



Mobile food-vending

Mobile food-vending vehicles are any means of transport designed to move from place-to-place and sell food or drinks.

They include vehicles, trailers, caravans, carts, wagons or similar used for:

- on-site food preparation (e.g. hamburgers, hot dogs and kebabs)
- one-step food preparation (e.g. popcorn, fairy floss, coffee and squeezing juices)
- the sale of any type of food including pre-packaged food.

Mobile food-vending vehicles need to comply with the provisions of the NSW Food Act (2003), Food Regulation (2010), Food Standards Code, and the NSW Food Authority's Guideline for Mobile Food Vending Vehicles.

Mobile food-vending operators need to:

1. have an annual vehicle inspection completed by any NSW Council. Evidence of this inspection must be kept with the vehicle at all times
2. if intending to vend on public roads, parks or other public places in the municipality, apply for Council approval on an annual basis. This approval must also be kept with the vehicle at all times. Vending at organised events is exempt from this requirement.

New and renewal applications can be made to Council using one application form for any, or all, of the above activities. Applicable fees apply.

Vehicle inspections and food business registrations

Upon application Council will arrange to inspect mobile vending vehicles and process food business registrations within 14 days.

Vehicle inspections and food business registrations are valid for 12 months and can be renewed on an annual basis.

If you have recently moved to the Kiama Municipality and your vehicle has a current inspection licence from another council, you are encouraged to register your food business with us.

To do this, you will need to provide a copy of your existing licence.



Vending on public roads, parks, or other public spaces

You will need to apply for approval from Council if you intend to vend on public roads, parks or other public spaces in the Kiama Municipality.

Upon application and payment of the relevant fee, Council will process your application within 14 days.

If approved, there are strict trading requirements that must be complied with under Part 9 Roads Act 1993, Section 68 Local Government Act 1993 and Council's Local Approvals Policy. Approval is valid for 12 months and can be renewed on an annual basis.

The vehicle is not permitted to 'set up stand' or remain at any one selling point for more than 15 minutes without a customer and must move a minimum of 500 metres between each selling point.

Seating on public roads and public space is not permissible for mobile food-vending vehicles if not part of an event. Awnings, free standing canopies, benches, seating and any other equipment or fixture, that requires a fixed trading position, are prohibited.

Vending at approved community events, sporting events, or markets

Mobile food vendors can sell food at approved events and community markets that are held on public land provided prior approval from the event organiser or operator is obtained.

Vending on private land (eg commercial property)

The sale of food from a mobile food-vending vehicle or cart on commercial or industrial land is permitted if the vehicle or food cart is parked completely within the boundaries of the private land. Council approval is not required however, the prior consent from the owner of the land must be obtained before commencing sales.

The operation must comply with the State Environmental Planning Policy (Exempt and Complying Development Codes). A limit of one vehicle per site is permitted and the hours of operation are restricted from 7am to 7pm in residential zones.

If you intend to trade continually from one private location, you will need to submit a development application to Council.

Preparation of food from a residential home

If you intend to use a residential home to prepare food for a business purpose, you will need to submit a development application to Council. (See Council's Fact Sheet for Home Business – Food Manufacturing)

Help and further information

Service NSW's Easy To Do Business service provides a personal concierge to guide and support you through the small business journey, from obtaining information to applying for registrations, licences and approvals.

You can choose to speak to the concierge team 9am to 5pm Monday to Friday on 13 77 88 or visit www.service.nsw.gov.au to access their on line tool.

If you have any questions, Council's Development Assessment staff are available for brief consultations and to provide general advice at Council's Customer Service counter between 8.45am and 11am Monday to Friday.

Appointments may be made outside these hours, subject to availability. Council staff cannot assist in the preparation of your application or the supporting documents.

Fees

Fee quotes can be requested by using Council's online [request form](#). You need to make sure you provide the entire form so Council can provide you with an accurate fee quote.

Food Stall (temporary) application Form

Refer to the Food Stall (temporary) Registration Form available on Council's [website](#) or contact Environmental Health Officers on 4232 0444.

Local Approvals Policy

Refer to Council's 'Guidelines for food business at markets and events'.

NSW Food Authority Guidelines for Mobile Food Vending Vehicles:

http://www.foodauthority.nsw.gov.au/_Documents/retail/mobile_food_vending_guidelines.pdf

Development applications

Refer to Council's 'Guide to carrying out Development or an Activity in the Kiama Municipality'.