

<b>Title:</b>	<b>Street Food Policy</b>
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3			

## 1 Policy Summary

The City of Darwin's Street Food Policy seeks to promote an active and vibrant street food culture within the Darwin municipality by encouraging new and creative casual food vending activities.

## 2 Background

Darwin's climate, open spaces and outdoor culture is an ideal setting for the development of street food experiences and activities.

The City of Darwin acknowledges street food enterprises are growing in popularity and demand and this policy responds to this. The City of Darwin welcomes applications for the use of public places under Council's care and control for this purpose.

## 3 Policy Objectives

This Policy encourages casual street food mobile business operations within the City of Darwin. This Policy aims to ensure a high quality experience for customers and the community while maintaining a high standard of participation by street food operators. The following values underpin the City of Darwin Street Food Policy;

- Diversity – a unique culinary experience in an innovative way that increases the diversity of street food options;
- Innovation – a unique cultural experience through creative presentation of vehicles and menus;

- Quality – incorporates and promotes fresh and healthy ingredients into a quality food experience;
- Sustainability – incorporates and promotes ethical, environmental and sustainable practices; and
- Value – adds economic and cultural value to the city by activating open spaces and places.

The key policy objectives are;

- To activate and revitalise public places and encourage social interaction and enhance the community sense of safety and wellbeing;
- To encourage novel and creative entrepreneurial activities or start-up businesses stimulating the local economy;
- To encourage Street Food in areas that are suited to the purpose including appropriate areas of the central business district;
- To provide a unique outdoor dining experience;
- To ensure street food businesses operate within the intent of the values of this policy; and
- To ensure equity of access to public spaces.

## 4 Policy Statement

Street Food within the municipality of Darwin requires a permit from the City of Darwin. Council will issue permits for Street Food operations, subject to the assessment criteria attached to this Policy.

Locations where Street Food operations will be permitted are:

a) CBD inclusive of the Esplanade (excluding The Mall)	4
b) East Point Reserve	4
c) Jingili Water Gardens	2
d) Nightcliff Foreshore	6
e) Rapid Creek Foreshore	2

and

- f) Suburban parks or suitable public spaces, the number of permits to be allocated will be determined at the discretion of the delegated officer under this Policy.

All locations will be accessible to more than one operator, subject to the hours of operation.

Permit fees are determined under the following categories and duration of operation;

1. Category of operation

- a) Not-for-profit and charitable organisations;
- b) One-off activities;
- c) Commercial operations.

2. Duration of operation

- a) Single Event Permit – issued for a single occasion;
- b) Short-term or Seasonal Permit – issued for two or more repeat operations in a given period of time;
- c) Annual Permit – issued for repeat operations over the course of twelve months which may be renewed subject to allocation provisions detailed in this Policy.

Permits will generally be restricted to outside normal business hours, weekends and public holidays. Permits in residential areas will be restricted to hours of operation that preserve neighbourhood amenity and do not cause a general disturbance.

## 5 Legislation, terminology and references

Street Food Vendors are considered ‘food businesses’ under the NT *Food Act*.

### Part 2.8.(1) Meaning of *food business*

In this Act:

**food business** means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves:

- (a) handling food intended for sale; or
- (b) selling food,

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves handling or selling food on one occasion only.

In line with the NT *Food Act* and under this Policy, Street Food Vending is defined as the use of public spaces for **preparing, handling and or dispensing food products for the purpose of sale, commercial consideration or promotion**

All food businesses in the Northern Territory must be registered and all food operators must comply with the *Food Safety Standards*. The Northern Territory *Food Act* is the controlling legislation for all food businesses.

The following City of Darwin policies are also applicable to Street Food operations:

Policy No. 011      *Outdoor Dining*  
Policy No. 042      *Outdoor Advertising Signs Code*

City of Darwin Fees and Charges Register

## **6 Fees**

Fees are required to be paid in advance commensurate with the permit period.

## **7 Evaluation and review**

The Street Food Policy will be reviewed within the term of the Council.

## Assessment Criteria – Street Food

The City of Darwin's *Street Food Policy* (Policy No. 079) provides a set of clear objectives for pop up and street food operations in the municipality and identifies an appropriate operating framework and fee structure. The Policy is supported by these criteria against which all Street Food permit applications (including applications for permit renewal) will be assessed.

The criteria are as follows:

### 1. Business

- 1.1 The business must provide for the sale of food and/or non-alcoholic drink only. Pop Up bars are not permitted.
- 1.2 The applicant must have a registered business name and ABN and be registered with the Northern Territory Department of Health.
- 1.3 The applicant must have (or provide on confirmation of Council's intention to grant a permit) public and product liability insurance for the amount of at least \$20 million.
- 1.4 The applicant must demonstrate a local community and business need for the proposed Street Food operation.
- 1.5 The nature of Street Food is to be based on the use of **mobile vans or vehicles**. The applicant must demonstrate that the business complies with the intent and aims of this policy.
- 1.6 If the applicant is a not-for-profit or charitable organisation, the applicant must demonstrate its bona fides.

### 2. Allocation of Sites

The Policy provides for a total of 18 (eighteen) dedicated locations in the municipality. Each location can support more than one operator, subject to the hours of operation. Preservation of neighbourhood amenity will be a priority consideration for street food vending activities in residential areas. Additional sites will be allocated on a case by case basis.

The City of Darwin will seek expressions of interest for street food vending on an annual basis. Requests for special events and programs will be considered on a case by case basis.

Permits are issued as casual permits only for a maximum period of twelve (12) months which is reflected in the casual permit fees charged by Council. Where two or more applications are received for the same site, allocation of the permit will be made in accordance with the procedure detailed in this criteria.

Where a site is unoccupied, allocation will be issued on a “first come first serve basis”.

Where a site is occupied and no other applications have been received, allocation will be reissued to the existing occupant for a further period, if so requested.

Where a site is occupied and additional applications have been received for the same site, allocations will be conducted by a selection panel process. The selection panel will be composed of officers from across the City of Darwin and applications will be assessed against the criteria contained in sections (1), (4), (5), (6) and (7) of this document and the following underpinning values of the policy;

- Diversity
- Innovation
- Quality
- Sustainability
- Value

### 3. Location

- 3.1 The proposed operating site(s) must be suitable for the purpose of Street Food and not be in an excluded area. Where the proposed location is adjacent to existing food businesses, the applicant must provide evidence of consultation.
- 3.2 The proposed facility and activities **must not** compromise public safety, cause obstruction, or impede the flow and use of the area by pedestrians, road users, emergency response personnel, maintenance crews, patrons and staff of surrounding businesses, occupants of and visitors to surrounding residential properties, and other street activities.
- 3.3 Exemptions may be made to access to parking spaces for operations that support and promote the night time economy in the central business district.

### 4. Amenity and Appearance

- 4.1 All applications must include a detailed site plan of the proposed operation, including the vehicle or food vending facility, the proposed area(s) of operation and any power and water requirements (including the use of generators).
- 4.2 The proposed Street Food operation **must not**:
  - compromise pedestrian and traffic flow or obstruct access to parking, taxis, and bus and loading zones;
  - obstruct access to public space facilities such as bike paths, drinking fountains, BBQs, toilets, park and street furniture, rubbish bins, telephones and post boxes;
  - operate on a footpath with a width less than 3.2 metres;

- operate within 1.8 metres of a building front and within 600mm from the kerb line;
- operate adjacent to construction zones, disabled parking spaces and bus, taxi and loading zones;
- operate in a manner that causes undue distraction to vehicular traffic; and
- modify, cover, remove, or relocate trees and shrubs and other public property (such as park furniture, public art, signs, and bins).

## 5. **Operating Days and Times**

- 5.1 The proposed days and times of operation must be conducive to the enhancement of the area through the provision of food and or 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
  - ingress and egress to surrounding sites and premises.
- 5.2 A limited number of Street Food permits will be available at the locations described in the Street Food Policy.
- 5.3 Permits will not be issued in instances where the City of Darwin determines that the granting of a permit may result in the oversupply of Street Food operations within a given area and or at a given time.

## 6. **Advertising and Marketing**

- 6.1 All proposed outdoor advertising must comply with the *Outdoor Advertising Signs Code* (City of Darwin Policy No. 042).
- 6.2 All applications must include detailed plans or diagrams which includes dimensions of proposed advertising.

## 7. **Cleaning, Maintenance and Waste Management**

- 7.1 All applications must demonstrate that all food handling activities will be compliant with the *Food Act* and the *Food Standards Code*.
- 7.2 All applications must include a waste management procedure. (Waste generated by food preparation activities is not to be disposed of in City of Darwin waste receptacles or drains.)