

ORDINARY MEETING 18 AUGUST 2015	5.2
--	------------

PORT DOUGLAS MARKETS – INTRODUCTION OF HOT FOOD

Rebecca Assman, Manager Governance#453752
Darryl Crees, General Manager Corporate Services

RECOMMENDATION:

That Council:

- **Resolves to publicly advertise for applications to establish a limited number of Hot Food Stalls offering innovative multi-cultural cuisine at the Port Douglas Markets. Only applications which conform to relevant legislation and food standards will be considered.**
- **Determines that successful applicants will be provided with security of a three (3) year term (non-transferrable) to operate at the Port Douglas Markets subject to the continuing adherence to relevant terms and conditions of the Markets.**
- **Delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to facilitate all aspects of advertising and assessing applications and to present a further report to Council for adoption of the recommended stall holders and amended Market terms and conditions.**

EXECUTIVE SUMMARY:

The Port Douglas Markets does not currently have stalls which cater for the sale of hot food and representations have recently been received for Council to reconsider this option. Previous research undertaken has recommended that specifically designed food outlets that are compliant with all necessary legislation and food standards, could be utilised for this purpose, and that temporary structures such as marquee style tents will not comply with legislation in circumstances where the vendor operates on site more than 11 times per year.

Approval of this concept will meet a perceived visitor need, will provide diversification in the Markets and further, will provide opportunities for suitable small business applicants to promote and develop a new economic initiative. All submissions will be assessed against predetermined criteria and a further report will be presented to Council with the recommended vendors for approval.

BACKGROUND:

The Port Douglas Markets currently operates with a ‘Cotters’ theme and is primarily an arts/crafts market intended to showcase wares produced locally. Food is sold at the market but no food preparation or cooking is currently permitted at the food stalls.

During the years of the former Douglas Shire Council, an Environmental Health Officer travelled to Darwin to review the Mindil Beach Sunset Markets. Following this visit, a comprehensive report was compiled proposing ways of introducing hot food that would be compliant with all

Federal, State and Local Government legislation/regulations. That report is included as an attachment to this report.

Regular food preparation and cooking at the Port Douglas Market (ie more than 11 times per year) can only occur in stalls that are constructed with floors, walls and ceilings consistent with the Food Safety Standard 3.2.3. Alternatively commercial kitchens could prepare food and then on sell within a structure that is compliant with all Food Safety Standards.

COMMENT:

The concept of having hot food stalls at the Port Douglas Markets has been raised during previous Council terms but has never been advanced. Staff are responding to recent representations received to again consider the introduction of hot food into the Markets. As a result of this recent discussion, public comment was sought on the matter. Online consultation was conducted for one month, followed by consultation with 46 food outlets in Port Douglas by way of a handout questionnaire. In total 144 responses were received.

A quick snapshot of the consultation shows that of the 144 respondents, 123 reside within the Douglas Shire. In response to the question “Are you supportive of Hot Food at the Port Douglas Markets?” Council received 116 responses in support; and 28 against. This indicates support for the implementation of hot food.

The key issues to be addressed are compliance with legislated food standards, ensuring public safety and waste collection. Through previous research undertaken on this matter it has been determined that compliance with food standards can be achieved by limiting stall holders to licensed proprietors with specifically designed food outlets. Such food outlets would need to be compliant with all necessary legislation and food standards and will be subject to inspection by Council’s Environmental Health Officers, the same as any other food outlet.

In determining the appropriate location for hot food stalls in the markets, it is proposed to locate these vendors in one area – “Hot Spot”, rather than having hot food stalls scattered throughout the Market precinct. The proposed location for the “Hot Spot” is adjacent to the toilet block and Rex Smeal Park on the eastern side of Market Park. This will assist in isolating any odours or noise from the food stalls into one area and Market patrons will readily be able to determine the variety of foods available.



To ensure a fair and equitable process is followed for approval of hot food stallholders, a request for applications will be publicly advertised. All submissions received will be assessed against pre-determined criteria with professional guidance being provided by Council's Environmental Health Officers. Following due assessment of applications, a further report will be provided to Council to formally approve the hot food vendors for the Markets.

Considering the initial costs to purchase and establish a food outlet that is compliant with all necessary legislation and food standards, it is proposed that successful applicants will be provided with the security of being able to attend the Markets for a period of three (3) years. An alternative option to introduce hot food for a limited trial period (such as three months) has been considered by officers but it is not preferred. A trial period with no future certainty will be unable to attract or encourage new business or investment to the same degree as a period that has the potential to offer financial security. Financing arrangements for a short trial period would be difficult, if not impossible for vendors to arrange and it is considered there would be little motivation to invest in this opportunity.

The offers are proposed to be non-transferrable and will be extended only to the successful applicants. However security of being able to operate at the Markets does not, in any way, infer security of a particular Market site for the stall and Council reserves the right to re-locate hot food vendors to another site in the Markets at Council's sole discretion.

Another purpose of offering security of attendance at the Markets is to provide Douglas residents with an opportunity to explore and develop a concept or idea and determine market acceptance. This has the potential to give the vendor/s confidence to further establish their businesses should they form the view that their product is successful.

One key aspect in the assessment criteria that the prospective hot food vendors will need to address in their submissions, is the type of food that will be available for sale. To be successful, applicants will need to offer innovative multi-cultural cuisine served in snack size portions and standard hot foods such as hot dogs, chips, hamburgers and the like will not be favourably considered. The introduction of hot food stalls into the Port Douglas Markets is designed to add another dimension to the patron's experience and not to provide a range of food that is readily available elsewhere.

Inclusion of hot food stalls at the Markets will not affect the current practice of approving of a temporary stall for community or charitable fund raising activities. This temporary stall will be located in another area of the Markets away from the "Hot Spot".

PROPOSAL:

In order to provide an opportunity to not only diversify the Port Douglas Markets but to encourage new concepts and ideas for small business and economic development, it is recommended that Council publicly advertises for applications to establish hot food stalls at the Markets.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

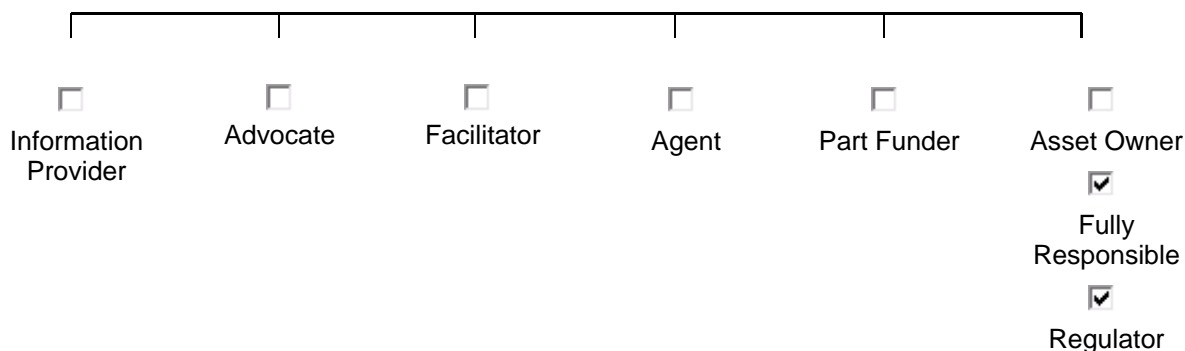
This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

- 2.3.3 *Support and explore appropriate commercial uses of Council – controlled land, adding to the visitor experience and supporting the local economy.*

COUNCIL'S ROLE:

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:



Fully Responsible: Funding the full cost of a program or activity.

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

FINANCIAL/RESOURCE IMPLICATIONS:

Health inspections of approved food vans/trailers will be incorporated within the Environmental Health Officers cycle of food outlet inspections therefore no additional budgetary expense will be required. Approved food vendors will be submitting rates to obtain a place at the Markets which will increase revenue stream from this source.

RISK MANAGEMENT IMPLICATIONS:

Progressing the concept of hot food at the Markets will be regulated by Council's Environmental Health Unit, ensuring vendors meet all necessary food standards.

All Market stallholders are required to maintain public liability insurance coverage and this requirement will be automatically extended to hot food vendors.

Included in the application process, vendors will be required to lodge a suitable bond with Council. Research of other markets indicates that a bond mitigates the risk of illegal disposal of any oil/trade waste.

SUSTAINABILITY IMPLICATIONS:

ECONOMIC: The introduction of hot food at the markets will create opportunities for a vendor to establish a new idea/concept or expand on an existing business.

ENVIRONMENTAL: Nil

SOCIAL: This enhancement to the current stalls will provide a different aspect to the markets, which has the potential to entice patrons spending longer in the Market precinct.

INTERNAL/EXTERNAL CONSULTATION:

This matter was workshopped with Councillors and consultation has occurred between relevant Council staff including the Port Douglas Market Co-ordinator.

External Consultation has occurred through an online survey, manual survey and the collating of social media comments.

ATTACHMENTS:

1. Port Douglas Market Information Paper – provided as separate attachment
2. Summary of Results of Public Consultation

Attachment 2 - Summary of Results of Public Consultation

Issue Paper - Port Douglas Markets 2015

In which post code is your home located? (enter 4-digit post code; for example, 4873 or 4877)		
Answer Options	Online Survey	Manual Survey
4877	81	13
4873	28	1
4871	6	
Other	15	
<i>answered question</i>	130	14

Are you supportive of Hot Food at the Port Douglas Markets?					
Answer Options	Answer Options	Response Percent	Online Survey	Manual Percent	Manual Survey
Yes		86.2%	112	29%	4
No		13.8%	18	71%	10
<i>answered question</i>			130		14

To support a vibrant and entertaining atmosphere do you feel Busking is important at the Port Douglas Markets?				
Answer Options	Response Percent	Online Survey	Manual Percent	Manual Survey
Yes	80.0%	104	100%	14
No	20.0%	26	0%	0
<i>answered question</i>		130		14