



## Approval to Operate under Section 68 of the Local Government Act 1993

### General Conditions

1. Section 68 approval permits are valid for a period of 12 months. An application to renew the approval accompanied by the appropriate fees must be made prior to its expiration. All mobile food vending vehicles are to undergo a food safety inspection as part of the approval/renewal process. The food safety inspection must be compliant for a Section 68 to be renewed.
2. The fit out and operation of the mobile food vending vehicle must comply with the *Food Act 2003*, Food Standard Codes and the [NSW Food Authority's Guidelines for Mobile Food Vending Vehicles](#).
3. Inspection and administration fees will be charged for the Section 68 permit approval/renewal as per Council's fees and charges.
4. Operation is not to be undertaken where it is considered that a conflict exists with road users, residential premises and/or established food premises. Where an authorised officer determines that a conflict, Council reserves the right to direct that the vehicle be relocated with a timeframe as specified by the officer.
5. Mobile Food Vending vehicles must not trade within 200 metres of established food premises.
6. Mobile food vending vehicles must be legally parked and obey any signposted time restrictions are permitted to trade from any one location for a maximum of 4 hours in a 24-hour period. A location is taken to mean within an area of radius of 500 metres.
7. The mobile food vehicle must be removed from the location after the 4-hour trading period and must not revisit the same location within a 24-hour period.
8. Mobile food vehicle trading only to be carried out between 7am and 7pm in a residential zone.
9. The operator of the food vending vehicle shall ensure compliance with the Australian Road Rules 2014 and the Road Transport Act 2013.
10. Operation of the mobile food van is restricted within public parks, sportsgrounds, and adjacent public roads without the consent of Hornsby Council's Parks Officers (02) 9847 6666. Any parks exempted from this will be noted on the approval permit.
11. This approval does not give consent for the operation of the mobile food van at organised community and fundraising events within the Shire without the consent of the event organiser.

12. The vehicle must be constructed so that selling only takes place from the kerbside of the vehicle. The set up of tables, chairs, signage, or other items external to the mobile food van is prohibited.
13. Vehicles must display a flashing amber light while stopped for the purpose of serving customers in accordance with Vehicles standards information No 8, Revision 4.1, 24 November 2010
14. Trading is not to be undertaken within 200 metres of any entrance/exit of a school, Monday to Friday 8.00 am - 6.00 pm during school terms.
15. Waste water generated from the business is not to be directed to stormwater, which constitutes an offence under the *Protection of the Environment Operations Act 1997* where penalties apply.
16. Tobacco (including vaping and e-cigarettes) and items containing alcohol shall not be sold.
17. Operators are to clearly display their valid approval under Section 68 of the Local Government Act 1993 whenever vending activities are being conducted within the Hornsby Shire
18. Operators are to clearly display their valid approval under Section 68 of the Local Government Act 1993 whenever vending activities are being conducted within the Hornsby Shire's local government area.
19. Amplified music or noise devices associated with the use shall not be used on public roads while the vehicle is stationary or before 8.00am or after 8.00pm on any day.
20. Generators must not be used within 100 metres of residential premises.
21. The use of the mobile food vehicle including any plant or equipment must not cause offensive noise as defined under the *Protection of the Environment Operations Act 1997*.
22. The Applicant must effect and keep current during the applicant's operation a Public and Products Liability Policy in the name of the applicant. The policy shall have a limit of indemnity in respect of any single accident or event of not less than twenty million dollars. Such policy shall contain a clause or notation indemnifying Hornsby Shire Council against actions, suits, claims or demands of any kind arising from the applicant's use and/or occupancy of the allocated site. The policy shall be issued by an insurer licensed by the Australian Prudential Regulatory Authority to write liability insurance business in Australia.
23. This approval does not abrogate Council's right to require abolition or modification of the approval if at any time the mobile food vehicle operation is considered to pose a risk or nuisance to public health, community, or the environment.