



FOOD ACT 2008

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

Application for a Temporary Food Stall Licence

Full Name of Applicant: _____

Date: _____ Position: _____

Address: _____

Tel: _____ Mob: _____

Email: _____

Type of goods or services to be sold: _____

Specifics of Proposed Location: _____

(you may draw a location map on the reverse of this form)

Name of event: _____ eg fete, festival, sport

Proposed period of operation: Date: _____

Time: _____
Start Finish

Date and Time of Inspection Appointment: _____
(stall must not be used until inspected and approved)

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 2

Criteria Council must consider when determining applications to operate a temporary food stall.

1. Method of construction.
 - a) A temporary food stall must be constructed to minimise contamination of food.
 - b) All temporary food stalls must have a roof covered with canvas or heavy-duty opaque plastic sheeting or similar.
 - c) Where food is being prepared inside the stall three sides must be enclosed to full height with similar material as for the roof.
 - d) Shade-cloth may be used as an alternative for the sides.
 - e) Food must not be prepared or displayed outside the stall.

2. Protection of food.
 - a) All food stored in the stall must be in sealed containers.
 - b) A physical barrier must be provided between displayed food and the public.
 - c) The preferred means of achieving this includes:
 - i. Clear plastic/perspex sneeze barriers; or
 - ii. Sandwich display type counters.
 - d) Perishable foods consisting of meats, chicken, seafood, eggs, milk and milk products and cooked rice, must be kept, until sold, at temperatures above 60 degrees Celsius or below 5 degrees Celsius.
 - e) A temporary food stall includes any structure, food stall or mobile food stall, erected installed or located on a public place or public reserve which is used for the sale of food for the duration of any fete, fair, festival, carnival, community market or similar event.
 - f) A food stall includes any structure used for the purpose of selling any article of food that is built or designed to enable it to be dismantled and removed from the site when required.
 - g) A mobile food stall includes any van, truck, trailer or movable module, used for the purpose of selling any article of food.
 - h) Temporary food stalls preparing and/or selling perishable foods must be provided with:
 - i. Fly-proof food warmers capable of storing food above 60 degrees Celsius; and/or
 - ii. Refrigerators, freezers or coolers capable of storing food below 5 degrees Celsius.

3. Cooking facilities.
 - a) All heating and cooking equipment including open flame barbecues and cooking plates are to be located within the temporary food stall and not within reach of the public.
 - b) Every attempt must be made to protect such cooking area from dust contamination and droplet infection, i.e. coughing or sneezing by the public.
 - c) Wherever cooking is carried out, adequate provision must be made to protect the stall walls from heat, flame and splashing.



4. Washing facilities.
 - a) Separate washing facilities, one for washing hands and another for cleaning utensils and articles must be provided within the temporary food stall.
 - b) For example, two plastic wash hand basins and a minimum of eight litres of water immediately available to the stall will satisfy this requirement.
 - c) Disposable paper towels, liquid soap and dishwashing detergent must be provided in each temporary food stall.
 - d) Use of alcohol based hand steriliser liquids is encouraged.
5. Refuse disposal.
 - a) Suitable garbage receptacles must be provided near the stall for the public to dispose of waste material.
 - b) Adequate arrangements are to be made for the storage and removal of garbage.
6. General requirements
 - a) All condiments such as sauce, mustard etc., must be contained in squeeze type dispensers with resealable caps or in individual sealed packs.
 - b) Only disposable utensils including knives, forks, spoons, chopsticks and disposable bowls and plates are to be provided to the public.
 - c) All disposable eating utensils must be pre-wrapped in paper napkins, cellophane bags or similar material prior to distribution to the public.
 - d) Drinking straws, paper cups, spoons etc., must be enclosed in suitable dispensers.
 - e) Beverages must be dispensed from an enclosed receptacle equipped with a tap or spout.
 - f) Service of food ready to eat shall be wearing plastic disposable gloves or a paper towel / serviette between the hand and the food.
7. Open temporary food stalls.
 - a) Only canned or bottled soft drinks and pre-packaged non-perishable foods, such as potato chips and confectionary, may be sold from open temporary food stalls.
8. Applications to install and operate a temporary food stall
 - a) A temporary food stall must not be used for the sale or preparation of food until it has been inspected and approved.
 - b) An application for a temporary food stall must be made using an approved application form (as shown in Appendix 4 to this Policy) and payment of an application fee.
9. Copies of the application form are available at the Council's administration offices located at Lot 71 Thomas Street, Halls Creek Service Clubs and Community organisations may be exempt from paying an application fee.
10. An application, however, is still required from these groups whose temporary food stall is to be inspected, prior to use. Local sporting groups who sell food



from canteens, stalls, barbecues or the like at regular weekend competition games must make application (with fee exemption) prior to the beginning of each season.

11. Compliance with this Appendix 2 is required and inspections of these facilities will be made from time to time.
12. 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.
13. However, commercial operations will generally have to comply with all normal conditions.



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

