

## **Post Exhibition - Mobile Food Vending Vehicles Local Approvals Policy**

**File No: X118675**

### **Summary**

This report recommends that Council adopt the Mobile Food Vending Vehicles Local Approvals Policy.

The Mobile Food Vending Vehicles Local Approvals Policy (the Policy) regulates the operation of food trucks and food vans on Council-owned roads and public places. A mobile food vending vehicle is defined as any registerable vehicle used on land that is either self-driven, or that can be towed along Council-owned roads and is used in connection with the sale of food.

On 23 June 2025, Council resolved for the draft Policy to be placed on public exhibition for a period of a minimum of 28 days. Community consultation occurred from 24 June 2025 to 4 August 2025. Consultation activities included online engagement through the Sydney Your Say website and written notifications to registered operators.

In response to the public exhibition 2 submissions were received. The consultation identified general support for the Policy suggestions. A summary and analysis of the submissions is available in the Engagement Report in Attachment B.

The submissions have been reviewed, and no changes to the Policy are recommended. The Policy is shown at Attachment A, with no further amendments made from the draft endorsed by Council for exhibition.

## **Recommendation**

It is resolved that:

- (A) Council note the submissions received on the exhibited draft Mobile Food Vending Vehicles Local Approvals Policy, as shown in Attachment B to the subject report;
- (B) Council adopt the Mobile Food Vending Vehicles Local Approvals Policy, as shown at Attachment A to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Mobile Food Vending Vehicles Local Approvals Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

## **Attachments**

**Attachment A.** Mobile Food Vending Vehicles Local Approvals Policy

**Attachment B.** Engagement Report

## 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 registerable vehicle used on land that is either self-driven, or that can be towed along Council-owned roads and 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 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:
  - (a) 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
  - (b) trading on public land in accordance with an approved event
  - (c) 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. Prior to exhibition, the existing Policy was reviewed, and minor amendments/corrections made.
9. In accordance with section 160 of the Local Government Act 1993, the Policy was placed on public exhibition for at least 28 days.

### **Mutual recognition**

10. The Office of Local Government is currently developing a mutual recognition framework, including provisions for mobile food vendors, to enable operation across multiple council areas. This initiative aims to reduce administrative overhead for mobile businesses by allowing approvals granted by one participating council to be recognised by others, eliminating the need for separate applications across different jurisdictions.
11. Once the mutual recognition framework is finalised, this Policy may require further review in response to the new framework.

### **Key Implications**

#### **Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision**

12. 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 life - The provision of food trucks and vans in the City allows for alternative food options from all cultures.

**Risks**

13. The Policy has been revised to reflect current best practices and legislation.
14. 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**

15. 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**

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

**Relevant Legislation**

17. The Policy has been drafted in accordance with:
  - (a) the Local Government Act 1993 and the Local Government (General) Regulation 2021
  - (b) Environmental Planning and Assessment Act 1979
  - (c) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - (d) Road Rules 2014
  - (e) Food Standards Code
  - (f) Roads Act 1993

## **Public Consultation**

18. Following Council approval, the Policy was subject to a public exhibition period from 24 June 2025 to 4 August 2025.
19. During the public exhibition period there was a total of 134 unique page views and 19 document downloads. The consultation was included in the July Sydney Your Say Newsletter (4981 subscribers) and email notification was sent to 23 mobile food vendors.
20. A total of 2 submissions were received during the exhibition period and are summarised in the Engagement Report at Attachment B.
21. The submissions have been reviewed, and no changes to the draft Policy are required.

## **GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Josh Bradshaw, Standards and Policy Manager