

## MOBILE FOOD VAN POLICY

Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Director, Corporate Services		
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Legislation Reference:	Division 8 of the Katherine Town Council By-Laws 1998		

### 1 PURPOSE

Katherine Town Council is committed to supporting and enhancing local business and in creating vibrant and active spaces for the community.

Council recognises that mobile food vans can add to the vitality of the municipality through the creation of a broad range of food options, particularly where permanent food outlets are not available in the immediate area. Mobile food vans can attract visitors to an area and activate the use of public spaces.

The purpose of this policy is to provide a framework for the operation of mobile food vans in Katherine municipality.

### 2 SCOPE

This policy applies to operators intending to operate a mobile food van within the Katherine municipality.

### 3 DEFINITIONS

**Food business** means a business, enterprise or activity as defined by section 8 of the *Food Act 2004*.

**Mobile food van** means a food business predominantly operating from a van/truck or purpose-built trailer.

**Operator** means a mobile food van business operating under a mobile food van permit issued by Katherine Town Council.

Katherine’s climate, open spaces and outdoor culture is an ideal setting for the development of mobile food vendor experiences and activities. Council is committed to the wellbeing of the Katherine community – economically, socially, and environmentally – and seeks to support activities that create a vibrant community without impacting surrounding residents, businesses or public property.

Council supports the growth of the local business community and therefore looks to identify local businesses first for participation in operating mobile food vans.

All operators must demonstrate that all food handling activities will be compliant with the *Food Act 2004*, the Australia New Zealand Food Standards Code and the “Mobile and temporary food premises guidelines” issued by NT Health. Operators will be required to display their current Food Business Registration.

The proposed business must comply with requirements of the *Work Health and Safety (National Uniform Legislation) Act 2011*. Operators are responsible for the work health and safety of their staff and customers.

The proposed mobile food van operation must not compromise public safety, cause obstruction, or impede the flow and use of the area by pedestrians, road users, emergency response personnel, Council maintenance crews or authorised officers, customers and staff of surrounding businesses, occupants of and visitors to surrounding residential properties, and other public space activities.

Council reserves the right not to issue a permit where it is determined that the granting of a permit may result in the oversupply of mobile food vendor operations within a given area and or at a given time.

## SALE OF ALCOHOL AND CIGARETTES

Katherine is subject to strict alcohol management conditions imposed through the *Liquor Act 2019*. The consumption and possession of alcohol in public places is prohibited, and consumption and possession in other places is restricted.

Permits will not be issued for mobile food vans selling alcohol or cigarettes.

## MOBILE FOOD VAN PERMIT

Upon application, Council may issue a permit for Mobile Food Vendor operations, subject to consideration of the eligibility assessment criteria outlined in this Policy.

The application form for Mobile Food Vendor operations can be found on the Katherine Town Council website.

### Permit Eligibility

To be eligible for a permit, operators need to meet the basic standards required for the operation of a business of this nature including:

- Australian Business Registration Number (ABN)
- Food Business Registration with NT Health under the *Food Act 2004*
- Current NT vehicle/trailer registration (or evidence of exemption), and
- Public Liability Insurance (not less than \$10,000,000 in respect of any single occurrence).

Evidence of all the above items must be submitted with the permit application.

Applicants must also include a detailed site plan of the proposed location of operation, the type of mobile food van (including a photograph), detailed plans or diagrams of proposed advertising, power and water requirements, cleaning and maintenance, proposed generator use (if required), waste management approach and preferred operating days and times.

## Duration of Permit

Permits will be issued for a minimum of one month and maximum of 12 months. Permit fees apply upon application, as outlined in the Katherine Town Council Fees and Charges document, updated annually. If the permit is not approved, the permit fee will be refunded.

Permits can be renewed upon application if the operator intends to maintain their operation. Renewals will be based on the same criteria as the initial permit.

## Approval of Permit

All permits will be assessed by authorised Katherine Town Council employees and a recommendation will be made to the Chief Executive Officer. The Chief Executive Officer will make all decisions related to mobile food van permits.

## LOCATIONS AND SITE ALLOCATION

Locations where Mobile Food Vendor operations will be permitted are listed below.

- Lindsay Street Complex Carpark
- Showgrounds Carpark (off Victoria Highway)
- Information Bay (North Bound), Stuart Highway
- Information Bay (South Bound), Stuart Highway
- Information Bay (West Bound), Victoria Highway
- Railway Terrace Carpark
- Ryan Park Carpark
- Lockheed Park
- Adventure Play Park

Information Bays are managed by Katherine Town Council on behalf of the Department of Infrastructure, Planning and Logistics.

Council may change and/or amend these locations from time to time, without notice. Where the proposed location is adjacent to existing food businesses, the existing operator will be consulted by Council.

Each location may support more than one operator, subject to the hours of operation. Preservation of neighbourhood amenity will be a priority consideration for mobile food van activities in residential areas. Additional sites may be allocated on a case-by-case basis.

Where a site is unoccupied, allocation is on a “first come-first served basis”.

Where a site is occupied and additional applications have been received for the same site, allocation will be conducted by a selection panel process with the final decision to be made by the Chief Executive Officer. The selection panel will be comprised of officers from Katherine Town Council and all applications will be assessed for diversity, innovation, quality, sustainability and value to the community.

## OPERATING DAYS AND TIMES

The proposed days and times of operation must be conducive to enhancement of the area through the provision of food and or non-alcoholic beverage services. The proposed days and times of operation must not compromise:

- the safety of public space users
- other street and public space activities and uses
- neighbourhood amenity
- acceptable noise levels, and
- access to surrounding sites and premises.

Operations will be limited to a maximum of five (5) days in any seven (7) day period and a maximum of six (6) hours per day of operation at various/ allocated approved sites.

Special events running for longer hours or over multiple days may seek exemption from the above of hours of operation, when the operator is engaged as part of the event.

## CONSULTATION PROCESS

As part of considering an application for a mobile food van permit, a two week consultation period to allow the community, residents and other businesses to provide feedback about the proposed operation.

Council will undertake an initial consideration of the application to ensure all relevant information and evidence has been provided. Operators will be advised if their application will be advanced to the consultation stage or requested to provide additional information as required.

Consultation will occur over a two-week period and Council will include advertising on Council's website and social media pages. It may include material provided during the application process, including any proposed signage or advertising collateral. Council will consider all comments received during the consultation period and may reject the application if adverse feedback is received.

Council will provide written advice to applicants about the outcome of consultation, but it will not provide details that would cause either personal or commercial prejudice or confer unfair commercial advantage or disadvantage to any person or business.

## AMENITY

Residential amenity must not be unreasonably compromised by the mobile food van operation including patron behaviour, noise, odour, lighting and disposal of litter. The proposed operation must:

- ensure that pedestrian and traffic flow is not compromised and access to construction, disabled parking, on-street parking, taxi, bus and loading zones is not obstructed
- ensure clear access to public space facilities such as bike paths, drinking fountains, BBQs, toilets, park and street furniture, rubbish bins, public telephones and post boxes
- not operate on a footpath less than 3.2 metres wide or within 1.8 metres of a building front and within 600mm from the kerb line, and
- not modify, cover, remove, or relocate trees and shrubs and other public property (such as park furniture, public art, signs, and bins).

## ONSITE ADVERTISING AND SIGNAGE

Permit holders will be allowed one (1) moveable sandwich board or A-frame (two faces joined at the top by hinges) no larger than 1m<sup>2</sup> or one (1) flat single or double-sided board, in a free-standing frame, no larger than 1m<sup>2</sup>. Signage can only be displayed during hours of operation. Signage must be constructed of a durable material and be maintained in good condition.

Signage must not:

- contain offensive or discriminatory language or messaging
- resemble regulatory, traffic or warning signs
- obscure a vehicle driver's view or hinder pedestrian usage of a path or walkway, or
- be illuminated.

The permit application is to include detailed plans or diagrams of proposed advertising for assessment of suitability.

## CLEANING, MAINTENANCE AND WASTE MANAGEMENT

The operator is responsible for cleaning and maintaining their mobile food van operation and surrounding location and provide for the suitable disposal of all litter and waste associated with the operation. The trading area is to be left in a clean and tidy condition at the end of each trading interval.

Applications must include a waste management procedure providing details of liquid waste and garbage disposal arrangements. Waste generated by food preparation activities is not to be disposed of in Katherine Town Council waste receptacles or stormwater drains.

All operations must be fully self-contained, providing their own resources for power and water.

## CANCELLATION OF THE PERMIT

The operator can request to cancel their permit with 30 days written notice to Council. A pro-rata refund may be provided on cancellation.

Council authorised officers are responsible for monitoring the operations of mobile food vans granted a permit. If Council receives any complaints about the operation, Council authorised officers will discuss the issue with the operator to resolve the issue. If the issue cannot be resolved, or the operator has significantly breached any of the requirements of this policy, the Chief Executive Officer may cancel the permit.

Any operators found to be selling alcohol, cigarettes or committing a criminal or *Food Safety Act 2004* offence whilst operating under the mobile food van permit will have their permit immediately cancelled.

In other circumstances, Council can cancel the permit at any time with 30 days written notice.

Privacy policy

*Local Government Act 2019*

Katherine Town Council By-Laws 1998

*Food Act 2004*

Food Regulations 2014

*Work Health and Safety (National Uniform Legislation) Act 2011.*

Australia New Zealand Food Standards Code – Chapters 1, 2, 3 and 4

Mobile and temporary food premises guidelines – NT Health

Revision History

Version	Approval date	Details of change	Responsible officer
1	28/04/2020	Created	CEO
2	25/06/2021	Revised	CEO
3	19/06/2023	Revised for new legislation and on new template	CEO