

Public Exhibition - Mobile Food Vending Vehicles Local Approvals Policy

File No: X118675

Summary

The Mobile Food Vending Vehicles Local Approvals Policy (the Policy) regulates the operation and overall impact of food trucks and food vans on Council owned roads and public places.

A mobile food vending vehicle is defined as any registered vehicle used on land that is either self-driven, or that can be towed down Council-owned roads and that is used in connection with the sale of food.

The Policy aims to:

- (a) ensure the Mobile Food Vending Vehicles operate in accordance with the road rules and kerbside parking restrictions on Council-owned roads
- (b) ensure that food sold through Mobile Food Vending Vehicles is safe and fit for human consumption
- (c) provide guidance and assistance for people wanting to operate Mobile Food Vending Vehicles within the City of Sydney Local Government Area
- (d) ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in the vehicles are appropriate for the preparation and storage of food for sale
- (e) minimise any potential adverse impacts of Mobile Food Vending Vehicles
- (f) ensure the safe operation of Mobile Food Vending Vehicles for staff, patrons, pedestrians and the general public
- (g) ensure the operation of Mobile Food Vending Vehicles does not increase litter or waste around the trading location
- (h) ensure the operation of the Mobile Food Vending Vehicles do not adversely impact on the environment or any of the surrounding sensitive land uses, and in particular residential amenity.

In accordance with section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election, unless the Council revokes it sooner.

The Policy has been reviewed, and only minor amendments/corrections have been made.

Recommendation

It is resolved that:

- (A) Council approve the draft Mobile Food Vending Vehicle Local Approvals Policy, as shown at Attachment A to the subject report, for public exhibition;
- (B) Council note that the Mobile Food Vending Vehicle Local Approvals Policy, including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer make any variations to the draft Mobile Food Vending Vehicle Local Approvals Policy for clarity or correction of drafting errors prior to exhibition.

Attachments

Attachment A. Draft Mobile Food Vending Vehicles Local Approvals Policy (showing changes)

Background

1. The Mobile Food Vending Vehicles Local Approvals Policy regulates the operation and overall impact of food trucks and food vans on Council owned roads and public places.
2. A mobile food vending vehicle is defined as any registered vehicle used on land that is either self-driven, or that can be towed down Council-owned roads and that is used in connection with the sale of food. They do not include push bikes, carts or any movable or fixed structure that cannot be registered for use on a road.
3. The Policy aims to:
 - (a) ensure the Mobile Food Vending Vehicles operate in accordance with the road rules and kerbside parking restrictions on Council-owned roads
 - (b) ensure that food sold through Mobile Food Vending Vehicles is safe and fit for human consumption
 - (c) provide guidance and assistance for people wanting to operate Mobile Food Vending Vehicles within the City of Sydney Local Government Area
 - (d) ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in the vehicles are appropriate for the preparation and storage of food for sale
 - (e) minimise any potential adverse impacts of Mobile Food Vending Vehicles
 - (f) ensure the safe operation of Mobile Food Vending Vehicles for staff, patrons, pedestrians and the general public
 - (g) ensure the operation of Mobile Food Vending Vehicles does not increase litter or waste around the trading location
 - (h) ensure the operation of the Mobile Food Vending Vehicles do not adversely impact on the environment or any of the surrounding sensitive land uses, and in particular residential amenity.
4. Mobile food vending vehicles are used for on-site food preparation (e.g. hamburgers and tacos) and one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food.
5. There are around 30 registered mobile food vending vehicles operating within the City.
6. The Policy applies to Council-owned roads and other public places within the City of Sydney Local Government Area. This Policy does not apply to Mobile Food Vending Vehicles:
 - trading in accordance with a development consent or the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 on private land
 - trading on public land in accordance with an approved event
 - not operating as a food business.

7. The Mobile Food Vending Vehicles Local Approvals Policy was last reviewed and endorsed by Council in 2022. In accordance with section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election, unless the Council revokes it sooner.
8. The existing Policy has been reviewed, and minor amendments/corrections have been made.
9. In accordance with section 160 of the Local Government Act 1993, a Local Approvals Policy must be placed on public exhibition for at least 28 days and comments can be received up to 42 days after the first advertisement.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

10. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - The Policy provides a framework for the operation and overall impact of food trucks and food vans on Council owned roads and public places.
 - (b) Direction 3 - Public places for all - Mobile food vending vehicles provide alternative dining options within the city, both day and night.
 - (c) Direction 8 - A thriving cultural and creative life - The provision of food trucks and vans in the City allows for alternative food options from all cultures.

Risks

11. The Policy has been revised to reflect current best practices and legislation.
12. City staff have considered the draft Policy and its continuing operation is within the City's risk tolerance and risk appetite. Where risks associated with activities can be effectively mitigated and there are reasonable benefits to the community, a minimal risk can be considered.

Economic

13. The provision of food from mobile food vending vehicles contributes to the vibrancy and economic viability of the City and attracts visitors to the City.

Financial Implications

14. Fees and charges associated with approvals and regulatory inspections are detailed within the City's Revenue Policy.

Relevant Legislation

15. The Policy has been drafted in accordance with the Local Government Act 1993 and the Local Government (General) Regulations 2005.
16. Environmental Planning and Assessment Act 1979.
17. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
18. Road Rules 2014.
19. Food Standards Code.
20. Roads Act 1993.

Public Consultation

21. The draft policy will be put on public exhibition for 42 days for public comment.

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