



Food Truck Policy

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1. POLICY STATEMENTS

- 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 reservation or on Council owned and/or managed land.

2. DEFINITIONS

In this policy:

- 2.1 "Council" means the Kingborough Council.
- 2.2 "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.
- 2.3 "Food truck" is any mobile structure that is registered as a mobile food and beverage business within Tasmania under the Food Act 2003 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.
- 2.4 "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.
- 2.5 "Food truck permit" means a permit issued in accordance with this policy, and Council's Roads and Parking By-Law 2021 and Parks, Recreation and Natural Areas By-Law 2021.
- 2.6 "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.
- 2.7 "Motor vehicle" has the same meaning as defined in the Vehicle and Traffic Act 1999.

3. OBJECTIVE

The objectives of this Policy are to:

- 3.1 Provide a clear permit process and permit conditions for food truck trading on roads or Council land.
- 3.2 Accommodate food trucks trading on roads or Council land in a reasonable manner which will:
 - a) complement and not unreasonably compete with existing fixed address food businesses;
 - b) provide the community and visitors with additional diversity and choice;
 - c) 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.
- 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.

4. SCOPE

- 4.1 This Policy applies to all Council roads and Council owned and/or managed land within the Kingborough municipal area.
- 4.2 This policy does not apply to State managed land or private land. Food trucks may only operate on private land under the *Land Use Planning and Approvals Act 1993*.

- 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.
- 4.4 This policy does not apply for mobile food vendors who trade in any one location for less than 15 minutes.

5. PROCEDURE (POLICY DETAIL)

5.1 Eligibility for a Food Truck Permit

To be eligible for a food truck permit a prospective mobile food vendor must:

- a) Have a current ABN or ACN.
- b) If the business is to operate from a vehicle or a motor vehicle, the vehicle is to be registered in accordance with the *Vehicle and Traffic Act 1999* and the vehicle and its operator must comply with all other applicable laws which govern vehicle operation and use.
- c) Have a current mobile food business registration certificate, issued by a local authority under the *Food Act 2003*.
- d) Hold a current public liability insurance policy with cover of not less than \$20 million.
- e) Indemnify Council against any liability that may arise as a direct result of the mobile food vendors trading within an approved site.

5.2 Food Truck Permit Application

- a) To apply for a food truck permit, a vendor must submit a Food Truck Permit Application Form, including accompanying supporting documentation, on the Council website.
- b) A permit application may be for a 3-month permit, a 6-month permit or an annual permit. Annual permits are valid from 1 July in the year granted to 30 June in the following year.
- c) A food truck permit will be valid between the commencement date and the expiry date specified on the permit. 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.
- d) A fee will apply to food truck permits and the permit will not be issued until the applicable fee is paid in full. Permit fees are outlined in the annual Kingborough Council Fees and Charges or the relevant By-law.
- e) Permits are not automatically renewed and current permit holders will be required to apply for a new permit when their existing permit expires.
- f) Permits are not transferable and are only applicable for the business identified on the permit.
- g) A mobile food vendor seeking to operate from more than one vehicle must apply for a separate permit for each vehicle (a non-motorised van/trailer coupled with a vehicle solely used to tow will be considered as one vehicle).
- h) A food truck permit application must include copies of:
 - an image of the food truck as set up to trade
 - a certificate of currency for Public Liability Insurance
 - a Mobile Food Business registration certificate
 - Tasmanian Vehicle Registration (if applicable).

6. GUIDELINES

6.1 Trading Locations

A mobile food vendor must only trade in the pre-approved trading locations listed in the Kingborough Food Truck Trading Locations, or alternative locations as approved by Council and specified in their food truck permit.

In addition to the above, a food vendor must:

- a) Not trade within 200m of any established food business, without specific endorsement from said business, where the activities of the mobile food vendor may negatively impact the operations or patronage of the established business.
- b) Not trade within 200m of the boundary of a market, festival, fair or similar event that includes food and beverage traders within the event.
- c) Not trade in a location designated for use as a park and ride between the hours 6am to 6pm.
- d) Adhere to the site food truck limits in the Kingborough Food Truck Trading Locations or otherwise not trade in an area if there are already two food trucks trading within 200m.
- e) Only lawfully stop in a designated parking bay or parking area in accordance with the Road Rules 2019.
- f) 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, taxi, bus and loading zones.
- g) Ensure pedestrians can safely access the premises and ensure patronage will not disrupt the flow of vehicular or pedestrian traffic.
- h) In on-road parking spaces ensure the food truck serving area does not face the traffic side of the road.
- i) Not leave the vehicle or cart from which they conduct their business unattended at a trading location.

6.2 Trading Times

- a) A mobile food vendor must adhere to the trading hours and trading days outlined for each pre-approved site in the Kingborough Food Truck Trading Locations or as otherwise specified in their permit.
- b) A mobile food vendor, unless granted written approval from Council, may only trade from a pre-approved trading location for not more than four hours on any one day.
- c) If operating a generator within 100m of a residential dwelling a mobile food vendor may only trade between the hours of:
 - Monday to Friday – 7am to 6pm
 - Saturday – 8am to 6pm
 - Sunday or public holiday – 10am to 6pm.

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.

- b) Keep their food truck well presented, clean and in roadworthy condition.
- c) Not receive deliveries while trading.
- d) Not undertake any food or beverage preparation or cooking outside the permitted vehicle or cart while on site.
- e) 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.
- f) Not commandeer, utilise or modify any Council owned furniture or structure.
- g) Ensure any advertising or signage is fixed securely to the mobile food vehicle and does not protrude onto the road and/or footpath.
- h) Ensure that any noise related to trade does not constitute a public nuisance and use power sources that generate low or no noise and/or air pollution. (Council will not provide power sources).

6.4 Waste

A mobile food vendor must:

- a) Only provide customers with certified compostable utensils and containers.
- 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 always kept clean of litter and rubbish.
- c) Remove and dispose of all waste responsibly at the conclusion of each trading period.
- d) Ensure no wastewater 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.

6.5 General

A mobile food vendor is also required to:

- a) Display the Kingborough food truck permit within the mobile food vehicle when trading within a Council location.
- b) Assume responsibility for any and all liabilities that arise as a direct result of their food truck trading within the Kingborough municipality.
- c) Follow all instructions issued by a duly authorised officer of the Council.
- d) Reapply for a new permit as required.
- e) Inform Council of their intention to cease trading in the Kingborough Food Truck program.
- f) Acknowledge that Council reserves the right to:
 - 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 amenity, public access, heritage or environmental obligations require this;
 - 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;
 - 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;

- 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.

7. COMMUNICATION

- 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.
- 7.2 This policy will be published on the Council's website along with the Kingborough Food Truck Permit Application Form.

8. LEGISLATION

- 8.1 *Local Government Act 1993*
- 8.2 *Vehicle and Traffic Act 1999*
- 8.3 *Food Act 2003*
- 8.4 *Road Rules 2019*
- 8.5 *Land Use Planning and Approvals Act 1993*
- 8.6 *Environmental Management and Pollution Control (Noise) Regulations 2016*
- 8.7 *Kingborough Roads and Parking By-Law 2021*
- 8.8 *Kingborough Parks, Recreation and Natural Areas By-Law 2021*

9. RELATED DOCUMENTS

- 9.1 *Kingborough Food Truck Trading Locations*
- 9.2 *Kingborough Application for Registration of a Food Business*
- 9.3 *Tasmanian Government Guidelines for Mobile Food Businesses*

10. AUDIENCE

- 10.1 Public
- 10.2 Mobile Food Vendors