

Guideline for Operating Food Trucks

Environmental Health

General Information for setting up and operating a Food Truck in Merri-bek City Council

Food Act Requirements

Food safety laws affect every Victorian's health and safety. In Victoria, all food businesses must comply with the [Food Act 1984](#), which oversees food safety. The Act also requires food premises to comply with the [Australia New Zealand Food Standards Code](#).

Food Business Registration & Notification

Under the Food Act, most businesses operating in Victoria cannot sell food to the public unless they register or notify as a food business with the appropriate authority. In most cases this will be their local council.

If you are operating a food vehicle as a fixed business (not regularly removing it from the trading site) within Merri-bek, you will need to register with Council as a permanent food business.

If you are operating a food vehicle as a temporary or mobile business, you will require a registration on FoodTrader. FoodTrader is a state-wide registration and notification portal for people selling from temporary and mobile food premises. You can register your temporary or mobile food premises by making an application [here](#). Once you have an active registration, you can submit a statement of trade for the site at which you choose to trade. You must wait until approval is granted before commencing trade.

Registering Authority

Temporary and mobile food premises, including Food Trucks, must be registered with their *Principle Council* in order to trade. This will usually be:

- the council in which your business routinely prepares or stores food that is to be sold from a van or stall; or

- the district in which you usually store the equipment for a stall, or garage your food van (if food is not usually prepared or stored prior to its sale by your business).

When you register your business on FoodTrader you will be allocated your Principle Council based on the information you provide in your registration.

Operating as a Fixed Food Truck/Vehicle

If your vehicle is going to remain on site and is not being removed frequently from the property, you will be treated as a fixed food business. This means that you will need to comply with all the requirements of other fixed food business including making sure:

- your vehicle has a permanent connection to reticulated water and sewer.
- you have adequate storage for food, equipment and other materials on site.
- you have access to a cleaners sink and adequate facilities for general cleaning.
- you have a steady and reliable electricity/gas supply and are not reliant on gas bottles for cooking and other processes.
- Depending on the types of foods you provide, you may need to have a permanent connection to a grease trap.

You can refer to Council's [Construction and Design Guidelines](#) for information on how to meet the requirements of a fixed business.

Operating as a Temporary or Mobile Food Truck/Vehicle

If your vehicle will be removed from the property frequently you will likely be treated as a temporary or

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mobile food vehicle. This means that you will not need to comply with all the requirements of a fixed premises, but you will still need to have a process in place to respond to deal with issues, so they don't pose a food safety risk. For example, you may not need a permanent connection to water, but you will need to demonstrate that you have access to sufficient water storage for clean and wastewater for the duration of your stay. You should talk about further restrictions and/or alternatives with an Environmental Health Officer.

Statements of Trade

All temporary and mobile food premises intending to trade must lodge a Statement of Trade through the FoodTrader online system prior to commencement of trade. Statements of Trade will only be accepted for temporary or mobile activities where:

- The food truck is not going to remain onsite for more than 2 consecutive days. If it is planned for the food truck is to remain onsite for 3 or more consecutive days, this is not considered temporary and you will be subject to the same requirements as a fixed premises.
- The food truck is not going to remain onsite for more than 4 days in any 7 day period or is intended to be on site for regular ongoing trade. In these circumstances you will not be considered temporary and you will be subject to the same requirements as a fixed premises.
- Statements of Trade for activity on Council owned land will not be automatically accepted. A permit through Council's Amenity and Compliance Unit is required under the General Local Law to trade on Council land. Evidence of a current Local Law permit must be submitted with an application to be considered. Applications without this evidence will be rejected.

Food Trucks as part of an existing Fixed Business

- If you already have a fixed business registered with Merri-bek City Council, you can add a Food Truck/vehicle to your existing business as a 'Component' to the business. This means you will pay a reduced fee to associate this

business and can register for free on the FoodTrader online system.

- You will need to contact the City Development Administration Team to organise a component fee to be allocated to your licence, and an Environmental Health Officer will need to inspect your vehicle to ensure it complies with Food Act and Food Safety Standard requirements before you start using it. You can organise this by calling 9240 2111 during normal business hours.

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- You can apply online to register or notify Council about your food business at [Merri-bek eServices website](#)
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Getting advice about fitting out a Food Truck

If you are considering setting up a food truck it is recommended that you lodge a request through Councils Better Approvals Merri-bek process. This better approvals process will ensure that you receive the best information, tailored to your specific proposal. This is a free process.

You can lodge a request [here](#). Requests should be lodged at least 28 days before you are looking to establish food vehicle, to ensure it is appropriate for your proposal.

You can also obtain guidance on operating a business through the [Open for Business Industry Permit Guidelines](#) on Council's website.

When applying to register a food truck, we recommend that you submit plans and details of the type of business (types of foods you wish to prepare and sell) you wish to operate. The plans should include:

- a layout of the food truck
- dimensions and details of fixtures and fittings, including location and elevation
- details of the materials to be used on surfaces and finishes

Our Environmental Health Officers can provide feedback and advice to you about your plans to ensure your fit out has the best chance of complying with the requirements of the [Food Act 1984](#) and the [Australia New Zealand Food Standards Code](#) and being granted registration.

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Once you have completed your fit out and are ready to start trading you can book in your registration inspection. This inspection is not optional and is conducted to determine if the proposed food premises complies with the requirements under the [Food Act 1984](#) and the [Australia New Zealand Food Standards Code](#) and whether registration can be granted.

Please allow a minimum of 14 working days for your registration inspection to be booked in.

Other requirements

Food storage areas

Food storage should occur within each individual food vehicle, however there may be options provided for other on-site food storage. These food storage areas may be allocated to individual traders or be shared across multiple traders.

All food storage areas need to comply with the Food Safety Standards in relation to design and construction. You can refer to Council's [Construction and Design Guidelines](#) for information on how to meet these requirements.

Where shared facilities are provided on site, it is important to identify who is responsible for what areas in case there are any issues that need to be addressed. Allocations should be clearly signed to enable Council to identify who is responsible for maintaining specific areas of the site.

Waste Management

It is expected that food premises, including food vehicles, will generate a variety of waste products, that need to be effectively managed. This could include cardboards, food waste, cooking oils etc. You should have a sufficient area allocated for waste for your activities, and if necessary, access to an appropriate communal waste storage area for non-putrescible material. Where a communal area has been provided, clear responsibilities for users of the area must be established to ensure the area remains clean, free of pests and odours and is secured from other animals or customers.

Cleaning Facilities

There should be adequate facilities within the vehicle for effective cleaning and sanitising of food contact equipment and utensils. Where this cannot occur within the vehicle, there must be a dedicated cleaning area available on site. In addition, there should be a

dedicated cleaners/mop sink to dispose of non-food contact cleaning water (eg floor cleaners). Areas where cleaners sinks are provided should be designed and constructed so that water used in cleaning is captured and directed to the sewer. Cleaning facilities within vehicles and cleaner sink areas must be provided with hot and cold water to facilitate cleaning.

Floors

You must have appropriate flooring within your vehicle to comply with the Food Safety Standards. In addition, you should consider the type of flooring material around your vehicle and across the site. As a permanent site, the ground surface must be appropriate for the activities conducted on site. This will mean the ground surface should:

- not produce dust, splinters or other material that could contaminate foods being produced.
- enable easy cleaning should food, oils or chemicals be spilt and withstand cleaning processes.
- be graded to a legal point of discharge (not directed to stormwater).

As a temporary operation you will still need to ensure there is an appropriate floor around your vehicle to minimise potential contamination of food.

Managing Water, Wastewater and Grease Traps

A food trucks need to be able to effectively manage wastewater generated on site.

For a permanent site vehicle, this will mean connecting the vehicle to the reticulated water mains as well as the sewer.

For a temporary setup, this means having the capacity within vehicles to store water for use throughout the day, as well as storing wastewater until it can be appropriately disposed of via the sewer.

No wastewater from a Food Truck can be discharged to the stormwater system.

Depending on the type of food being prepared within your food vehicle, there may need to connect to a grease trap. You should check with Yarra Valley Water around grease trap requirements for your proposed activities on your site. You may be asked to provide evidence of approval from Yarra Valley Water that the grease trap setup is appropriate for the site before Council issues an approvals to commence operations.

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Toilets

Whether your vehicle is considered permanent or temporary, you must ensure there are sufficient toilets for staff.

Toilet facilities must be connected to the reticulated sewer system.

Smoking regulations for dining areas

Under the Tobacco Act 1987, smoking is prohibited in enclosed workplaces and certain public spaces where members of the public gather and may be exposed to second-hand smoke.

You must ensure that the following areas are designated smoke free on your site:

- all outdoor dining areas when food is available for consumption.
- Outdoor drinking areas if any part of the area is within 4m of an outdoor dining area, unless separated by a wall at least 2.1m high.
- Enclosed workplaces

This means areas must be smoke free when food is being eaten, or when food is available to be purchased and eaten.

You must provide signage where areas are smoke free to inform customers of the ban. You can order smoke free signs [here](#).

Urban Planning

The Planning Scheme regulates both the use and development of land by determining whether a planning permit is required for either use or development of the land. Zones within this scheme determine requirements for each type of land use.

Generally, food trucks are defined as 'take away food premises' in the Merri-bek Planning Scheme, provided the site meets the following criteria:

- Takeaway food premises is land used to prepare and sell food and drink for immediate consumption off the premises. It may include up to

10 seats available for consumption on the premises.

Food trucks are moveable motor vehicles and therefore need to be on wheels, in order not to be classified as a building under the Planning Scheme.

Should your food truck require new power connections, water or sewerage connections from the site where the truck will be stationed, these will trigger a buildings and works permit under the Planning Scheme. The provision of a 'permanent' sewer connection to a food truck would also likely trigger a permit requirement.

Local Laws

You will not need a permit from Amenity and Compliance to operate a food truck on private property. You will need a permit if you plan on a food truck trading from a roadside or from public land.

If you want to have your mobile or temporary food premises on the side of the road, you will need a roadside trading permit. You can only apply for this permit once you have registered your business with the Environmental Health Unit.

There are some conditions for roadside trading that you must adhere to, including:

- You are not allowed to set up your roadside premise wherever you wish. There are specific locations for roadside trading that have been pre-assessed and approved by Council. To trade at other sites, you will need to seek approval from Councils Amenity and Compliance Branch prior to commencing trade.
- Roadside Trading Permits expire on 31 July each year. You will need to renew your roadside trading permit each year to enable you to trade.
- Any roadside set up will also need to comply with footpath trading guidelines. You can find more information on footpath trading requirements [here](#).

Key Contacts

Merri-bek City Council

(03) 9240 1111

environmentalhealth@merri-bek.vic.gov.au

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