



AGENDA

Special Meeting of Council

Friday, 25 June 2021

12:15PM

Council Chambers, Civic Centre,
Stuart Highway, Katherine

Notice of Meeting of Council
Notice is hereby given in accordance with Section 59
of the Local Government Act

- ELECTED MEMBERS** :
- Mayor Elisabeth Clark
 - Deputy Mayor Peter Gazey
 - Alderman Kym Henderson
 - Alderman Matthew Hurley
 - Alderman Jon Raynor
 - Alderman John Zelle
 - Alderman Toni Tapp Coutts
- OFFICERS** :
- Mr Ian Bodill – Chief Executive Officer
 - Mr Kerry Whiting – Director Corporate Services
 - Ms Rosemary Jennings – Director Community Services
 - Mr Brendan Pearce – Director Infrastructure and Environment
 - Mr Jherry Matahelumual – Executive Assistant (Minutes Taker)

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ORDER OF BUSINESS**1. ACKNOWLEDGMENT TO COUNTRY**

I am honoured to be on the ancestral lands of Katherine's Aboriginal peoples. I acknowledge the First Australians as the traditional custodians of the continent, whose cultures are among the oldest living cultures in human history. I pay respect to the Elders of the community and extend my recognition to their descendants who are present

2. OPENING PRAYER

Grant O God to this Council wisdom, understanding and sincerity of purpose in the Governance of this Municipality. Amen

3. MEETING DECLARES OPEN**4. APOLOGIES AND LEAVE OF ABSENCE****5. CONFLICT OF INTEREST****6. CORRESPONDENCE AND DOCUMENTS TO BE TABLED**

- Mobile Food Vendor Policy was tabled at the Ordinary Meeting of Council on 25 May 2021. This report will be picked up and replaced with a new report in section 7.1

7. REPORT FROM OFFICERS

7.1 Mobile Food Vendor Policy (update)

8. CLOSURE OF MEETING

KATHERINE TOWN COUNCIL



REPORT

NO	:	7.1
FOLDER	:	LOCAL GOVERNANCE/SPECIAL COUNCIL MEETING/COIUNCIL POLICY
MEETING	:	SPECIAL COUNCIL MEETING – 25/06/2021
REPORT TITLE	:	MOBILE FOOD VENDOR POLICY
AUTHOR	:	ROSEMARY JENNINGS, DIRECTOR COMMUNITY SERVICES
ATTACHMENT/S	:	1. MOBILE FOOD VENDOR POLICY 2. MOBILE FOOD VENDOR ASSESSMENT CRITERIA

PURPOSE OF REPORT

To provide a copy of the updated Mobile Food Vendor Policy and associated assessment criteria to Elected Members for their information and adoption.

BACKGROUND

Council has allowed for the operation of mobile vendors, in varying capacities for an extended period of time.

In recent times the increased demand for operations of a mobile nature, particularly relating to food related operations, resulted into a major review and introduction of a new policy in April 2020.

After 12 -months this policy has again been reviewed to make amendments as necessary to ensure its administrative functionality and that it meets the needs and expectations of the community.

The following key amendments have been made:

- Expansion of permitted locations;
- Increase operational hours;
- Increase operational days (frequency); and
- Amendments to advertising and consultation period.

Amendments were made across both the Mobile Food Vendor Policy and Mobile Food Vendor Assessment Criteria and presented to Council for consideration at the 25 May 2021 Ordinary Meeting of Council. The report was laid on the table to allow for consideration of Council's Policy intent as it relates to the operation of mobile food vendors along with the associated fees.

POLICY

As a result of the report being laid on the table, further discussions were undertaken to ascertain the intent of the policy.

Elected Members expressed a desire for Mobile Food Vendors to operate within the Municipality, acknowledging their social benefit to the community, however wanted to ensure that the fee was comparable with other Council's and provided a commensurate fee, acknowledging 'brick and mortar' stores within the township.

Additionally, Council sort to encourage longer term operators as opposed to transient operators by way of fee disincentives for shorter term operations.

FINANCIAL IMPACT

As per KTC's current Fees and Charges (effective 1 July 2021), Mobile Food Vendors are charged \$4,225.67 per annum, with only a pro rata monthly alternative. This appears to be a mid-ranged permit cost when compared to other NT based Councils such as City of Darwin (\$3,390) or Alice Springs Town Council (\$4,930.70).

Further afield, the cost of permits varies immensely. It appears some Council's provide for accessible pricing to encourage mobile trade:

- Sutherland City Council (NSW) - \$175 for an application, no mention of site fee but have controls to approve only with events / community markets on public land
- City of Yarra (VIC) - \$2,630 per annum permit fee
- Adelaide City Council (SA) - \$2,000 per annum permit fee
- Brisbane City Council (QLD) – Application fee \$384.90 and \$1,194.75 pm²/pa for CBD, \$895.20 pm²/pa for Zone B and \$596.80 pm²/pa for Zone C.
- Gold Coast City Council (QLD) – Application fee \$1,308.00 per annum for food licence and \$641.00 per annum for vending application – Fee can be reduced if applicant owns property or is a registered charity, not for profit etc. No mention of applicable site charges.
- Longreach (QLD) - \$300 per annum for very frequent users (3 time in a fortnight)
- Barossa Council (SA) - \$2,000.00 per annum.

Variables that were noted across Councils:

- Some Council's charge for the administrative cost of processing an application,
- Come Council's charge site fees
- Some Council include food licencing issue
- Controls are sometimes included in the application around site location and hours of operation.

VARIATION TO FEES & CHARGES

It is noted that Katherine Town Council's current Mobile Food Vendor fee is exceptionally high and inflexible (only annual or monthly options). It is recommended, to reduce the annual permit fee to \$4,000 per annum and provide more options for permit periods, priced to incentivise long term traders:

Mobile Food Vendors	
12-month Permit (Annual)	\$4,000
6-month Permit (Biannual)	\$3,000
3-Month Permit (Quarterly)	\$2,000
Monthly Permit	\$1,000

It is also noted that Katherine Town Council's Fees and Charges also provide for a Street/Road Vendor Permit with a comparable fee to that of the Mobile Food Vendors. It is recommended to also reduce the permit fee to \$4,000 per annum and provide more options for permit periods exactly as proposed with Mobile Food Vendors.

KATHERINE TOWN COUNCIL**REPORT****OFFICER RECOMMENDATION****That it be recommended to Council to:**

1. Receive, note and adopt the Mobile Food Vendor Policy and associated Assessment Criteria.
2. Amend Katherine Town Council's Fees & Charges 2021/2022 – Mobile Food Vendor Permit as follows:
 - a. 12-month Permit (Annual) \$4,000
 - b. 6-month Permit (Biannual) \$3,000
 - c. 3-Month Permit (Quarterly) \$2,000
 - d. Monthly Permit \$1,000
3. Amend Katherine Town Council's Fees & Charges 2021/2022 – Street/Roadside Vendor Permit as follows:
 - a. 12-month Permit (Annual) \$4,000
 - b. 6-month Permit (Biannual) \$3,000
 - c. 3-Month Permit (Quarterly) \$2,000
 - d. Monthly Permit \$1,000


Ian Bodill
CHIEF EXECUTIVE OFFICER

MOBILE FOOD ~~VAN~~
VENDOR / STREET
~~FOOD~~ POLICY



KATHERINE
TOWN COUNCIL

TITLE: MOBILE FOOD ~~VANVENDOR~~ / STREET FOOD POLICY

ADOPTED BY: COUNCIL

RESPONSIBILITY: CHIEF EXECUTIVE OFFICER

NEXT REVIEW DATE: ~~28/04/2021~~ 25/06/2022

Version	Decision Number	Adoption Date	History
1			version 1
2			version 2 - DRAFT
3		28/04/2020	version 3 - DRAFT
4		<u>25/06/2021</u>	

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1. PURPOSE

The Katherine Town Council's Mobile Food Van Vendor / Street Food Policy seeks to support an active and vibrant street food culture within the municipality by encouraging new and creative casual food vending activities.

2. POLICY OBJECTIVES

This Policy allows casual Mobile Van Food Vendor / Street Food mobile business operations within Katherine. This Policy aims to ensure a high-quality experience for customers and the community while maintaining a high standard of participation by Mobile Van Food Vendor / Street Food operators. The following values underpin the Katherine Town Council's Mobile Van Food Vendor / Street Food Policy;

- Diversity – a unique culinary experience in an innovative way that increases the diversity of Mobile Van Food Vendor / 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 town by activating open spaces and places.

The key policy objectives are;

- a. To activate and invigorate public places, encourage social interaction and enhance the community sense of safety and wellbeing;
- b. To provide for novel and creative entrepreneurial activities or start-up businesses stimulating the local economy;
- c. To allow Mobile Van Food Vendors / Street Food in areas that are suited to the purpose including appropriate areas of the central business district;
- d. To enable operators to run mobile food enterprises in a balanced way that does not adversely affect established brick and mortar operators,
- e. To provide a unique outdoor dining experience;
- f. To ensure Mobile Van Food Vendor / Street Food businesses operate within the intent of the values of this policy; and
- g. To ensure equity of access to public spaces.

3. DEFINITIONS

In this policy:

- a. **Stallholder Operator/s** means roadside vendor, mobile food vendor, street food vendor, casual food vendor.

- b. **Permit** means issued under these by laws and includes the renewal of a permit.
- c. **Food business** means a business, enterprise or activity as defined by the *NT Food Act*

4. BACKGROUND

Katherine's climate, open spaces and outdoor culture is an ideal setting for the development of Mobile ~~VanFood Vendor / Street Food~~ experiences and activities.

Katherine acknowledges street food enterprises are growing in popularity. Katherine Town Council welcomes applications for the use of public places under Council's care and control for this purpose.

5. POLICY STATEMENT

Mobile ~~VanFood Vendors / Street Food~~ within the municipality of Katherine requires a permit from the Katherine Town Council. Council will issue permits for Mobile ~~VanFood Vendor / Street Food~~ operations, subject to the assessment criteria attached to this Policy.

6. LOCATIONS

Locations where Mobile ~~VanFood Vendor / Street Food~~ operations will be permitted are listed below.

- a. Lindsay Street Complex Carpark;
- b. Showgrounds Carpark (off Victoria Highway);
- c. Information Bay (North Bound), Stuart Highway;
- d. Information Bay (South Bound), Stuart Highway; ~~and~~
- e. Information Bay (West Bound), Victoria Highway;
- f. ~~Railway Terrace Carpark~~
- g. ~~Ryan Park Carpark~~
- h. ~~Lockheed Park~~
- i. ~~Adventure Play Park~~

e. _____

Council may change and/or amend these locations from time to time, without notice.

Area of permitted operations for each site will be clearly identified. The business must be contained within these limitations.

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

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

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7. CATEGORY AND DURATION OF OPERATION

Permit fees are determined under the following categories:

Category of Operation

- Not for profit and charitable organisations;
- One-off activities;
- Commercial operations;

a. Duration of Operation

- i. Single Event Permit – issued for a single occasion;
- ii. Monthly Permit – Any consecutive four (4) week period
- iii. Quarterly Permit – Any consecutive 3-month period
- iii. Biannual permit – Any consecutive 6-month period
- iv. Annual Permit – Any consecutive 12-month period
- ii. Short-term or Seasonal Permit – issued for two or more repeat operations in a given period of time;
- iii.v. Annual Permit – issued for repeat operations over the course of twelve months which may be renewed subject to allocation provisions detailed in this Policy.

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~~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.~~

8. FEES

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

9. EVALUATION AND REVIEW

The Mobile Food Van Vendor / Street Food Policy will be reviewed annually.

10. VARIATIONS

Katherine Town Council reserves the right to vary, replace or terminate this Policy from time to time.

11. LEGISLATION BASE

- a. Local Government Act 2008
- b. NT Food Act

12. ASSOCIATED DOCUMENTS

Katherine Town Council – Mobile Food Van Vendor / Street Food Policy – ~~28 April 2020~~ 25 June 2021 – Version 43

- a. *Katherine Town Council By Laws*
- b. *Katherine Town Council Sustainable Events Policy*
- c. *Mobile ~~Food Van~~~~Vendor~~ / ~~Street Food~~ Assessment Criteria*
- d. *Katherine Town Council Fees and Charges*

POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: Ian Bodill

Original issue: Draft

Title: Chief Executive Officer

Policy Maintained by: Rosemary Jennings

Current version: ~~Draft~~~~Draft~~ - Version 4

Title: ~~Executive Manager~~ – ~~Director~~
Community Development

Review date: ~~28/04/2021~~~~25/06/2022~~

MOBILE FOOD ~~VAN~~ VENDOR ~~/STREET~~ ~~FOOD~~-ASSESSMENT CRITERIA



KATHERINE
TOWN COUNCIL

Katherine Town Council Mobile Food ~~Vendor an~~ / ~~Street Food~~ Assessment

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Assessment Criteria – Mobile ~~Food Van~~ ~~Vendor~~ / ~~Street Food~~ Operator

The Katherine Town Council's ~~Mobile Food Van~~ ~~Vendor~~ / ~~Street Food~~ Policy provides a set of clear objectives for Mobile ~~Food Van~~ ~~Vendor~~ / ~~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 Mobile ~~Food Van~~ ~~Vendor~~ / ~~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 business operation must be fully self-sustaining, i.e. own power and water.
- 1.3 The applicant must have a registered business name, an ABN and be registered with the Northern Territory Department of Health.
- 1.4 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 \$10 million.
- 1.5 The applicant must demonstrate a local community and business need for the proposed Mobile ~~Food Van~~ ~~Vendor~~ / ~~Street Food~~ operation.
- 1.6 The nature of Mobile ~~Food Van~~ ~~Vendor~~ / ~~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.
- ~~1.7 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 five (5) dedicated number of identified~~ 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 may be allocated on a case by case basis.

~~The Katherine Town Council will seek expressions of interest for Mobile Van / Street Food vending on an annual basis (from December to February). 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 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".

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~~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 Katherine Town Council 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 Mobile ~~Food Vendors~~ ~~an~~ / ~~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, operator will be consulted.~~
- 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~~ ~~parking spaces~~ for operations that support and promote the ~~night time~~ ~~nighttime~~ ~~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 Mobile ~~Food Vendor~~ ~~an~~ / ~~Street Food~~ operation **must not**:
 - compromise pedestrian and traffic flow or ~~obstructor 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 on a footpath;~~

 Katherine Town Council Mobile Food ~~Vendor~~ ~~an~~ / ~~Street Food~~ Assessment

- 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 & 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 Mobile ~~Food Vendor~~ ~~an~~ / ~~Street Food~~ permits will be available at the locations described in the Mobile ~~Food Vendor~~ ~~an~~ / ~~Street Food~~ Policy.
- 5.3 Permits will not be issued in instances where the Katherine Town Council determines that the granting of a permit may result in the oversupply of Mobile ~~Food Vendor~~ ~~an~~ / ~~Street Food~~ operations within a given area and or at a given time.

~~Hours of Operation include set up and take down times. Hours are described below.~~

Weekdays (Monday to Friday)	6.00 am to 9.00am	5.00 pm to 9.00 pm
Weekends/Public Holidays	6.00 am – 9.00 pm	

- 5.5.1 ~~No operator shall conduct business for more than three-five (53) days in any seven (7) day period.~~
- 5.5.2 ~~No operator shall conduct business for longer than four-six (64) hours within a calendar day.~~
- 5.5.7 Special events running for longer hours or over multiple days will be exempt from the above of hours of operation, when the operator is engaged as part of the event.

Commented [RJ1]: Adjust to 5.4.1 and 5.4.2

6. Prior Advertising & Marketing

- 6.1 After initially assessing your application for adherence to Council's requirements, you will be notified of the need ~~for you~~ to commence advertising ~~your~~ ~~the~~ intended business. This advertising:
- ~~6.1.1 Will be the responsibility of Katherine Town Council;~~
- ~~6.1.16.1.2~~ Must commence within a ~~two-one (12)~~ week period of Council advising you that your application has progressed.
- ~~6.1.26.1.3~~ Must occur over a period of ~~a four-two (24)~~ weeks.
- ~~6.1.36.1.4~~ Needs to include the information contained in Appendix 1 – Advertising Requirements.
- ~~6.1.46.1.5~~ Must state a period of at least one (1) week after the final advertising date, for comment to be received by Council.

 Katherine Town Council Mobile Food ~~Vendor~~ ~~an~~ / ~~Street Food~~ Assessment

~~6.1.56.1.6~~ Advertising ~~should~~ ~~will~~ occur ~~once~~ in a locally circulated newspapers with additional advertising (weekly) via Council's Social Media channels and website during the consultation period.

~~6.1.6~~ Applicants that have further advertised via local social media platforms, will be favourably looked upon.

6.1.7 Council reserves the right to review and make decisions based on the information it has received, for not greater than ~~two~~ ~~one~~ (12) weeks after the close of the comment period.

~~6.1.8~~ Evidence of your four (4) weeks of advertising must be submitted to Council in order for your application to be further assessed.

~~6.1.96.1.8~~ Council reserve the right to reject your application based on comments received from members of the public/other business operators, that it believes are valid.

~~6.1.9.16.1.8.1~~ In this event, Council will provide written notification to the applicant, outlining the reason(s) for Council's decision. However, Council will not provide details that would cause either personal or commercial prejudice or confer unfair commercial advantage or disadvantage to any person or business.

7. Onsite Advertising & Signage

- 7.1 All proposed outdoor advertising must comply as below:
 - 7.1.1.1 Permit holders will be allowed one (1) moveable sandwich board or A-frame (two faces joined at the top by hinges) no larger than 1m² or one (1) flat single or double-sided board, in a free-standing frame, no larger than 1m².
 - 7.1.1.2 Signage must be constructed of a durable material and be maintained in good condition.
 - 7.1.1.3 Signs that Council considers offensive by virtue of their design or message will not be allowed.
 - 7.1.1.4 Signs that resemble regulatory, traffic or warning signs will not be allowed.
 - 7.1.1.5 Sign placement must not obscure a vehicle driver's view or hinder pedestrian usage of a path or walkway.
 - 7.1.1.6 Illuminated signs are not permitted.
 - 7.1.1.7 Signage can only be displayed during hours of operation.
- 7.2 All applications must include detailed plans or diagrams of proposed advertising for assessment of the above.

8. Cleaning, Maintenance, Waste Management & Sustainability

- 8.1 All applications must demonstrate that all food handling activities will be compliant with the *Food Act* and the *Food Standards Code*.
- 8.2 All applications must include a waste management procedure. (Waste generated by food preparation activities is not to be disposed of in Katherine Town Council waste receptacles or drains).
- 8.3 All operations must be fully self-contained, providing their own resources for power and water.

ADVERTISING REQUIREMENTS

~~At a minimum, your advertising must include the following information.~~

INTENTION TO OPERATE A MOBILE FOOD ~~VENDOR AN / STREET FOOD~~ OPERATION

Location:

Business Name:

Hours of Operation:

Food/Beverage types:

~~Council Officer Contact Name and Number: (others may have questions about your proposal and a conversation could avoid any misunderstandings)~~

~~Your ad should also state: "Any comments should be lodged with Katherine Town Council by (insert a date at least one (1) week after closure of 24 weeks advertising) on records@ktc.nt.gov.au , by phone 8972 5500 or in person at the Katherine Civic Centre, Stuart Highway.~~



KATHERINE TOWN COUNCIL
MOBILE ~~FOOD VAN VENDOR~~ / ~~STREET FOOD~~ APPLICATION
CHECKLIST

APPLICANT NAME: _____

ADDRESS: _____

CONTACT NUMBER: _____

DATE OF APPLICATION: _____

Applications are assessed for compliance to Katherine Town Council's Mobile ~~Food Vendor~~ / ~~Street Food Vendor~~ Policy 20210. Please refer to the policy at www.katherine.nt.gov.au for details.

ITEM	*YES / NO	COMMENTS
Initial Assessment of Application Against KTC Policy		
Applicant Advised of Outcome		
Applicant Advised of to Advertising processe		Remind to provide advertising evidence
Evidence of four two (2) Weeks Advertising		
Objection(s) Received		
Objection(s) Assessed by KTC Officer		
PERMIT APPROVED		
Applicant Advised of Permit Issuing		
Copy of DOH Food Licence received		
Copy of Public Liability Insurance received		
Payment Received		
PERMIT NO.		
RENEWAL DATE		
Permit provided to Applicant		

Additional Comments: _____

For Office Use Only)

Permit Paperwork Filed		
Applicant Advised of Permit Rejection		

Appendix 2

Application Process Completed by:

Name: _____ Dated: _____ Signed: _____