

BILLABONG - MOBILE FOOD VENDING VEHICLE TERMS AND CONDITIONS

APPROVAL

The Billabong mobile food vending vehicle approval is not transferable.

The approval is valid for the duration of the approved times made by the event organiser unless the operation of your mobile food vending vehicle changes significantly. Significant changes would include, but are not limited to:

- a change of business owner;
- a change of business address;
- a change in the type of food sold, such as changing from low risk to high-risk food or vice versa. or
- a change of vehicle or vehicle registration.

REVOKE APPROVAL

The Council reserves the right to revoke the mobile food vending vehicle approval to operate at the Billabong if the owner fails to comply with the terms and conditions.

DEFINITIONS

MOBILE FOOD VENDING VEHICLE - In accordance with the [NSW Food Authority - Guideline for mobile food vending vehicles](#) :

A mobile food vending vehicle is any means of transport, whether self-propelled or not, which is moved from place to place and used for selling food, whether on land, water or air.

It includes vehicles used for on-site food preparation (for example hamburgers, hot dogs and kebabs), one-step food preparation (such as popcorn, fairy floss, coffee and squeezing juices), and the sale of any type of food including pre-packaged food. It does not include food vending machines or food transport vehicles.

A shipping container is considered a 'building' and therefore is unlikely to be a mobile food vending vehicle.

OPERATION HOURS AND LOCATION

The mobile food vending vehicle is prohibited from trading on Public/Council land except within the Billabong. Please refer to the Council's [Street Trading Policy](#) for further information.

The mobile food vending vehicle can only trade at the Billabong with prior written approval from the event organiser.

The mobile food vending vehicle is restricted to the approved operating times set by Billabong's event organiser.

The mobile food vending vehicle must pay a daily fee of \$219.00 per day to operate in the Billabong.

The mobile food vending vehicle must leave the Billabong daily.

The mobile food vending vehicle must not continue trade within the adjacent car parks to the Billabong after the daily trade. The vehicle must leave the Billabong and park legally in an approved off-site location.

The mobile food vending vehicle operating contract is a minimum of 14 consecutive days, Monday to Sunday and maximum tender is 90 days, Monday to Sunday. Public Holidays are not excluded from this set time and vendors will be required to operate as per usual.

The successful mobile food vending vehicle will need to arrive at the parklands between 9.00am-9.30am for set up and will need to exit the parklands at the set closing time. *Closing time is scheduled to change depending on the season of operation.

The mobile food vending vehicle will operate within the designated location at the Billabong and will not create traffic issues. The designated location of the mobile food vending vehicle must:

- Not obstruct access to and through emergency exits, pedestrian thoroughfares,
- Not obstruct access to fire safety equipment,
- Be located within the curtilage of the event/premise and not encroach onto the neighbouring property or the public footpath.

Ancillary fittings (i.e. marquees, awnings, dining areas, tables and chairs, bollards, plumbing and electrical services, portable toilets, etc) are not permitted to be erected.

FOOD ACT 2003 AND FOOD SAFETY REQUIREMENTS

The setup and operation of the mobile food vending vehicle must fully comply with:

- [Food Act 2003](#) (NSW)(as amended);
- [Safe Food Australia - A guide to the Food Safety Standards](#);
- [NSW Food Authority - Guideline for mobile food vending vehicles](#) (as amended).

FOOD PREPARATION AT RESIDENTIAL KITCHENS

Food preparation is not permitted from a residential kitchen unless it has development approval to permit this use and is a registered food premises. All food preparation must be conducted within an approved commercial kitchen.

Enforcement action can be taken if it is not compliant.

RECENT FOOD SAFETY REPORT

A recent (dated within the last 12 months) and satisfactory Food Premises Assessment Report (FPAR) for the mobile food vending vehicle must be submitted to the Council annually. The Food Safety Report can be from another NSW Council.

MOBILE FOOD VENDING VEHICLE INSPECTIONS

All mobile food vending vehicles are subject to undertake unannounced food safety compliance inspections conducted by the Council's Environmental Health Officer during their operations at the Billabong.

The mobile food vending vehicle owner will be responsible for paying all associated food inspection fees, which are reviewed annually and published in the Council's adopted schedule of [fees and charges](#).

If non-compliances are found during the inspection, enforcement action may be taken without warning.

APPROVAL AVAILABILITY

A copy of the approval to operate a mobile food vending vehicle must be within the vehicle whilst in operation.

THE SALE OF ALCOHOL/TOBACCO

The approval does not permit the sale of tobacco or alcohol products.

SELF-SUFFICIENT AND LIABILITY

The mobile food vending vehicle must be self-sufficient and ensure that the following is complied with:

- Provided with their own and an adequate supply of potable water during operating hours.
- Properly dispose of all food, paper, and general waste through a licensed and EPA-approved waste facility.
- All mobile food vending vehicle wastewater must be disposed of properly into the sewer, not within the garden/landscape area or down the stormwater drain.
- Provide their own power (only a silent generator is permitted to ensure a noise nuisance is not created to the surrounding occupants).
- Provide their own fire safety equipment.
- Ensure you comply with the single-use plastics ban in NSW. No lightweight plastic bags, single-use plastic straws, stirrers, cutlery or plastic bowls and plates are permitted. No expanded polystyrene food service containers are permitted. For further information please click [Here](#).
- Hold a valid Public Liability Insurance Policy (minimum \$20 million).

EMERGENCY EVACUATION

In the event of an emergency evacuation situation, the mobile food vending vehicle operator must cease operation and comply with the approved Emergency Evacuation Plan or any direction from the Police/Ambulance or Council Authorised Officer.

TOILETS

The owner/employees of the mobile food vending vehicle must use the Billabong toilets during operation.

SAFETY

All necessary precautions are to be taken to ensure the safety of all staff and attendees. This includes safe access and egress to prevent slips, trips and falls, traffic management, plant and electrical safety and worker training.

Adequate first aid is to be made available and accessible throughout the mobile food vending vehicle operations.

For the safety of attendees, all activities should be suspended or cancelled during adverse weather conditions such as electrical storms and excessively heavy rain.

The mobile food vending vehicle owner is responsible for any necessary security. The Council accepts no responsibility for any equipment left at the event/site.

WORKING WITH CHILDREN

Any group/individual who conducts activities that involve children is bound by the [Children and Young Persons\(Care and Protection\)Act 1998](#) to obtain a valid 'Working with Children Check'. The mobile food vending vehicle owner must ensure all requirements are met and submitted to the event organiser before trading.

USE OF GAS APPLIANCES AND CYLINDERS

All gas appliances/cylinders (this includes - LPG cylinders and butane gas burners) used at the Billabong, the food owner must ensure that:

- the food owner fully complies with [Gas safety | NSW Fair Trading and Safe Work NSW - LPG Cylinder Storage](#)
- All gas work to any appliance or cylinder is undertaken by a licensed gas fitter and is inspected annually.
- the gas appliances/cylinders display an Australian gas certification badge and are tested regularly.
- the gas appliances/cylinders operate in accordance with the manufacturer's operating instructions and are available on-site.
- the gas appliances/cylinders are clear of combustible/flammable materials (such as cardboard, oil containers, wall partitions, etc.).
- the gas appliances/cylinders are secured to prevent falling and tipping and remain upright on a level, non-combustible surface. This includes empty gas appliances/cylinders.
- LP Gas cylinders are in a well-ventilated location outside the mobile food vending vehicle.

- LP Gas cylinders are positioned at least 1.5m from an ignition source (such as an electric socket or naked flame).
- clear access is provided to all appliances/cylinder valves to turn the gas on and off in an emergency.
- the supply hoses to the gas appliances/cylinders are in good condition (without kinks or abrasions).
- any spare gas appliances/cylinders are not inappropriately stored to create a safety nuisance.

AIR POLLUTION

The mobile food vending vehicle owner must not create excessive odours or smoke nuisances during operation.

The owner is responsible for ensuring that all smoke and odour dispersing from using all cooking appliances and generators during the operation at the Billabong does not affect the safety of site users and the area's amenities.

If complaints are received and substantiated, any direction by the Police or suitably authorised officer (e.g. Authorised Council Officer) to reduce or mitigate air disturbances must be responded to immediately.

Any breach of the [Protection of the Environment Operation Act 1997](#) may result in the Police or suitably authorised officer (e.g. an Authorised Council Officer) issuing an on-the-spot fine to the owner.

NOISE POLLUTION

The emission of noise associated with the mobile food vending vehicle, including but not limited to the use of generators, amplified sound systems, and public address systems, must not create "offensive noise" as defined in the [Protection of the Environment Operation Act 1997](#).

All generators used for any appliances within the vehicle must be silent to reduce any noise impacts to nearby residents and the Billabong.

If complaints are received and substantiated, any direction by the Police or suitably authorised officer (e.g. an Authorised Council Officer) to reduce or mitigate noise disturbances must be responded to immediately.

Any breach of the [Protection of the Environment Operation Act 1997](#) may result in the Police or suitably authorised officer (e.g. an Authorised Council Officer) issuing an on-the-spot fine to the owner.

WATER POLLUTION

Under the [Protection of the Environment Operation Act 1997](#), it is illegal to discharge solid or liquid waste, such as used oil or grey/black water, into any stormwater drainage system on the ground or anywhere other than the sewer system. The owner must remove all liquid waste at the end of the trade or the day's activity and dispose of it properly.

If complaints are received and substantiated, any direction by the Police or suitably authorised officer (e.g. an Authorised Council Officer) to cease or modify the operation to prevent further nuisances must be responded to immediately.

Any breach of the [Protection of the Environment Operation Act 1997](#) may result in the Police or suitably authorised officer (e.g. an Authorised Council Officer) issuing an on-the-spot fine to the owner.

LAND AND WASTE POLLUTION

The mobile food vending vehicle owner must ensure the immediate area used for trading is maintained and left clean.

All waste the business generates must be taken with them at the end of each day's trade. No waste, including liquid waste, shall be disposed of in the street, council bins, gutters, park, or stormwater drainage system at any time.

Under the [Protection of the Environment Operation Act 1997](#), depositing waste on the ground is illegal.

If complaints are received and substantiated, any direction by the Police or suitably authorised officer (e.g. an Authorised Council Officer) to cease or modify the operation to prevent further nuisances must be responded to immediately.

Any breach of the [Protection of the Environment Operation Act 1997](#) may result in the Police or suitably authorised officer (e.g. an Authorised Council Officer) issuing an on-the-spot fine to the owner.