

## MOBILE FOOD VENDING VEHICLES AND TEMPORARY FOOD STALLS IN A PUBLIC PLACE PROCEDURE

### 1. INTRODUCTION

This procedure is to provide guidance on the approval of food vending vehicles and temporary food premises which operate on public land within the Port Macquarie-Hastings Local Government Area. This procedure used to be a standalone policy which has been incorporated into the Management of Public Spaces Policy. This document provides guidance specifically on Mobile Food Vending Vehicles and Temporary Food Stall approvals subordinate to the Policy.

Mobile and Temporary food stall operators that conduct business on private land must comply with the relevant planning legislation and the NSW Food Act and Regulation.

### 2. PROCEDURE STATEMENT AND SCOPE

The aims of this procedure are:

- to ensure that, in a public place, food sold to the public from mobile food vending vehicles and temporary food stalls, is safe for human consumption and that the construction, fit-out and facilities for cleaning utensils, articles, hands, fittings and appliances in vehicles and stalls meet the necessary hygiene standards; and
- to ensure that trading does not place the public at risk; and
- to ensure that trading complements, and does not unfairly compete with commercial centres; and
- to ensure Council Staff are consistent with their assessment and approval of applications for Mobile Food Vending Vehicles and Temporary Food Premises.

The Procedure applies to approvals for activity No. 7 in Part F (Other Activities) listed in the Table to section 68 of the Local Government Act 1993, namely: “7. Use a **standing vehicle** or **any article** for the purpose of selling any article in a public place.”

This Procedure does not apply to Mobile and Temporary food stall operators that conduct business on private land. These operators must still comply with the relevant planning legislation and the NSW Food Act and Regulation.

### 3. RESPONSIBILITIES AND AUTHORITIES

**Group Manager Environment & Regulatory Services** - responsible for ensuring application processes are adhered to regarding the sale of food.

**Group Manager Community** - responsible for any application involving the use of public land for private purposes.

**Environmental Health Officer** – assess applications and inspect to ensure that the requirements of the Food Act 2003, and Food Safety Standards are being met.

**Rangers** – under this Procedure, their primary role is to ensure that Mobile Food Vendors and Temporary Food Stalls are not sited in places that are inconsistent with this Procedure and that they have the necessary approval.

#### **4. REFERENCES**

The following documents are related, either directly or indirectly, to the Procedure:

- Australia New Zealand Food Standards Code
- Australian Standard 4674-2004 –Construction and fit-out of food premises
- Environmental planning and Assessment Act 1979
- Local Government Act 1993
- Local Government (General) Regulation 2021
- NSW Food Authority's - Guidelines for Food Business Markets and Temporary Events
- NSW Food Authority's - Guidelines for Mobile Food Vendors
- NSW Food Act 2003
- NSW Food Regulation 2015
- Office of Local Government's street vending guidelines
- Port Macquarie-Hastings Management of Public Spaces Policy
- Port Macquarie-Hastings Local Environmental Plan 2011
- Protection of the Environment Operations Act 1997
- Road Transport Act 2013 No 18
- Road Transport (Vehicle Registration) Regulation 2017
- Road rules 2014

#### **5. DEFINITIONS**

A Dictionary is provided at the end of the procedure. **APPENDIX 5**

#### **6. PROCESS OWNER**

Health & Building Regulation Coordinator

#### **7. AMENDMENTS**

This procedure is new, but it has been based on the Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place Policy which was incorporated into the Management of Public Spaces Policy

## **APPLICATION PROCEDURE**

### **APPLICATIONS FOR MOBILE FOOD VENDING VEHICLES / TEMPORARY FOOD STALLS**

Refer to the Appendix pages for detailed information on requirements.

- Applications must be made on the approved form available on Council's website and must be accompanied by the appropriate application fee.
- Applications must be received by Council at least 5 business days before the event. Late applications will not be accepted for lodgement as there is insufficient time to appropriately assess the application.
- Where there is an unsatisfactory inspection, the premises will not be granted approval to operate until a satisfactory inspection has been carried out.
- All supporting documentation must be provided with application including Insurance and Food Safety Supervisor certificate.
- Each vehicle and/or stall must have an individual application form completed and fee paid.
- Any application involving Traffic Safety and Management may be referred to Council's Traffic Engineers for comment.

**Written approval must be obtained from Council prior to operation and are valid for up to 12 months.**

NOTE: Regular participants in markets (i.e. weekly/monthly) will require an annual approval and their stall needs to be inspected at least once annually.
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### **CRITERIA FOR DETERMINATION OF APPLICATIONS**

#### **General Matters for Consideration**

##### **1. Mobile food vending vehicle**

The food risk rating of a mobile food business will be determined by Council's Environmental Health Officer (EHO) based on the potential for food borne illness and contamination of food.

The criteria to be used by the EHO in assessing the application should include all the relevant provisions contained in the Food Act 2003 and the Food Regulation 2015, the Australian New Zealand Food Standards Code as set out in **Appendix 1** to this Procedure.

Prior to the issuing of an approval under this Procedure, the mobile food vending vehicle must be presented to Council for inspection by an EHO. Where a mobile food vending vehicle is based and registered in another LGA, Council staff will accept a copy of the previous Food Premises Assessment Report (FPAR) issued by another regulatory authority, provided the report is satisfactory and is less than 12 months old.

Where a mobile food vending vehicle is being solely used at a market and is intended to be stationary for the period of approval, the vehicle will be assessed as a temporary food stall.

##### **2. Temporary Food Stall – Commercial/Private gain**

Prior to the issuing of an annual approval for a temporary food stall under this Procedure, the applicant is to arrange for an inspection of the food stall set up prior to operation of the stall and before any food is prepared or sold. Where a Temporary food stall is based and registered in another LGA, Council staff will accept a copy of the previous Food Premises Assessment Report (FPAR) issued by another regulatory authority, provided the report is satisfactory and is less than 12 months old.

The criteria to be used in assessing a temporary food stall for approval should include all the relevant provisions contained in the Food Act 2003, Regulation, the Food Standards Code, and the NSW Food Authority's 'Guidelines for Food Business at Temporary Events' as set out in **Appendix 2** to this Procedure.

Where there is an intention for a Temporary Food Stall to operate on a footpath, refer to Council's Management of Public Spaces Policy.

### 3. Temporary Food Stall – Charitable/Community Groups

An application is required, however there is no fee for charity groups in Council's fees and charges. However, an inspection fee may be charged if an inspection is required.

The criteria to be used in assessing a temporary food stall application should include all the relevant provisions contained in the Food Act 2003, Regulation, the Food Standards Code, NSW Food Authority's 'Guidelines for Food Business at Temporary Events' as set out in **Appendix 3** to this Procedure.

## OTHER MATTERS RELATING TO APPROVALS

### 4. Additional Inspections and Complaint Investigation

In addition to the above inspection requirements, Council Authorised Officers may inspect food premises at any time during their operation in accordance with the provisions of the Food Act 2003.

### 5. Fees

Fees for the assessment of applications, the issuing of approvals and the conducting of all inspections are determined by Council each year and are contained within Council's adopted Fees & Charges. The application fee includes the cost of the initial inspection. Additional inspection fees may be charged for any additional inspections of mobile food vending vehicles and temporary food stalls.

Applications will be considered and assessed for determination upon payment of the approved fee.

NOTE: Charities/Community Groups operating temporary food stalls at carnivals, festivals, private property or the like, are not required to pay the application fee. However, they must still notify Council of their operation and comply with the criteria set out in Appendix 3 of this Procedure. Fees may be required in the case of a reinspection or requested written response, in accordance with Council's fees and charges schedule.

### 6. Use of Separate Premises

Use of separate premises for the storage or preparation of food in conjunction with a mobile food vending vehicle, either within or outside the Port Macquarie-Hastings Local Government Area, may require Development Consent under the Environmental Planning and Assessment Act 1979.

Where the use of premises is outside the control of Port Macquarie-Hastings Council, a copy of the approval from the relevant Council and copies of the most recent inspection reports must be provided with the initial application.

### 7. Noise

Use of amplified sound, music, bells, or a public address system is restricted to the approved hours of operation on any day. The use of such equipment is also prohibited whilst the vehicle is stationary.

Noise complaints from the operation of food vehicles and temporary stalls will be dealt with in accordance with the above requirements and the relevant noise control legislation. Details of all noise generating equipment must be provided to Council with the application.

## **8. Waste Management**

Mobile vendors and temporary food stall operators are required to be responsible for the solid and liquid waste materials that they generate, including the area surrounding the premises. Waste materials such as food packaging and the like should be collected and placed in bins or suitable receptacles, bagged or contained, and stored and disposed of at the cost of the operator. Where reasonable and feasible, packaging used for the sale of food should be selected for its suitability for recycling in the relevant local Council area and recycled where possible. Details of how waste will be managed must be provided with the application. Wastewater, greases and oils must also be disposed of lawfully.

## **9. Signage**

This Procedure does not infer any approval for the erection or display of any sign or sign structure not directly attached to the mobile vending vehicle or temporary food stall.

Signage on roads relating to the vending activity is prohibited. Traffic Control signage is only permitted provided it is approved as part of a Traffic Management Plan.

## **10. Road Transport Rules**

All the provisions of the Road Transport Act 2013 must be complied with. The vehicle operator must comply with such road rules with respect to parking restrictions, timed parking spaces, obstruction of sight lines, traffic signals and road signage.

## **11. Prohibited Zones, Neighbourhood Shopping Centres, Roads**

The selling of goods from mobile food vending vehicles is prohibited within 300 metres of a commercial zone, a retail shop selling a similar product, and along classified, arterial, sub-arterial or collector roads and all other roads with speed limits exceeding 60km/h, and within school zones when reduced speed limits are applicable.

## **12. Chosen Route**

For mobile food vending vehicles, a copy of planned routes shall be included in the Traffic Management Plan that is to be submitted with the Mobile Food Vending application for approval by Council Traffic Engineers.

## **13. Stopping Time and Distance Between Stops - Street Vending**

Mobile vending can be carried out for a maximum of 10 minutes at any one position (unless continuously serving or requested by an authorised officer to leave the area). After stopping to vend, the vending vehicle must drive a minimum of 100 metres before again stopping to vend.

## **14. Hours of Operation**

The standard hours of operation for mobile food vendors are from 8.00 a.m. to sunset. However, operators may make application to vary these hours. Proposed hours of operation must be nominated on the application form and the traffic management plan must demonstrate that appropriate traffic safety mechanisms will be in place to manage traffic and public safety risks.

## **15. Owner/Operator Insurance**

The vehicle owner/operator must keep an insurance Policy in respect to 3<sup>rd</sup> party and public liability of an amount of not less than \$20 million (for each accident or event) and shall provide to Council, with the application form and at any other time on request, a certificate of currency for that insurance policy. The Policy must also insure against any action that may arise from damage to property or injury to any person using the footpath or public road in the vicinity of the activity from which approval is sought, and Port Macquarie-Hastings Council must be listed as an interested party.

## **16. Penalties applicable to approvals**

The penalties for failure to obtain an approval or failure to comply with an approval for a mobile food vending vehicle or a temporary food stall, are as set out in the Local Government Act 1993 and the Local Government (General) Regulation 2021.

Penalties also apply for non-compliance with the NSW Food Act, Regulation and Food Standards Code.

## **17. Revoke or Amend an Approval to Operate**

Where it is found that a condition of any approval has not been complied, with Council staff may decide to either modify or revoke the approval in accordance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2021.

## **18. Enforcement agency**

All food businesses, which include mobile food vendors and temporary food stall vendors, are required to notify their business with the relevant food safety enforcement agency by submitting an application or registration/notification form and fee to Council.

## APPENDIX 1 - CRITERIA COUNCIL CONSIDER WHEN DETERMINING APPLICATIONS MOBILE FOOD VENDING VEHICLE

1. An application for a mobile food vending vehicle must be made using an approved application form and payment of an application fee (refer Council's website).
2. Drawings that accompany application must be to draftsman standard, illustrating vending vehicle layout.
3. The construction and fit out of the mobile food vending vehicle must comply with relevant requirements of the Food Act 2003 and the Food Regulation 2015, incorporating the Australian New Zealand Food Standards Code.
4. The Food business must be notified with the relevant enforcement agency (Council).
5. If vehicle is not kept in the local government area, supply proof of Food Act 2003 notification with their home Council.
6. Vending route and traffic management plan must be provided.
7. Proof of current Vehicle Registration.
8. Current Certificate of Third Party Property Damage Insurance (\$20,000,000).
9. Current Certificate Public Liability Insurance (\$20,000,000).
10. Approval and registration of a mobile food vending vehicle is subject to a satisfactory inspection of the vehicle. The applicant must make arrangements with Council's Environmental Health Officer for an inspection of the vehicle in 'ready to trade state'.
11. Guidelines for all aspects of Mobile Food Vending operation, including construction of vehicle, are available at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au).

### NOTE:

1. Food vending vehicle includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.
2. Roadside stalls are only permitted in the Port Macquarie-Hastings local government area with prior development consent under the provisions of the Port Macquarie-Hastings Local Environment Plan 2011, and cannot be approved under this Procedure.
3. Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of the Procedure.
4. Food vending vehicles are permitted to operate as follows:
  - a) By standing on a permitted public road only for such period of time as the operator may be engaged in serving a customer and must keep moving once that customer is served. After stopping to vend, the vending vehicle must drive a minimum of 100 metres before again stopping to vend.
  - b) As a food stall in conjunction with a regular sporting event, fete, fair, festival, carnival, community market or similar event held on a public place or reserve with the written consent of the event organiser, lessee, or seasonal event hirer. A site plan identifying the location of trades will also be required.
5. Food vending vehicles must not operate:
  - a) As a roadside stall (ie stationary for more than 10 minutes without serving a customer.
  - b) As a stall to sell food to the public on any site that first requires development consent under the Environmental Planning and Assessment Act 1979 for that use.

**APPENDIX 2 – CRITERIA COUNCIL CONSIDER WHEN DETERMINING APPLICATIONS  
TEMPORARY FOOD STALL - COMMERCIAL/PRIVATE GAIN**

1. An application for a temporary food stall must be made using an approved application form and payment of an application fee (refer Council's website).
2. The construction and fit-out of the temporary food stall must comply with relevant requirements of the Food Act 2003 and the Food Regulation 2015, incorporating the Australian New Zealand Food Standards Code.
3. Council may, prior to approval, require an inspection of the stall in 'ready to operate state', which shows satisfactory compliance with this Procedure. At which time, arrangements with Council's Environmental Health Officer will be made.
4. Guidelines for 'Food Business at Temporary Events' are available at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au) and a Checklist is available, refer Appendix 4.

NOTE: Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this procedure.



### APPENDIX 3 – CRITERIA COUNCIL CONSIDER WHEN DETERMINING APPLICATIONS TEMPORARY FOOD STALL – CHARITABLE/COMMUNITY GROUP

1. Organisation must be Charitable/Community Group (refer Definitions).

An application for a temporary food stall must be made using an approved application form for each occasion. Multiple applications for one site can be made on one form by providing a date range. Refer to Council's website for a form. No fee is payable, however, a request for written approval will incur an administration fee.

2. The construction and fit out of the temporary food stall must comply with relevant requirements of the Food Act 2003 and the Food Regulation 2015, incorporating the Australian New Zealand Food Standards Code.
3. Guidelines for 'Food Business at Temporary Events' are available at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au) and a Checklist is available, refer Appendix 4.
4. Inspections of facilities will be made from time to time.

**NOTE:**

1. Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this procedure.
2. Local sporting groups and the like who sell food from canteens, stalls, barbeques or the like at weekend competition games, must make application (with fee exemption) prior to the beginning of each season.

## APPENDIX 4 – TEMPORARY FOOD STALL CHECKLIST

The following is an excerpt from the NSW Food Authority’s ‘Guidelines for Food Business at Temporary Events’ that Port Macquarie-Hastings Council has adopted as approval criteria for temporary food stalls. A full copy is available at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au).

	HAVE YOU...?	Yes	No
1	Received the necessary Approvals:		
	NSW Food Authority for high risk foods		
	Council for:		
	• home based operations		
	• setting up at the event		
	• satisfactory ‘ready to trade’ inspection		
2	Notified your food business details to the relevant Authority		
3	Public indemnity insurance		
4	Asked about inspection fees		
5	Checked your stall will:		
	• be located in a dust-free area, away from toilets and garbage bins		
	• have sufficient supply of potable water		
	• have adequate wastewater disposal facilities		
	• have adequate garbage bins		
	• have power		
	• have suitable construction – floor, walls and ceiling		
	• have food handling facilities for storage, cooking, hot/cold holding, preparation and serving		
	• have cleaning and wash-hand facilities		
	• address safety issues – fire control and Work Health & Safety issues		
6	Provided a suitable vehicle and containers for the transport and storage of the food		
7	Addressed food handling requirements		
	• all food handlers have adequate skills and knowledge for their activities		
	• check if there are potentially hazardous foods involved. If Yes, then have you?		
	○ provided adequate hot or cold storage facilities (e.g. portable coolrooms, adequate supply of ice, hot boxes)		
	○ checked that there is a thermometer		
	○ checked a sanitiser is available		
	○ checked that frozen foods can be correctly thawed		
	○ organised designated staff to handle money only, while other staff serve ready-to-eat food using tongs or gloves		
	○ provided adequate measures to protect food from contamination (e.g. lidded containers, sneeze barriers)		
	○ checked that eating and drinking utensils are protected from contamination until use		
	○ minimised the need for re-useable dinnerware and tableware		
	○ packaged food is appropriately labelled		
	○ adequate shelving so food is not stored on the ground		
	○ checked that hand washing supplies, including soap and paper towels, have been provided		

If you answered NO to any of these questions (except having potentially hazardous foods), then you may need to discuss these issues with council and/or change your management plan, before the event begins.

## APPENDIX 5 – DICTIONARY

**Any article for the purpose selling**, includes a temporary food stall.

**Appliance<sup>1</sup>**, means the whole or part of:

- (a) any utensil, machinery, instrument, device, apparatus or article which is used, or designed or intended for use, in or in connection with the sale, manufacture, handling or consumption of food; or
- (b) any utensil, machinery, instrument, device, apparatus or article which is used or designed or suitable or intended for use, in cleaning anything which is an appliance by virtue of paragraph (a).

**Approval<sup>2</sup>**, means an approval that is in force under the *Local Government Act 1993*.

**Approved fee<sup>2</sup>**, means:

- (a) the fee prescribed by the regulations for the purposes of the provision in relation to which the expression is used or determined by the Council in accordance with any such regulations; or
- (b) if no such regulations are in force, the fee (if any) determined by the Director-General for the purposes of the provision in relation to which the expression is used; or
- (c) if no such regulations are in force and no fee is determined by the Director-General, the fee (if any) determined by the Council for the purposes of the provision in relation to which the expressions is used.

**Approved form**, means

The application forms approved by the Council for mobile food vending vehicles and temporary food stalls are available on Council's website.

**Approved standards**, means:

- (a) the standards prescribed by the regulations for the purposes of the provision in relation to which the expression is used: or
- (b) if no such standards are prescribed, the standards (if any) approved by the Director-General for the purposes of the provision in relation to which the expression is used; or
- (c) if no such standards are prescribed or determined by the Director-General, the standards (if any) determined by the Council for the purposes of the provision in relation to which the expression is used.

**Area<sup>2</sup>**, means an area as constituted under Division 1 of Part 1 of Chapter 9 of the *Local Government Act 1993*. *Note: For the purpose of this Procedure, the area to which it applies is as constituted under the Local Government Act 1993.*

**Authorised person<sup>2</sup>**, means:

- (a) an employee of a Council generally or specially authorised by the Council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used; or
- (b) a police officer.

**Charitable/Community Groups** are those which do not derive funds for personal financial gain but direct any profits back to the community and include charities, sporting groups, service clubs and community organisations.

**Classified road<sup>4</sup>**, means any of the following: a main road, a highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a transit way, a State work.

**Continuously serving**, means for a vendor to serve customers with a break not exceeding more than two (2) minutes.

**Food**<sup>1</sup>,

(1) includes:

- any substance or thing of a kind used, or represented as being for use for human consumption (whether it is live, raw, prepared or partly prepared), or
- any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a), or
- any substance used in preparing a substance or thing referred to in paragraph
- (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid, or
- chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or
- any substance or thing declared to be a food under a declaration in force under section 3B of the *Food Standards Australia New Zealand Act 1991* of the Commonwealth, whether or not the substance, thing or chewing gum is a condition fit for human consumption.

(1) However, **food** does not include a therapeutic good within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth.

(2) To avoid doubt, **food** may include live animals and plants.

**Food stall**, includes any structure used for the purpose of selling any article of food that is built or designed to enable it to be dismantled and removed from the site when required.

**Food vending vehicle**, includes any vehicle, whether mobile or stationary, used for the purpose of selling any article of food.

**Handling**<sup>1</sup>, in relation to food, includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

**Market stall**, include any stall set up at community markets.

**Park**<sup>2</sup>, in relation to land, means an area of open space used for recreation, not being bushland.

**Premises**, includes any land (whether or not appurtenant to a building), any part of a building and any tent, stall or other structure;

**Premises**<sup>2</sup>, means any of the following:

- (a) a building of any description, or any part of it and the appurtenances to it;
- (b) land, whether built on or not;
- (c) a shed or other structure;
- (d) a tent;
- (e) a swimming pool;
- (f) a ship or vessel of any description (including a houseboat); and
- (g) a van.

**Public place**<sup>1</sup>, includes:

- (a) a place that is open to the public, or is used by the public, whether or not on payment of money or other consideration, whether or not the place is ordinarily so open or used, and whether or not the public to whom the place is so open, or by whom the place is so used, consists only of a limited class of persons.

**Public place**<sup>2</sup>, means:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements, or
- (d) a public land or Crown land that is not:
  - (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b), or (c)), or
  - (ii) a common, or
  - (iii) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
  - (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or
- (e) land that is declared by the regulations to be a public place for the purposes of this definition.

**Public reserve**<sup>2</sup>, means a public park; or reserve that is owned or managed by Port Macquarie-Hastings Council in accordance with Management of Public Spaces Policy.

**Public road**<sup>2</sup>, means a road which the public are entitled to use.

**Ready to Trade State** – means that the vehicle/stall is set up to sell food. Criteria includes holding temperatures of food displays, operating fridges, sinks and basins in place, lighting and cleanliness.

**Retail trade**, means trade with consumers.

**Road**<sup>2</sup>, includes:

- (a) highway, street, lane, pathway, footway, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and track-way, whether temporary or permanent; and
- (b) any part of a road and any part of any thing referred to in paragraph (a); and
- (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).

**Roadside stall**<sup>3</sup> includes any stand, van or vehicle set up on the side of a road selling to passing trade.

**Sell**<sup>1</sup>, includes:

- (a) barter, offer or attempt to sell, or
- (b) receive for sale, or
- (c) have in possession for sale, or
- (d) display for sale, or
- (e) cause or permit to be sold or offered for sale, or
- (f) send, forward or deliver for sale, or
- (g) dispose of by any method for valuable consideration, or
- (h) dispose of to an agent for sale on consignment, or
- (i) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or
- (j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee at the employee's place of work, or
- (k) dispose of by way of raffle, lottery or other game of chance, or
- (l) offer as a prize or reward, or
- (m) give away for the purpose of advertisement or in furtherance of trade or business, or
- (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation service or entertainment, or

- (o) supply food (whether or not for consideration) in the course of providing services to patients in public hospitals (within the meaning of the *Health Services Act 1997*) or inmates in correctional centres (within the meaning of the *Crimes (Administration of Sentenced) Act 1999*), or
- (p) sell for the purpose of resale.

**Standing vehicle**, includes any mobile food vending vehicle that has stopped to make a sale.

**Street vending vehicle**, for the purpose of street vending approval under the *Local Government Act 1993*, this term includes all types of vehicles (registered or unregistered) which are used for the sale of articles in a public road or public place.

**Temporary food stall**, includes any structure, food stall or mobile food stall, any van, truck, trailer or moveable module, tent or gazebo used for the purpose of selling any article of food. A temporary food stall may be erected, installed or located on a public place or public reserve which is used for the sale of food for the duration of any sporting event, fete, fair, festival, carnival, community markets or similar event. A temporary food stall includes any structure that is built or designed to enable it to be dismantled and removed from the site when required.

**Temporary structure**<sup>2</sup>, includes:

- (a) a booth, tent or other temporary enclosure, whether or not a part of the booth, tent or enclosure is permanent; and
- (b) a mobile structure.

**Vermin**, includes rodents, reptiles, arachnids and insects of all descriptions.

**FOOTNOTES:**

1. *Local Government Act 1993*
2. *Food Act 2003*
3. *Port Macquarie-Hastings Local Environment Plan 2011*
4. *Roads Act 1993, Dictionary.*