permitted days and hours of operations and number of operators allowed at each site are contained in Appendix 1. Use of any other locations not included in the list above would be subject to separate approval by Council officers.

Public car parking spaces are not able to be reserved and are subject to availability.

**Cluster sites:** Approved mobile food vending vehicles can operate on Council owned land specified in Appendix 1.

- The sites listed have specific conditions of consent and regulations regarding their usage.
- Applicants will be required to nominate their preferred location and dates for operation based on selected dates contained in the mobile food program guidelines. Successful applicants will only be able to operate on the days and times specified in their approval.

**Council sportsgrounds:** Approved mobile food vending vehicles can operate at Council owned sportsgrounds, subject to agreement (in writing) by the club, group or individual licensed to use a facility. Mobile food vending vehicles may only operate during the time approved in the user's hire agreement with Maitland City Council.

It is the responsibility of the club, group or individual licensed to use the facility to seek approval from Maitland City Council to have mobile food vehicles trade as part of their conditions of hire / hire agreement.

## **STOPPING TIME**

All approved mobile food vehicles will be able to trade for a maximum period of five hours in their approved location unless signage states otherwise. Operators must comply with parking restrictions relevant to the site and road rules.

## **GENERAL REQUIREMENTS FOR OPERATION**

Council must consider the following when determining applications:

- Approved mobile food vending vehicles must be granted approval under Section 68 of the Local Government Act 1993, specifically: *7. Use a standing vehicle or article for the purpose of selling any article in a public place.*
- Applications for approval to operate a mobile food vending vehicle must be made on the approved Maitland City Council form.
- All food businesses are required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003.
- Approved mobile food vending vehicles must hold a current Certificate of Currency Broad form Public and Products Liability insurance to the sum of \$20,000,000 and noting 'Maitland City Council' as an interested party. The insurance is to be valid for the entirety of the approval.
- Approved mobile food vending vehicles must hold a current Certificate of Currency of Third Party Property Damage Insurance to the value of \$20,000,000. The insurance is to be valid for the entirety of the approval.
- All businesses must:
  - Be registered and approved as part of Council's current mobile food program.
  - hold a current Maitland City Council approval to operate a Temporary Food Business or Mobile Food Vehicle (based within Maitland LGA) or,
  - have submitted a form for Notification of Temporary Food Business or Mobile Food Vehicle (based outside Maitland LGA).
- Applicants must comply with the national and state requirements for the construction and operation of food vending vehicles. Refer to Council's Food Safety Policy for specific details.

- Approvals will be issued subject to conditions, including but not limited to compliance with the Policy and Mobile Food Program guidelines.
- All operators will be prohibited from serving and selling alcohol and cigarettes.

## **PART 3 OTHER COUNCIL REQUIREMENTS**

### **SAFETY REQUIREMENTS FOR OPERATION**

Approved mobile food vendors are responsible for ensuring their operation does not impact on the safety of pedestrians and other road users.

Further details on these requirements are found within the Code for the Construction and Operation of Food Vending Vehicles and within the Mobile Food Program Guidelines.

### **ENVIRONMENTAL REQUIREMENTS**

Approved operating mobile food vendors are responsible for the waste materials generated and must ensure their operation does not have a detrimental impact on the environment they are operating.

During the approval process consideration will be given to the sustainable environmental practices of the mobile food vendor.

Further details on these requirements are found within the Australian Standard 4674-2004, the Food Standards Code, *Protection of the Environment Operations Act, 1997* and within the Mobile Food Program Guidelines.

### **MANDATORY REQUIREMENTS:**

Failure to meet any of the mandatory requirements listed below will deem the applicant non-compliant and the application will not be considered.

- RMS Vehicle Registration (as proof of registration).
- Certificate of Currency Broad form Public and Products Liability insurance to the sum of \$20,000,000 and noting 'Maitland City Council' as an interested party. The insurance is to be valid for the entirety of the program.
- Certificate of Currency of Third Party Property Damage Insurance to the value of \$20,000,000.
- Current Maitland City Council Approval to Operate a Temporary Food Business or mobile food vehicle (based within Maitland LGA) or a Notification of Temporary Food Business or Mobile Food Vehicle (based outside the Maitland LGA).
- Applicant must accept general terms and conditions and sign application form.
- Applicant must complete all details requested on the application form.

## POLICY DEFINITIONS

For the purpose of this Policy:

**Mobile food vending vehicle** – A mobile food vending vehicle is any means of transport, whether selfpropelled or not or otherwise designed to be movable from place to place, and which is used for selling food and beverages.

The term is an inclusive term for food trucks and food vans. It includes vehicles used for onsite food preparation (e.g. hamburgers, hot dogs and kebabs), onestep food or beverage preparation (e.g. popcorn, fairy floss, coffee and squeezing juices), and the sale of any type of food including pre-packaged food. It does not include food vending machines or food transport vehicles.

**Food truck** – a vehicle used for onsite preparation and sale of hot and cold food and drinks. No menu restrictions and includes the service of food considered medium and high risk (according to the NSW Department of Primary Industries Guidelines for Mobile Food Vending Vehicles).

**Food van** - a vehicle used for the purpose of selling low risk and not potentially hazardous food and does not have a kitchen.

**Council owned and managed roads** – includes all of the land used for vehicular traffic, footways, shoulder, kerb and gutter.

**Council Sportsground** – includes all sporting grounds where an application for hire is applicable.

## POLICY ADMINISTRATION

BUSINESS GROUP	Vibrant City
RESPONSIBLE OFFICER	Senior Place Activation Officer
COUNCIL REFERENCE	Ordinary Council Meeting 25 July 2017
POLICY REVIEW DATE	Three years from date of adoption
FILE NUMBER	139/97
RELEVANT LEGISLATION	<ul style="list-style-type: none"><li>• Local Government Act 1993</li><li>• Environmental Planning and Assessment Act 1979</li><li>• Roads Act 1993</li><li>• Roads Regulation 2010</li><li>• Food Act 2003</li><li>• Food Regulation 2010</li></ul>

RELATED POLICIES /  
PROCEDURES / PROTOCOLS

- Maitland Place Activation Strategy 2017
- Food Surveillance Policy 2002
- Maitland City Council requirements for the establishment, construction, and set up of food premises.
- Maitland City Council Code for the Construction Operation of Food Vending Vehicles.
- Maitland City Council Application to Operate a Temporary Food Business or Mobile Van (based inside Maitland LGA).
- Maitland City Council Notification Temporary food business or Mobile food vehicle (based outside Maitland LGA).

## POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	25 July 2017	
2.0	28 January 2020	Periodic review and update of policy

## APPROVED LOCATION LIST MOBILE FOOD VENDING IN PUBLIC PLACES

### APPROVAL TYPE: STREET TRADING

All mobile food vendors approved for Street Trading are permitted to operate at the locations identified in the table below. Operation is restricted to the time and location contained in the approval. All approved mobile food vehicles will be able to trade for a maximum period of five hours in their approved location.

An online map of all locations can be found here

[https://www.google.com/maps/d/viewer?mid=1XGmsUQ2AIlImVuR0MZWZt\\_sXjk&hl=en&usp=sharing](https://www.google.com/maps/d/viewer?mid=1XGmsUQ2AIlImVuR0MZWZt_sXjk&hl=en&usp=sharing)

REF #	SITE NAME	SITE DETAILS	NO. OF VENDORS PERMITTED	OPERATING TIMES
<b>CENTRAL MAITLAND</b>				
1	THE LEVEE SHARED ZONE –	IN FRONT OF 401 HIGH STREET, MAITLAND	1	5.00PM TO 8.30PM 7 DAYS
2	SEMPILL STREET CAR PARK	CAR PARK ADJACENT TO HUNTER RIVER	UP TO 2	7.00AM TO 7.00PM 7 DAYS
3	TURNER REST PARK (CAROLINE PLACE)	ON STREET PARKING	1	9.00AM TO 8.30PM 7 DAYS
<b>MORPETH</b>				
4	SWAN ST – MORPETH (BETWEEN MARKET AND WILLIAM STREETS)	ON STREET PARKING	1	5.00PM – 8.30PM 7 DAYS
5	MORPETH COMMON (RAY LAWLER RESERVE)	OFF STREET IN CAR PARK	UP TO 2	9.00AM TO 8.30PM 7 DAYS
6	QUEENS WHARF MORPETH	OFF STREET IN CAR PARK	UP TO 2	9.00AM TO 8.30PM 7 DAYS
<b>EAST MAITLAND</b>				
7	JOHN ST, EAST MAITLAND	OFF STREET GRASSED AREA NEXT TO GAOL CAR PARK	1	9.00AM TO 8.00PM 7 DAYS
8	BAKER'S BRICKYARD	CARPARK IN FRONT OF PLAYGROUND	1	9.00AM TO 5.00PM 7 DAYS
9	EAST MAITLAND LIBRARY	CARPARK AREA	UP TO 2	5.00PM – 8.30PM 7 DAYS

10	STOCKADE HILL	BRISBANE STREET – CARPARK AREA	UP TO 2	5.00PM – 8.30PM 7 DAYS
11	LAWES STREET SKATE PARK	QUARRY STREET, OFF STREET GRASSED AREA	UP TO 2	9.00AM TO 8.00PM 7 DAYS
<b>OTHER PRECINCTS</b>				
12	RUTHERFORD SKATE PARK	ON STREET PARKING	UP TO 2	9.00AM TO 8.30PM 7 DAYS
13	WALKA WATER WORKS	CARPARK AREA	UP TO 2	9.00AM TO 5.00PM 7 DAYS
14	THORNTON INDUSTRIAL ESTATE	ON STREET PARKING	UP TO 2	7.00AM TO 5.00PM 7 DAYS
15	RUTHERFORD INDUSTRIAL ESTATE	ON STREET PARKING	UP TO 2	7.00AM TO 5.00PM 7 DAYS
16	WOODBERRY	LAWSON AVENUE, IN FRONT OF SHOPPING CENTRE	1	9.00AM TO 8.30PM 7 DAYS

#### **APPROVAL TYPE: CLUSTER SITES**

Cluster sites are designated sites on Council owned land. Scheduling of Cluster site activities will be managed and approved by Maitland City Council.

Scheduling will occur at the sites across the year listed below in accordance with the Mobile Food Program Guidelines.

<b>LOCATION</b>	<b>SITE SPECIFICATIONS</b>	<b>NUMBER OF OPERATORS PERMITTED</b>
RH TAYLOR RESERVE	CORNER BELMORE BRIDGE ROAD AND THE ESPLANADE	UP TO 10
MAITLAND REGIONAL ART GALLERY	GRASSED AREA	UP TO 10
QUEENS WHARF MORPETH	PARKLAND AREA	UP TO 10
VICTOR WARBY RESERVE GILLIESTON HEIGHTS	PARKLAND AREA	UP TO 10
STOCKADE HILL EAST MAITLAND	PARKLAND AREA NEAR BRISBANE STREET CARPARK	UP TO 10
BAKERS BRICKYARD RAWORTH	AREA ADJACENT TO PLAYGROUND AND CARPARK	UP TO 10



WHITEWATER PARK CHISHOLM	PARKLAND AREA	UP TO 10
MAX MCMAHON OVAL RUTHERFORD	PLAYGROUND AREA	UP TO 10
NORM CHAPMAN OVAL RUTHERFORD	PLAYGROUND AREA	UP TO 10
WOODBERRY SKATE PARK	GRASSED AREA ADJACENT TO SKATE PARK	UP TO 10
WALKA WATER WORKS	CARPARK AREA	UP TO 10

### **APPROVAL TYPE: SPORTSGROUNDS**

Approved mobile food vending vehicles can operate at Council owned sportsgrounds, subject to agreement (in writing) by the club, group or individual licensed to use a facility. Mobile food vending vehicles may only operate during the time approved in the user's hire agreement with Maitland City Council.

It is the responsibility of the club, group or individual licensed to use the facility to seek approval from Maitland City Council to have mobile food vehicles trade as part of their conditions of hire / hire agreement.

