

Amendment to the Mobile Food Vending Vehicles Local Approvals Policy

File No: S111707.027

Summary

The Mobile Food Vending Vehicles Local Approvals Policy (the Policy) informs the application, approval and operating requirements for food trucks and food vans on Council controlled roads within the City of Sydney local government area.

To help establish the Sydney Food Truck Program when it commenced in 2012 the City developed the multi-platform Sydney Food Trucks app to enable an initial nine food truck operators to advertise where they were trading and enable customers to find food trucks easily.

On 26 March 2018, an operational decision was made to transfer ownership of the app and website to the original developers 'We Make Apps'. The temporary Food Truck Project Manager role, established to support development and maintenance of the program (including the app) for a period of three years, concluded on 30 June 2017. Administrative processes were streamlined and workflows aligned to ensure ongoing support was provided to food truck operators by Health and Building and Customer Service. From 1 July 2018 the fees associated with a food truck approval have been reduced from \$4,000 to \$600 to coincide with these changes.

Two paragraphs within the Policy (section 30 and 31) require all food trucks to use the app when they have a City of Sydney permit under the Policy, and that the food truck name be displayed on the Sydney Food Truck website. As the app and website are now owned and managed by a third party ('We Make Apps'), it is no longer appropriate to have these requirements in the Policy and these requirements have been removed from the Policy.

In accordance with s 160 of the Local Government Act 1993, Council approved the public exhibition of the amendment of the Mobile Food Vending Vehicles Local Approvals Policy (the draft Policy) on 10 December 2018 for a period of 42 days. The revised policy was exhibited from 22 January 2019 to 8 March 2019.

During the public exhibition period there was a total of 158 visits to the Sydney Your Say website, with 98 unique page visits and a maximum of 21 visits on one day. 174 visitors downloaded the document. Written feedback was received from a total of four responders, which were received via Sydney your say. Comments relating to the amended Policy received were generally neutral and there were not related to the amendments to the Policy. The comments and responses to those comments are provided in Attachment B.

Proposed draft amendments to the Policy were adopted by Council on 7 August 2017, under s 158 of the Local Government Act 1993 (the Act). Under s 165 (1) and (2) of the Act a Council may amend a local policy adopted under this Part, and the amendment may deal with the whole or part of the local policy amended. This proposed amendment relates only to s 30, and 31 within the Policy relating to the mandatory use of the app.

This report recommends that Council adopts the policy with proposed draft amendments to the Mobile Vending Vehicle Local Approvals Policy.

Recommendation

It is resolved that Council adopt Amendment to the Mobile Food Vending Vehicles Policy (the draft Policy), as shown in Attachment A.

Attachments

Attachment A. Draft Mobile Food Vending Vehicle Local Approval Policy

Attachment B. Public Exhibition Comments and Responses

Background

1. The Sydney Food Trucks trial emerged as a result of the OPEN Sydney public consultation in late 2011, and was introduced to provide a variety of high quality, accessible, creative and affordable takeaway food options in the city late at night. Food trucks have grown to become popular across greater Sydney, serving thousands of customers every month.
2. The Policy currently states that Category 2 Mobile Food Vending Vehicle operators (Food Truck operators) must use the Sydney food truck app at all times. All Category 2 approvals will have their business contact details displayed on the City's Sydney Food Trucks Website.
3. The City established the development of the multi-platform Sydney Food Trucks app to promote the initial nine food truck operators. The app serves to advertise the trading locations and enables customers to find food trucks easily. Since its development, the City has invested a further \$23,800 on additional app improvements and \$15,300 per annum on maintenance and administration of the app. concluding at the end of 2017/18, the City also maintained a Sydney Food Truck website which interfaces with the app and provides event organisers and the public contact details for operators.
4. Funding of the program was achieved through the City's fees and charges. The Mobile Food Vending - Food Truck permit fee of \$4,000 was structured around two components - a \$600 application fee and a \$3,400 administration fee to ensure ongoing maintenance of the app and funding of the temporary Food Truck Project Manager role
5. The sector has grown and expanded beyond the City's boundaries and we are no longer best placed to manage the app and website into the future. To reduce permit fees to a less costly amount the City has divested the app and website. As of 1 July 2018, the City has handed over the ongoing support and development of the app and website to the original developer, 'We Make Apps'. This will allow both services to be regularly updated with new features, and to be integrated with commercial third party services, such as remote payment and ordering services that are available across wider metropolitan Sydney.
6. Sydney Food Truck operators with a current approval have continued to have access to the app and website until at least 30 June 2019. New service fees will apply after this time and 'We Make Apps' will negotiate these fees with operators directly. As at 1 July 2018 the City's Mobile Food Vending - Food Truck permit fee as set in Council's Schedule of Fees and Charges is \$600 per annum.
7. As the app and website are now managed commercially by a third party it is no longer appropriate or necessary to require food trucks under the Policy to be on the app and website.
8. In accordance with s 160 of the Local Government Act 1993, a Local Approvals Policy must be placed on public exhibition for at least 28 days and comments can be received up to 42 days after the first advertisement.
9. S 100 of the Local Government (General) Regulation 2005 requires that an advertisement of the public exhibition be published in at least one local newspaper circulating at least once weekly, and be published on at least two separate occasions.

10. The public exhibition period commenced on 22 January 2019 and closed on 8 March 2019. The advertisement included five local papers.
11. In total, four responses were received during the public consultation period. No submissions opposed the changes. All four responses were not relevant to the proposed amended Policy. One response was positive in regards to reduction of fees which is directly due to hand over of the app to the original owners of the app. One response was in regards to ice-cream vans being included in the app and other two were in relation to parking restrictions.
12. A summary of the specific responses to all the submissions can be found at Attachment B to this report.
13. A letter was also sent to all mobile food vending vehicle applicants (truck and van applicants who have permit) to inform them of the public consultation process and to invite comments.
14. A Food Truck Information Session was held in August 2018 with approximately 80 people attending. This indicates the continuing strong interest in the Sydney Food Truck Program.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

15. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - A Globally Competitive and Innovative City - The Sydney Food Truck program has been of interest to many other cities and councils. The program is modelled on the operation of food trucks in global cities such as Manhattan and Los Angeles. The continuation of food truck program will contribute to Sydney's global reputation.
 - (b) Direction 5 - A Lively and Engaging City Centre - The food trucks provide alternative dining options within the city. The Policy allows for food trucks to trade during the day and night which contributes to a lively and diverse city centre.
 - (c) Direction 6 - Vibrant Local Communities and Economies - The program contributes to the local community and economy. Recent research reveals that 68% of trucks employ two or more full time staff and have an average annual turnover of \$299,000.

Organisational Impact

16. The ongoing management of this policy and arising organisational impacts are managed as part of the Council's business as usual activities.

Budget Implications

17. The changes to the Policy have no budget implications, as the transfer of ownership of the app and website has already been approved
18. The Food Truck fees for 2018/19 have been reduced from \$4000 (consisting of \$600 application fee and \$3400 administration fee) to just the \$600 application fee. The 2018/19 fees have been approved by Council and are currently in place.

Relevant Legislation

19. The draft Policy has been prepared in accordance with the Local Government Act 1993 and the Local Government (General) Regulations 2005.
20. This draft Policy is consistent with the provisions of the Local Government Act 1993 for the adoption of local policies concerning approvals.

Options

21. In accordance with s 161 of the Local Government Act 1993, following the public exhibition period the Council may choose to adopt the exhibited Policy with or without amendments. If the Council decides to amend its draft Policy, it may publicly exhibit the amended draft Policy or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft local policy without further public exhibition.

Public Consultation

22. Existing Food Truck operators were invited to an information session on 26 June 2018 with City staff and a 'We Make Apps' representative to discuss the new arrangements. It is hoped the significant reduction in fees will make the mobile food vending permit more accessible to food trucks and increase the uptake of the permit in the City.
23. A letter was sent by City Business and Safety in advance of the transfer to all operators holding a valid Mobile Food Vending permit notifying them of the change in ownership.
24. The amendment Mobile Food Vending Vehicles Policy (the draft Policy) was placed on public exhibition at five local papers for 42 days for public comment.

GRAHAM JAHN AM

Director, Development, Planning and Transport

Anita Smojver, Public Health Specialist