

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	10 Jan 2006	0006	10 Jan 2006
2	11 May 2010	0142	11 May 2010
3	8 Mar 2011	0063	8 Mar 2011
4	13 Aug 2013	0255	13 Aug 2013
5	22 Aug 2017	17/205	22 Aug 2017
6	8 Nov 2022	22/291	8 Nov 2022

2 Policy Objective

To regulate mobile and standing vehicles that display and sell commodities on public or private land.

3 Policy Statement

Approval

- 3.1 An application for approval to operate a vending vehicle within the Griffith Local Government Area must be completed by the applicant and submitted to Griffith City Council for approval by the Director, Sustainable Development (or equivalent position) or their nominated delegate.
- 3.2 After the granting of the initial approval to operate a vending vehicle within the Griffith Local Government Area, subsequent approvals are to be renewed annually with Griffith City Council and will be subject to an application fee. This application should be lodged with Council at least one month prior to the expiry of the previous approval.
- 3.3 An approval to operate a vending vehicle includes approval under the provisions of Section 68 of the Local Government Act 1993 for the purpose of selling of commodities in a public place.
- 3.4 If the vehicle information provided with the initial application changes during the term of this approval, details of the change shall be advised in writing to Council within one week of the variation occurring.

- 3.5 Any vehicle and adjacent areas used for the purpose of displaying and selling commodities without the appropriate approval of Council, and/or not in accordance with this policy, or any licence or direction of Council, is prohibited.
- 3.6 A copy of the certificate of approval must be kept with the vehicle at all times and the certificate must be provided on request by an authorised Council Officer.

Inspection of Vehicle

- 3.7 The Council may require the vehicle to be made available for inspection at any reasonable time.

Hours of Operation

- 3.8 The hours of operation for the vehicle selling or displaying commodities are limited from 8.00am to 7.00pm daily during Daylight Saving period and from 8.00am to 6.00pm daily during other times of the year. In exceptional circumstances, hours of operation may be varied to the discretion of the Director, Sustainable Development (or equivalent position) or their nominated delegate.

Selling Condition

- 3.9 The vehicle must be in motion unless displaying or selling commodities. The vehicle shall not operate within 100 metres from any business or other premises, displaying or selling similar types of commodities, at the same time, unless it is a vending vehicle on public land with Council permission.

Vehicle Condition

- 3.10 All vehicles permitted under this policy shall be maintained in a clean and safe condition. Vehicles displaying or selling food are to comply with the Food Standards, Australian and New Zealand Food Safety Standards, Food Act 2003 and Roads and Maritime Services registration and rules.
- 3.11 The vending vehicle must not be used for sleeping purposes.
- 3.12 Employees' personal belongings, cleaning equipment, soiled equipment, waste and commodities kept in the vehicle are to be physically separated.

Waste Disposal

- 3.13 Suitable garbage receptacles with close-fitting lids must be provided in the vehicle.



- 3.14 When directed, a suitable receptacle must be provided outside the vehicle for placing litter.
- 3.15 All garbage must be removed daily or more frequently when the need arises.
- 3.16 Any waste must be transported to a place that can lawfully be used as a waste facility for that waste. A copy of an appropriate waste management plan must be provided to Council prior to approval.

Public Nuisance

- 3.17 The vehicle shall operate in accordance with the Local Government Act 1993, the Protection of the Environment Operations Act 1997 and such other legislation as may from time-to-time impinge upon the activities hereby approved.
- 3.18 The use of equipment to amplify sounds in or on any public road or public place is prohibited unless prior consent of the Council is obtained. Such applications may be approved with or without conditions.
- 3.19 Vehicles permitted to play amplified sounds shall not emit the amplified sounds whilst the vehicle is in motion.

Road Rules

- 3.20 Vehicles permitted under this policy shall not obstruct roadways or footpaths and shall not be driven or parked in such a way that is a hazard to other road users.
- 3.21 A vehicle permitted under this policy will not be exempt from any road rules, traffic and parking regulations or any similar legislation.
- 3.22 Vehicles permitted under this policy shall not be permitted to sell commodities in a demarcated School Zone.

Statutory Approvals

- 3.23 A vehicle permitted under this policy shall comply with all relevant Acts, Regulations and Council Policies and nothing herein shall be taken as the granting of consent under the Environmental Planning and Assessment Act 1979, particularly Subdivision 27A Mobile Food and Drink Outlets, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Public Liability

- 3.24 The proprietor must provide Council with a copy of their current Public Liability Policy for not less than \$20 million dollars indemnifying Griffith City Council against any claims that arise from the operation of the vending vehicle.
- 3.25 The proprietor selling commodities to children must provide Council with a copy of their current Public Liability Policy for not less than \$20 million dollars indemnifying Griffith City Council against any claims that arise from the operation of the vending vehicle.

4 Definitions

Vending vehicle: Includes any mobile or stationary vehicle and any adjacent area reasonably used for the purpose of displaying and selling commodities; but excludes service vehicles such as mechanics, carpet cleaning services, gardening services and also excludes the delivery of pre-ordered commodities such as pre ordered meals.

5 Exceptions

None

6 Legislation

Section 356 of the Local Government Act 1993 (as amended) Local Government Act 1993
Protection of the Environment Operations Act 1997
Food Act 2003

7 Related Documents

None

8 Directorate

Sustainable Development