



## FOOD ACT 2008

### Shire of Halls Creek - Public Places and Local Government Property Local Law 2017

#### Application for a Temporary Mobile Food Vending Vehicle Licence

Full Name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Position: \_\_\_\_\_

Address: \_\_\_\_\_

Tel: \_\_\_\_\_ Mob: \_\_\_\_\_

Email: \_\_\_\_\_

Type of goods or services to be sold: \_\_\_\_\_

\_\_\_\_\_

Proposed Location: \_\_\_\_\_

Proposed period of operation: Date: \_\_\_\_\_

Time: \_\_\_\_\_

Start

Finish

#### Vehicle details

A plan of the Food Vending Vehicle (hand drawn may be adequate) must accompany this application.

Body Type: eg van \_\_\_\_\_

Make of Vehicle: \_\_\_\_\_

Model of Vehicle: \_\_\_\_\_ Registration No: \_\_\_\_\_

Inspected By: \_\_\_\_\_ Inspection Date: \_\_\_\_\_

Licence Number: \_\_\_\_\_

Licence Conditions: Traders are required to adhere to the Shire of Halls Creek policy HLT 03 - Mobile Food Vending Vehicles and Temporary Food Stalls, which is attached to your permit.

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_

*NOTE: you must receive basic advice from Council's EHO on essential conduct.*

**FEES:** Annual / Daily

NOTE: voluntary organisations may apply to Council for exemption of fees at least 6 weeks before the proposed trading dates.

Fee Paid: _____	Date Paid: _____	Receipt No.: _____
-----------------	------------------	--------------------





## Appendix 1

Criteria Council must consider when determining applications to operate a mobile food vending vehicle.

### 1. Construction and finish of surfaces.

- a) The internal surfaces of walls, ceilings, doors, sliding partitions and those parts of the wall formed by built-in fittings, must be of stainless steel, colour bonded metal, laminated plastics (Formica, Laminex or Panelyte) or similar approved materials.
- b) All surface materials must be fixed so as to provide an impervious smooth even surface free of buckles, fixing screws, open joints, spaces, cracks or crevices.
- c) All wall floor and ceiling materials must be joint less to the maximum extent possible

#### Note:

- i. A food vending vehicle includes any vehicle, whether mobile or stationary, used for the purpose of preparing or cooking food for sale.
- ii. Roadside stalls are prohibited in the Shire of Halls Creek and therefore roadside stalls will not be approved under this Policy
- iii. Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this policy.

### 2. Road Safety

- a) Food vending vehicles are only permitted to operate as follows:
  - i. On public roads except those arterial, sub-arterial and collector roads listed in Appendix 5 of this policy.
  - ii. By standing on a permitted public road or authorised designated public place only for such period of time as the operator may be engaged in serving customers and must keep moving once the customers are served.
  - iii. Council may approve longer stops in areas where traffic flow is low, including parking areas or authorised designated public places, but the length of time and number of food vending vehicle may be regulated as Council sees fit.
  - iv. As a food stall in conjunction with an approved fete, fair, festival, carnival, community market or similar event held in a residential area or on a designated public place or reserve. However, the organisers of the event must also give their approval.
  - v. Vehicle must have a flashing yellow strobe light on the roof.
  - vi. Vehicle must have a "watch for children" sign measuring at least 600mm x 600mm.
  - vii. Vehicle must move to the side of the road when serving customers and cannot do this on Duncan Road/Highway or Great Northern Highway.



- b) Food vending vehicles must not operate on those arterial, sub-arterial and collector roads listed in Appendix 5 of the policy.
3. Surface materials and finishing
    - a) All surfacing materials must be jointed and finished with cover strips provided in accordance with the manufacturer's specifications. Overlapping is not permitted.
    - b) Cover strips must be sealed with approved materials.
  4. Floors.
    - a) Floors must be constructed of materials which are impervious, non-slip and nonabrasive, having an unbroken surface and capable of withstanding heavy duty operation.
    - b) The intersections of all walls with floors must be coved (rounded) to a radius of at least 25 millimetres.
    - c) Heavy duty vinyl sheeting and welded (seamless) jointed flooring materials must be laid over a solid base strictly in accordance with the manufacturer's specifications.
    - d) Where vinyl sheeting is turned up to form a cove, a fillet or backing piece must be fitted to provide support.
    - e) Floors must be fitted flush with the door sill or alternatively, a floor waste with a screwed removable plug must be provided.
  5. Door openings and serving openings.
    - a) Doors and serving hatches must be finished internally with the same materials as the walls.
    - b) Adequate fly proofing must be provided to all door and window openings where appropriate.
    - c) Roof vents must be proof against the access of flies and dust.
    - d) The driving compartment of the vehicle must be separated and effectively sealed from the food preparation and storage section.
    - e) A self-closing and close fitting door may be fitted to an opening in the dividing wall.
    - f) The driving compartment must not be used for the storage, preparation and sale of food.
    - g) The area of all serving openings must be as small as possible to assist in excluding dust, fumes and insects during travel.
    - h) The doors or shutters to all door openings and serving openings must be close fitting and vermin proof.
    - i) The serving compartment of food vehicles vending food (eg soft serve ice cream) must be fitted with a sliding window for serving customers.
  6. Cupboard and counter construction.
    - a) Cupboard counter tops, benches and similar fittings must be constructed of metal, solid core timber or similar timber sheeting, glued or jointed to approval.
    - b) The cupboard surfaces and counter tops must be free of cracks, crevices or cavities and all exposed surfaces including tops and exposed edges must be lined with a smooth impervious material. (see criteria 1 a)



- c) Cupboards, counter tops and benches must be supported on non-corrosive solid or tubular steel legs or brackets securely fixed to the walls.
  - d) Timber framing is not permitted.
  - e) A clear space between the floor and the underside of cupboards and shelving of not less than 150 mm must be provided.
  - f) The flanges on all legs of fixed equipment must be sealed onto the floor material.
  - g) All cupboards and component shelving must be lined internally with approved material. (see criteria 1 a)
  - h) Cupboards designed with a cavity (false bottom) between the floor and the base is not permitted.
  - i) Sliding doors of cupboards must have the bottom guides of runners designed to permit food refuse to fall through to the floor, or the bottom guides or runners may be terminated 25 millimetres from each end of the door opening so as to permit easy cleaning.
7. Installation of fittings.
- a) Hot water heaters pump motors and refrigeration equipment must be mounted on metal frames at least 150 millimetres high.
  - b) All service pipes including gas lines, electrical conduit and water and drainage pipes must be concealed into walls and floors.
  - c) Cooking equipment must not be placed beneath windows, wall cupboards, serving openings or shelving.
  - d) Refrigerators, freezers and cooking equipment must be secured to prevent movement, and positioned so as to provide a space of at least 150 millimetres between the wall and the fitting (for easy cleaning).
  - e) All food displayed is to be protected from likely contamination from droplet infection from customers' breath, handling, smoking, or from insects, dust or other contaminants by approved glass or perspex screens.
8. Ventilation.
- a) A mechanical ventilation exhaust system will be required to be installed with hoods serving such heating or cooking appliances as may be specified by the Council.
  - b) Any exhaust ventilation system must be constructed and installed in accordance with the requirements of the Council.
  - c) Fittings must not be placed directly above cooking or heating appliances where they might interfere with the flow of air into the mechanical exhaust ventilation system.
  - d) The exhaust vent of the mechanical ventilation system must discharge vertically in an approved position where no nuisance will be created.
  - e) All intake and exhaust vents must be fitted with a fly-proof screen when not in use.
9. Washing facilities.



- a) A single bowl sink of sufficient size to hold equipment and utensils must be provided with an adequate and instantaneous supply of hot and cold water through a common mixing spout.
  - b) Hot water temperature must not be less than 45 degrees Celsius.
  - c) Where eating and drinking utensils and vessels are re-used, a double bowl sink or an approved dish or glass washing machine must be installed.
  - d) Hot water at a temperature of 77 degrees Celsius must be provided to one of the bowls.
  - e) A wash hand basin with hot and cold water, mixed through a common spout, together with a sufficient supply of soap and single use towels, is to be provided.
  - f) The vehicle must be equipped with a waste water tank external to the vehicle, of sufficient capacity to hold all waste liquids and with an outlet of sufficient diameter to facilitate easy flushing and cleaning.
  - g) This tank must only be emptied at the premises at which the vehicle is housed and must be disposed of to the sewer to Water Corporation requirements
  - h) A separate tub may be required for the thawing of foodstuffs.
  - i) All sinks and wash hand basins must be provided with sanitary traps.
  - j) All water used in the vehicle must be potable water stored in approved containers and suitably protected against likely contamination.
  - k) All tanks must be capable of being easily cleaned.
10. Hot and cold food storage and display units.
- a) Suitable refrigeration must be provided in the vehicle for the storage of all perishable foodstuffs.
  - b) All refrigeration equipment must be capable of maintaining those temperatures prescribed in the ANZ Food Standards Code – Standard 3.2.2.
  - c) Refrigerated storage and dispensing equipment must maintain soft serve ice cream and soft serve flavoured ices at a temperature not greater than 5 degrees Celsius.
  - d) Ice cream, flavoured ices and ice confections must be maintained at a temperature not greater than minus 18 degrees Celsius.
  - e) Soft serve mix must be stored at temperatures according to the manufacturer's instructions.
11. Receptacles for clothing and soiled clothes.
- a) Separate lockers and receptacles with close fitting lids must be provided for the storage of operator's clothing and soiled clothes respectively.
12. Garbage.
- a) Suitable garbage receptacles with close fitting lids must be provided in the vehicle.
  - b) When directed, a suitable receptacle must be provided outside the vehicle for depositing of take-away food containers and other litter.
13. Use of vehicles.



- a) A food vehicle must not be used for sleeping purposes.
  - b) Every person engaged in the preparation or delivery of food for sale must keep, at all times, receptacles, utensils and vehicles used in connection with food for sale clean, free from dust, odours, flies and other insects.
  - c) Every person engaged in the preparation or delivery of food for sale must, when so engaged, maintain his/her clothing and his/her body clean.
  - d) The vehicle must be used for the vending and delivery of food only and must, at all times, be maintained in a satisfactory standard of cleanliness.
  - e) The vehicle and equipment must be thoroughly cleaned at the conclusion of the days operations or before use each day
14. Applications to install and operate a mobile food vending vehicle.
- a) An application for a mobile food vending vehicle must be made using an approved application form (as shown in Appendix 3 to this Policy) and payment of an application fee.
  - b) Copies of the application form are available at the Council's administration offices located at Lot 71 Thomas Street Halls Creek.
  - c) Approval and registration of a mobile food vending vehicle is subject to an inspection of the vehicle which shows satisfactory compliance with this Appendix 1.
15. Annual registration of mobile food vending vehicles.
- a) Applications for the annual registration of mobile food vending vehicles shall be dealt with under the Food Act 2008, as with all food premises.
  - b) Arrangements for the Council's Environmental Health Officer to carry out an inspection of a mobile food vending vehicle are to be made in July of each year.
  - c) A fee for the inspection is to be paid pursuant to clause 26(a) of this Policy.
  - d) A registration label will be issued upon satisfactory inspection and is to be stuck on to the inside of the windscreen or a fixed glass panel on the left hand side of the vehicle.
  - e) Where the Environmental Health Officer (EHO) is satisfied that any requirement of these criteria is inappropriate, or is not reasonably practicable in any particular case, the EHO may vary the requirement provided that there is no significant reduction in construction or hygienic requirements and the general intent of this Policy.







## Appendix 5 – Prohibited Roads

The selling of food from mobile food vending vehicles is prohibited on Arterial Roads.

Arterial Roads are;

- Tanami Road
- Great Northern Highway
- Duncan Road

## Appendix 6 - Definitions

**Authorised person** means:

- a. a person appointed under Part 10 Division 3 of the Food Act 2008; or
- b. a police officer.

**Food** means a substance or compound commonly used, or represented as being for use, as food or drink for human consumption or as an ingredient (whether or not after processing) of food or drink for human consumption or use and includes:

- a. confectionery; and
- b. any spice, flavouring substance, essence, colouring matter or other ingredient whatever that enters into, or is used in, the composition or preparation of food or drink; and
- c. any substance or compound for the time being declared under the Food Act 2008 to be food.

**Food stall** includes any facility or structure used for the purpose of preparing, cooking, serving or selling any article of food that is built or designed to enable it to be dismantled and removed from the site when required.

**Food vending vehicle** or **mobile food stall** includes any vehicle or module, whether mobile or stationary, used for the purpose of preparing, cooking, serving, handling or selling any article of food.

**Premises** means any of the following:

- a. A building of any description or any part of it and the appurtenances to it;
- b. Land, whether built on or not;
- c. A shed or other structure;
- d. A tent or similar shelter;
- e. A swimming pool;
- f. A ship or vessel of any description (including a houseboat); and
- g. A van or vehicle.

**Authorised designated public place** means an area that Council has approved a specific food vehicle or mobile food stall to operate in (subject to designated hours if any).



**Designated public place** means:

- a. A public reserve, public bathing reserve, public baths or public swimming pool or
- b. A public road, public bridge, public wharf or public road ferry; or
- c. A Crown reserve comprising land reserved for future public requirements; or
- d. Public land or Crown land that is not:
  - i. A Crown reserve (other than a Crown reserve that is a public place because of paragraph a, b or c above); or
  - ii. A common; or
  - iii. Land that has been sold or leased or lawfully contracted to be sold or leased; or
- e. Land that is declared by the regulations to be a public place for the purposes of this definition.

And for the purpose of this policy includes;

- f. Public reserve meaning as defined in Clause 1.2, Part 1 of the Shire of Halls Creek Local Government Local Law 2002:
  - i. any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
  - ii. Local Government property

but does not include premises on private property from which trading is lawfully conducted under a written law.

- g. Public road means a road which the public are entitled to use, and includes:
  - i. Highway, street, lane, pathway, footway, cycleway, thoroughfare, bridge, culvert, causeway, crossing, by-pass and track way, whether temporary or permanent; and
  - ii. Any part of a road and any part of any thing referred to in paragraph a.; and
  - iii. Anything forming part of a road or anything forming part of any thing referred to in paragraph i.
- h. To eliminate any doubt, this policy applies to the whole Shire, including a road and reserve.

**Residential areas** means all areas zoned residential (or mixed zoning that includes residential) in accordance with the Shire of Halls Creek Town Planning Scheme as amended from time to time.

**Preparation of food** includes cooking and service of food.

**Retail trade** means trade with consumers.

**Sell** includes:



- a. Barter, offer or attempt to sell, receive for sale, have in possession for sale, expose for sale, send, forward or deliver for sale or cause or permit to be sold or offered for sale; and
- b. Sell for resale.

**Temporary structure** includes:

- a. a booth, tent or other temporary facility, whether or not a part of the booth, tent or enclosure is permanent; and
- b. a mobile structure.

**Temporary food stall** means any facility, structure, apparatus, food stall or mobile food stall, erected, installed or located within the Shire that is used for the preparation, cooking, service or sale of food.

**Vehicle** includes any means of transport, whether self-propelled or not, and whether used on land or sea or in the air, which is used or is capable of being used for the carriage, preparation, cooking or storage in connection with the sale of food.

**Vermin** includes rodents, reptiles, arachnids and insects of all descriptions.

#### **Other Relevant Documents**

The following documents are related, either directly or indirectly, to the Policy:

- Local Government Act 1995 – particularly Part 3 (Functions of Local Governments) Division 2 (Legislative functions of Local Governments);
- Food Act 2008;
- Shire of Halls Creek Local Government Act Local Laws 2002

