

## Food Truck Policy

<b>POLICY STATEMENT</b>	1.1 This Policy outlines the process and conditions under which Council will grant and issue food truck permits for mobile food vendors trading within a road or on Council land.
<b>DEFINITIONS</b>	2.1 In this policy: <ul style="list-style-type: none"> <li>• “Council” means the Kingborough Council.</li> <li>• “Mobile food vendor” means any commercial operator who, in the course of a business, profession or trade sets up a food truck in or on any road or Council land from which food and/or beverages are handled or sold.</li> <li>• “Food truck” is any mobile structure that is registered as a mobile food and beverage business within Tasmania under the <i>Food Act 2003</i> that seeks to trade within any road or Council land. Food trucks incorporate both registered vehicles such as vans, caravans and trailers; and non-registered vehicles such as coffee carts or hotdog carts.</li> <li>• “Road” includes part of a road, road reservation, footpath, or walkway or nature strip which are wholly or partly maintained by Council or under the control of Council.</li> <li>• “Food truck permit” means a permit issued in accordance with this policy, and Council’s <i>Roads, Parking and Stormwater By-Law 2011</i> and <i>Parks, Recreation and Natural Areas By-Law 2011</i>.</li> <li>• “Council land” means any land owned, or managed by, or under the control of the Council and includes part of that land and a natural area and a park, but does not include a road or local highway under the control and management of the Council.</li> <li>• “Motor vehicle” has the same meaning as defined in the <i>Vehicle and Traffic Act 1999</i>.</li> </ul>
<b>OBJECTIVE</b>	The objectives of this Policy are to: <ol style="list-style-type: none"> <li>3.1 Provide a clear permit process and permit conditions for food truck trading on roads or Council land.</li> <li>3.2 Accommodate food trucks trading on roads or Council land in a reasonable manner which will:             <ul style="list-style-type: none"> <li>• complement and not unreasonably compete with existing fixed address food businesses;</li> <li>• provide the community and visitors with additional diversity and choice;</li> <li>• ensure food truck locations are safe and convenient in terms of access, facilities, and attraction, and which do not unreasonably interfere with the purpose and security of other public assets or inconvenience the function or amenity of other users and the environment.</li> </ul> </li> <li>3.3 Acknowledge food trucks can make positive contributions to the attraction and vitality of Kingborough and provide economic, social and cultural benefit to the community.</li> </ol>
<b>SCOPE</b>	<ol style="list-style-type: none"> <li>4.1 This Policy applies to all Council roads and Council land within the Kingborough municipal area.</li> <li>4.2 This policy does not apply to Crown land or private land. Food trucks may operate on private land under a different permit granted under the <i>Land Use Planning and Approvals Act 1993</i>.</li> <li>4.3 This policy does not apply to mobile food businesses that might be involved in events such as markets and festivals. The event organiser is responsible for managing permits in these instances.</li> </ol>

	<p>4.4 This policy does not apply for mobile food vendors who trade in any one location for less than 15 minutes.</p>
<p><b>PROCEDURE (POLICY DETAIL)</b></p>	<p><b>5.1 ELIGIBILITY FOR A FOOD TRUCK PERMIT</b></p> <p>To be eligible for a food truck permit a prospective mobile food vendor must:</p> <ol style="list-style-type: none"> <li>a) Have a current ABN or ACN.</li> <li>b) If the business is to operate from a vehicle or a motor vehicle, the vehicle is to be registered in accordance with the <i>Vehicle and Traffic Act 1999</i> and the vehicle and its operator must comply with all other applicable laws which govern vehicle operation and use.</li> <li>c) Have a current mobile food business registration certificate, issued by a local authority under the <i>Food Act 2003</i>.</li> <li>d) Hold a current public liability insurance policy with cover of not less than \$10 million.</li> <li>e) Indemnify Council against any liability that may arise as a direct result of the mobile food vendors trading within an approved site.</li> </ol> <p><b>5.2 FOOD TRUCK PERMIT APPLICATION</b></p> <ol style="list-style-type: none"> <li>a) To apply for a food truck permit a mobile food vendor must submit a <i>Food Truck Permit Application Form</i> available from the Council Offices and Website.</li> <li>b) A permit application may be for either: <ul style="list-style-type: none"> <li>• an annual food truck permit to trade within approved locations during the period from 1 July in the year granted to 30 June in the following year; or</li> <li>• a three month food truck permit to trade within approved locations.</li> </ul> <p>If approved, the three month period will commence from the date specified in the application form, which may be no earlier than the date the permit is issued. If no date is specified in the application form the permit will commence from the date the permit is issued.</p> </li> <li>c) A fee will apply to food truck permits and the permit will not be issued until the applicable fee is paid. Permit fees are outlined in the annual Kingborough Council Fees and Charges.</li> <li>d) A food truck permit will be valid until the permit expiry date or until such time the vendor notifies Council they have ceased trading. There will be no partial refund or compensation of permit fees if the vendor wishes to cease trading prior to permit expiry, or if Council, under any circumstance, suspends the permit.</li> <li>e) Permits are not automatically renewed and current permit holders will be required to apply for a new permit when their existing permit expires.</li> <li>f) A food truck permit application must include copies of: <ul style="list-style-type: none"> <li>• a certificate of currency for Public Liability Insurance</li> <li>• a Mobile Food Business registration certificate</li> <li>• Tasmanian Vehicle Registration (if applicable)</li> <li>• a locality map which specifies all proposed trading sites.</li> </ul> </li> </ol>
<p><b>GUIDELINES</b></p>	<p><b>6.1 TRADING LOCATIONS</b></p> <p>A mobile food vendor must:</p> <ol style="list-style-type: none"> <li>a) Only trade in approved locations as outlined in their food truck permit.</li> <li>b) Not trade within a food truck “no go zone” as defined and outlined in the Appendix of this policy, <i>Kingborough Municipality Food Truck No Go Zones</i>.</li> <li>c) Not trade within 200m of any established food business where the activities of the mobile food vendor may have an effect on the operations or patronage of the established business.</li> <li>d) Not trade within 200m of the boundary of a market, festival, fair or similar event that includes food and beverage traders within the event.</li> </ol>

- e) Not trade in an area if there are already two food trucks trading within 200m.
- f) Only lawfully stop in a designated parking bay or parking area in accordance with the *Road Rules 2009*.
- g) Not obstruct or restrict any roads, entry or exit points to any property, bike lanes, walkways, wheelchair access ramps or access to public services such as, but not limited to, taxis, buses and loading zones.
- h) Ensure pedestrians can safely access the premises and ensure patronage will not unreasonably disrupt the flow of vehicular or pedestrian traffic.
- i) Ensure the food truck serving area does not face the traffic side of the road.

#### **6.2 TRADING TIMES**

A mobile food vendor, unless granted specific approval from Council, must adhere to the following trading time restrictions:

- a) Trade within any one approved trading location on not more than three days in any one calendar week and not more than one period in any one calendar day.
- b) If not using a generator, trade from an approved site location for not more than four hours on any one day, and between 7:00 am and 8:00 pm.
- c) If using a generator, unless otherwise approved by Council, trade from an approved site location for not more than four hours on any one day, and only between the hours of:
  - i) Monday to Friday: 7:00am – 6:00pm;
  - ii) Saturday: 8:00am – 6:00pm;
  - iii) Sunday or public holiday: 10:00am – 6:00pm.

#### **6.3 HEALTH AND SAFETY**

A mobile food vendor must:

- a) Comply with all laws pertaining to Mobile Food Business registration and adhere to all relevant Council By-Laws and noise legislation.
- b) Not receive deliveries while trading.
- c) Trade wholly from within the food truck and not undertake any food or beverage preparation, cooking, service or storage outside the vehicle.
- d) Not erect any free-standing sign or provide any tables, trestles, marquees, tents, chairs, boxes, crates or similar for patron shelter or use as table or chairs, without prior Council approval.
- e) Not commandeer, utilise or modify any Council owned furniture or structure.
- f) Ensure any advertising or signage is fixed securely to the mobile food vehicle and does not protrude onto the road and/or footpath.
- g) Where possible use power sources that generate low or no noise and/or air pollution, and ensure that all noise associated with trade is kept to a minimum. (Council will not provide power sources).

#### **6.4 WASTE AND CLEANING**

A mobile food vendor must:

- a) Keep their food truck well presented, clean and in roadworthy condition at all times.
- b) Provide separate waste receptacles for waste and recyclables, each with a capacity of not less than 50 litres, immediately adjacent to the food truck for use by patrons, and ensure the site is kept clean of litter and rubbish at all times.
- c) Demonstrate best efforts to minimise the use of single-use plastics and remove and dispose of all waste responsibly at the conclusion of each trading period.
- d) Ensure no waste water and waste liquids, including cooking oil, are discharged and that all wastewater or liquid wastes are contained within the food truck.
- e) Not wash down a food truck or its interior or any other article within a road or on Council land.

	<p><b>6.5 GENERAL</b></p> <p>A mobile food vender is also required to:</p> <ol style="list-style-type: none"> <li>a) Display the Kingborough food truck permit within the mobile food vehicle when trading within a Council location.</li> <li>b) Assume responsibility for any and all liabilities that arise as a direct result of their food truck trading within the Kingborough municipality.</li> <li>c) Follow all instructions issued by a duly authorised officer of the Council.</li> <li>d) Acknowledge that Council reserves the right to: <ol style="list-style-type: none"> <li>i) limit the number of vendors trading in an area, or to stop trade in any approved location at any time if health and safety, public access, heritage or environmental obligations require this;</li> <li>ii) immediately suspend or cancel a permit if the mobile food vendor contravenes any condition of the food truck permit or trades in contravention of any regulatory requirement;</li> <li>iii) suspend trade on a road or Council land on those days when the road or Council land is required for any reason under permit granted by Council, or any other authority;</li> <li>iv) alter, add or remove any of the conditions within this permit at any time with as much notice as possible of such change provided to existing permit holders.</li> </ol> </li> </ol>
<b>COMMUNICATION</b>	<p>7.1 This policy will be communicated to all Council staff who will assess and issue food truck permit applications and enforce the permit conditions.</p> <p>7.2 This policy will be published on the Council’s website along with the <i>Kingborough Food Truck Permit Application Form</i>.</p>
<b>LEGISLATION</b>	<p>8.1 The primary legislation in relation to this policy is the <i>Local Government Act 1993</i>.</p> <p>8.2 Other relevant legislation includes:</p> <ul style="list-style-type: none"> <li>• <i>Vehicle and Traffic Act 1999</i></li> <li>• <i>Food Act 2003</i></li> <li>• <i>Road Rules 2009</i></li> <li>• <i>Land Use Planning and Approvals Act 1993</i></li> <li>• <i>Kingborough Roads, Parking and Stormwater By-Law 2011</i></li> <li>• <i>Kingborough Parks, Recreation and Natural Area By-Law 2011</i></li> </ul>
<b>RELATED DOCUMENTS</b>	<p>9.1 Related documents include the following:</p> <ul style="list-style-type: none"> <li>• <i>Kingborough Food Truck Permit Application Form</i></li> <li>• <i>Kingborough Application for Registration of a Food Business</i></li> <li>• <i>Tasmanian Government Guidelines for Mobile Food Businesses</i></li> </ul>
<b>AUDIENCE</b>	<p>10.1 Public</p>

## Appendix:

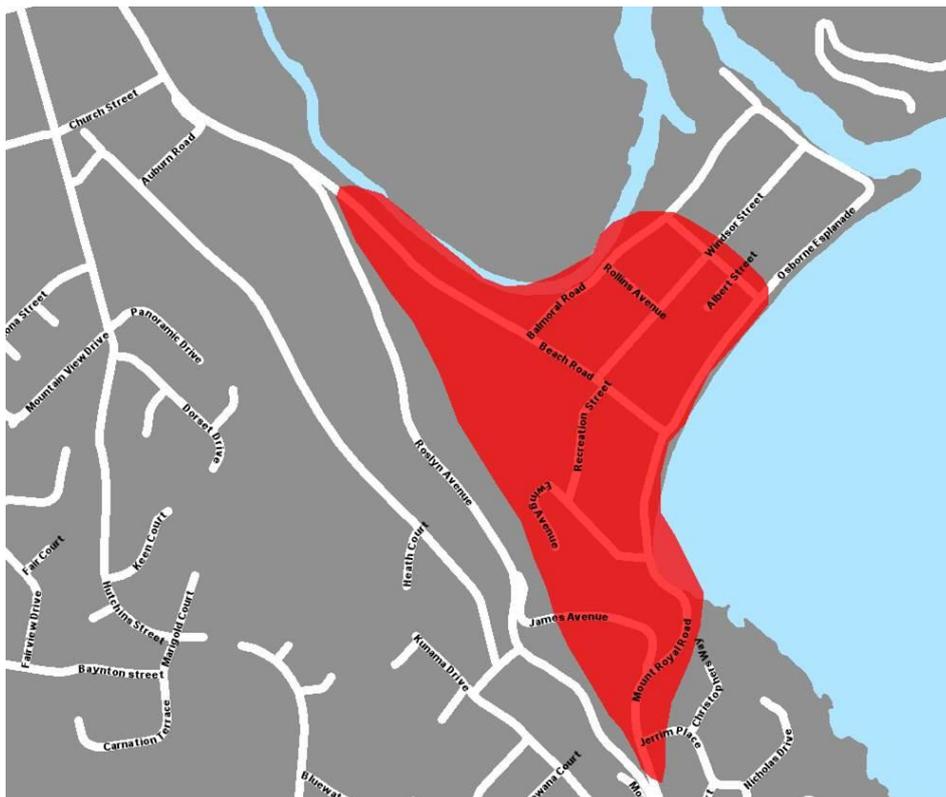
### Kingborough Municipality Food Truck No Go Zones

No go zones are highlighted in red. No go zones do not apply for organised community events such as markets and festivals.

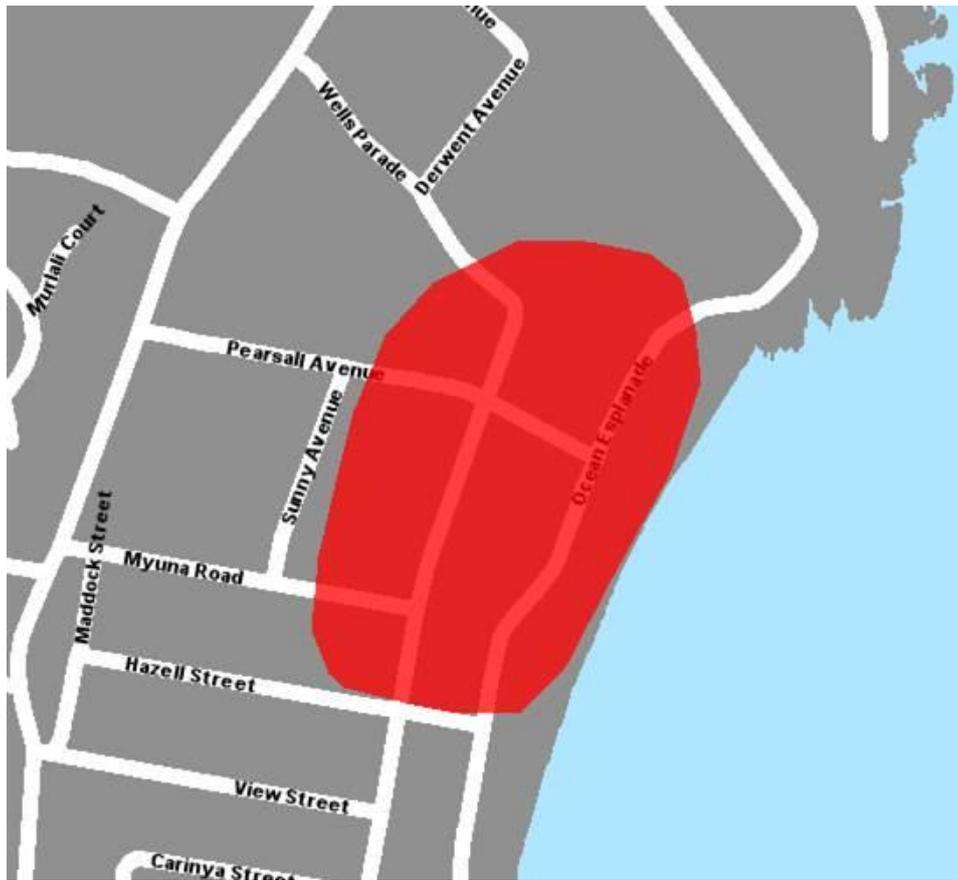
#### *Kingston CBD*



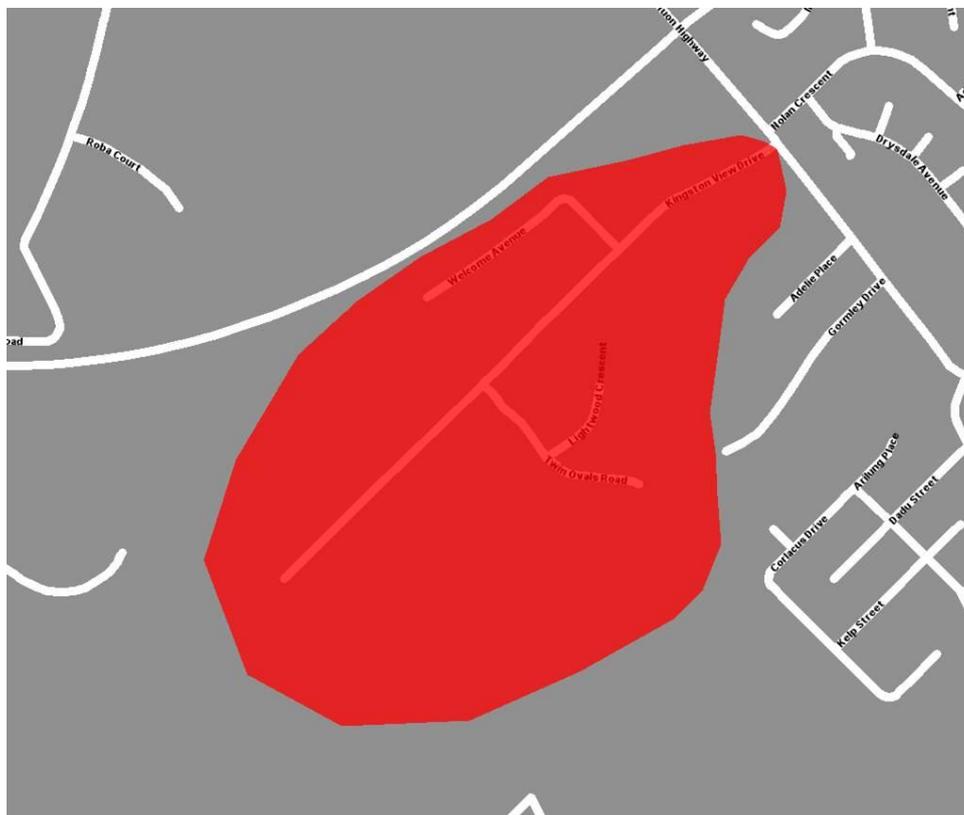
#### *Kingston Beach Precinct*



**Blackmans Bay Beachfront Precinct**



**Kingborough Sports Centre, Kingston**



# Dru Point, Margate





# Kingborough

## FOOD TRUCK PERMIT APPLICATION FORM

**Applicant's name:** .....

**Business/trading name:** .....

**ABN:** .....

**Address:** .....

**Phone:** ..... **Email:** .....

**Please describe the type of foods and/or beverages you intend to sell:**

.....  
.....

**Vehicle type:**.....

**Model & year:**.....

**Registration number:** .....

### Vehicle dimensions

- What is the total length of the mobile food business, in metres: .....
- What is the total width of the mobile food business, in metres: .....
- What is the total height of the mobile food business, in metres: .....

### Intended trading location/s

*Please also attach a locality plan and note the no go trading zones outlined in the Kingborough Council Food Truck Policy.*

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# Kingborough

## FOOD TRUCK PERMIT APPLICATION FORM

### Proposed trading days

Please specify which days you intend your mobile food business to trade.

- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday
- Sunday

### Proposed trading times

Please specify which hours you wish your mobile food business to trade.

- 7am - 11am
- 11am - 2pm
- 2pm - 5pm
- 5pm - 8pm

### Power source

Please describe the power source for food preparation and storage for your mobile food vehicle.

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### Permit type

Please select which permit option you are applying for.

- Annual Food Truck Permit (from 1 July in year granted to 30 June the following year)
- 3 Month Food Truck Permit – Commencing: .....

**Food Truck Permits incur a fee as set by Council and listed in the Fees and Charges Schedule.**





# Kingborough

## FOOD TRUCK PERMIT APPLICATION FORM

### Application attachment checklist

Please attach copies of the below documentation with your application:

- Certificate of Currency for at least \$10M Public Liability Insurance
- Mobile Food Business Registration Certificate as issued by a Tasmanian Council
- Tasmanian Vehicle Registration (if applicable)
- Locality plan of intended trading locations.

If your application is successful do you agree to comply with all the conditions of this permit and assume all responsibility for any and all liabilities that arise as a direct result of your mobile food business trading in the municipality:

- Yes
- No

By signing below you declare that all information provided in this application is true and correct.

Applicant's Signature: ..... Date: .....

#### Privacy Statement

Completion of this form may require the disclosure of personal information. The intended recipients of this information are officers of the Kingborough Council in order to advance the purposes of this form and to carry out Council business. The Personal Information Protection Act 2004 and Council's Privacy Policy regulate the use of this information, which will not be disclosed to any other party, except with your permission or if required or authorised by law. You may make application to access or amend personal information held by Council by contacting the Customer Service Unit on 6211 8200. Should you not provide the information sought, Council will not be able to process this form.



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