

Mobile Food Trading Policy 2022

POL062



Policy No: POL062
Policy Title: Mobile Food Trading Policy
Section Responsible: Development & Environment
Minute No/Ref: 22/120
Doc ID: 572080

1. INTENT

The purpose of this policy is to identify Council controlled land where commercial mobile food trading may be approved to operate and to provide a functional framework for managing the approval and operation of commercial mobile food traders on these sites.

2. SCOPE

This policy applies to all commercial mobile food trading on Council controlled land where that trading is at:

- anytime or day, regardless of the frequency or duration
- a single location only
- multiple locations at different times, or simultaneously.

This policy identifies approved Council controlled land, listed in Appendix 1 to this Policy, on which commercial mobile food trading will be permitted.

This policy does not apply to mobile food trading, where that trading:

- i. meets the following development standards specified by the NSW State Environmental Planning Policy (Exempt and Complying Development Codes - Subdivision 27A Mobile food and drink outlets), where the trading:
 - a. has the consent of the owner of the land, being land that is not Council controlled land, on which the development is carried out, and
 - b. does not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and
 - c. does not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and

- d. is not located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and
 - e. does not result in any damage to public property on the land or on adjacent land, and
 - f. if carried out on land within or immediately adjacent to a residential zone—is only carried out between 7.00 am and 7.00 pm on any day, and
 - g. if located on a public place—has any approval required under section 68 of the *Local Government Act 1993*, and
 - h. if located on private land—be limited to 1 development on that land and not contravene any conditions of a development consent for any other use carried out on the land.
- ii. is conducted on Council controlled land, but controlled by others under a lease, licence or agreement, and that mobile food trading is sanctioned by the lessee, sub-lease, licensee or other
 - iii. is part of an event, where that mobile food trading is sanctioned by the event organiser and covered by the event organiser's public liability and professional indemnity insurance
 - iv. is undertaken by a locally based, not for profit, volunteer-based group.

3. OBJECTIVE

This policy seeks to:

- Provide a fair and balanced approach to the use of public space
- Ensure safe, orderly and appropriate activation of public space
- Provide clarity and certainty for the community
- Formalise roles and responsibilities
- Manage the public risk

4. POLICY STATEMENT

The use of public land for commercial purposes is a privilege not a right. Council seeks to strike a balance between supporting mobile food trading for the benefits of public space activation and preserving those spaces for use by all. This policy seeks to provide assurance to the community that Council will manage mobile food trading on public land transparently, fairly and for the benefit of all.

5. PROVISIONS

5.1 GENERAL

Narrandera Shire Council's general position regarding mobile food trading will:

- support activation of public spaces
- ensure community safety is not compromised
- encourage diversity
- facilitate equitable access
- balance potential competitive and complementary impacts on other traders
- have regard to the social and economic impacts on Narrandera Shire
- require the prior approval from Council seven days before engaging in mobile food trading on any approved Council controlled land in accordance with the requirements of Section 68 of the Local Government Act 1993.
- Any Section 68 approval will be limited to 12 months with a maximum of 52 trading days per year.

5.2 LAND TO WHICH THIS POLICY APPLIES

Commercial mobile food trading will only be permitted on the Council controlled land identified on the Map of Approved Locations, as amended from time to time by NSC (Attachment 1 to this policy).

6. DEFINITIONS

- **Authorised officer:** any person appointed by Council for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.
- **Commercial Mobile Food Trading:** means a business based commercial operation that sells or offers for sale any food or drink for human consumption from a vehicle, caravan, table, stall or other similar structure on a not for profit basis.
- **Council:** means Narrandera Shire Council.
- **Council controlled land:** means any of the following

Land under the ownership of Narrandera Shire Council

Community land: being land that has been classified by Council as 'Community Land'.

Public land: being land that is any of the following

- o a public road
- o Crown Land under the management and control of NSC
- o A Common under the management and control of NSC

Public place: being land that is any of the following

- o a public reserve
- o public swimming pool
- o a public road or bridge
- o a Crown reserve under the control and management of NSC

- **Locally based, not for profit, volunteer-based group:** includes but is not limited to a local school, community group, service club, Council committee, Church or emergency service organisation undertaking a fund raising event for community purposes.
- **Mobile food trader:** any person or persons who sell or offers to sell any food or drink for human consumption from a vehicle, caravan, table, stall or other similar structure.
- **Mobile food trading:** the sale or offering for sale of any food or drinks from a vehicle, caravan, trailer, table, stall or similar structure.
- **Suitably authorised person:** a person in a position with delegated authority to represent an organisation or agency.

7. ROLES AND RESPONSIBILITIES

7.1 COUNCILLORS

- Adoption of the policy.
- Identifying highly desirable and sustainable sites.

7.2 COUNCIL STAFF

- Administrative review of the policy and all associated reporting to Council
- Applying the policy
- Assessing and determining applications for mobile food trading under Section 68 of the Local Government Act 1993
- Ensuring permit holders comply with all conditions of approval
- Providing administrative support and oversight of tender processes
- Providing administrative support and oversight of leases, licences agreements

7.3 PERMIT HOLDERS

- Section 68 application is to be submitted to council not less than twenty-one days prior to the first trading date, with all prescribed fees to be paid in accordance with the NSC fees and charges for Mobile Food Vendors s68 – approval and annual renewal.
- Ensuring that approved mobile food trading is always conducted in accordance with all conditions specified in the approval by NSC.
- Ensuring that a copy of the permit or agreement is always available at the location the itinerant trading is occurring.

8. RELATED LEGISLATION

- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulations 2000
- Food Act 2003

- Local Government Act 1993
- Privacy Act 1988

9. RELATED POLICIES AND DOCUMENTS

- Economic Development Strategy 2017 – 2020
- Product Development and Destination Marketing Strategy 2011

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- Not applicable.

POLICY HISTORY

Responsible Officer	Deputy General Manager Infrastructure		
Approved by	General Manager		
Approval Date	DD Month 202Y		
GM Signature (Authorised staff to insert signature)			
Next Review	1 March 2025		
Version Number	Endorsed by ELT	Endorsed by Council	Date signed by GM
1 Adopted	26/10/2021	17/05/2022	23/05/2022
2 Reviewed	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY

NOTE: This is a controlled document. If you are reading a printed copy, please check that you have the latest version via Council’s website (external) or MagiQ (internal). Printed or downloaded versions of this document are uncontrolled.

Attachment 1: Mobile Food Trading Map of Approved Locations




NARRANDERA SHIRE COUNCIL
 141 East Street
 Narrandera NSW 2700
 Ph: 02 6959 5510

MOBILE FOOD TRADING NARRANDERA LOCATIONS

This map is a representation of the information currently held by Narrandera Shire Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

Date: 01/03/2022
 Compiled by: GIS Ndra
 Co-ordinate System:
 MGA 94 Zone 55
 Ref: 2022-009