



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Guidelines for Food Business at Markets and Events

1.0 Introduction

Kiama Municipal Council is committed to ensuring the activities (such as itinerant, mobile, and temporary food stalls) that are regulated by Council are safe, healthy and comply with all relevant and current legislation and guidelines.

This guideline informs businesses selling food at temporary events in NSW of their legal requirements in relation to the following:

- The Food Act 2003 (NSW) ('the Act');
- The Food Standard Code ('the Code') including the Food Safety Standards Standard 3.2.2, Standard 3.2.3, Part 1.2 Labelling and other Information requirements;
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) and;
- Chapter 17 of the Kiama Development Control Plan 2020 – Mobile Food Van and Temporary Food Stalls.

This document guides businesses through the Kiama Council Temporary Food Stall application process, details legal requirements for food businesses and provides guidance on food safety at temporary events.

All temporary and mobile food premises at any approved event and market must obtain Kiama Council approval and a permit prior to operating. They are also subject to inspection by local council Environmental Health Officers to ensure they are complying with the code. Failure to comply with the above mentioned legal requirements may lead to enforcement action. This action may include a warning letter, improvement notice, penalty notice, seizure, prohibition or prosecution.

Temporary food premises may pose a higher risk to food safety, due to their lack of permanent cleaning, storage, refrigeration and heating facilities. Kiama Council is dedicated to ensure that only safe food is sold in all food businesses to the community.

Kiama Council currently has approximately 120 Temporary Food Stalls with current permits. This number continues to grow yearly.

Food businesses are encouraged to contact Kiama Councils Environmental Health Officers should they require any further details in relation to this guide and the above requirements.

2.0 What is a Temporary Event?

A temporary event is any occasion which is of limited duration or periodic in nature and where food is sold to consumers from a temporary structure (e.g. marquee, tent, trailer) or vehicle (mobile food van). Examples includes fairs, festivals, markets and shows.

3.0 Kiama Council Temporary Food Stall Application Form

- **Temporary Food stall operators must firstly obtain approval from the market/ event organiser that a spot is available before engaging Kiama Council for an approval and permit to operate on Council land and be registered as an approved food business.**

In order to obtain Kiama Council approval and a permit to operate at a temporary event, a temporary food stall application form must be submitted to Council. This form is available under the 'Environment & Health' tab of the forms section (<http://www.kiama.nsw.gov.au/your-council/forms/forms>) and is entitled 'food stall (temporary) registration form'.

Kiama Council requires the temporary food stall application form to be submitted at least 21 days prior to the applicants intended event or market. Any forms submitted within 21 days may not be approved in time for the market or event.

Part 1.0 Application Details

This section is a mandatory section that must be completed in order to receive a permit.

Part 2.0 Home Business Details

		Yes	No
2.1	Is the residential address (stated in Part 1) for a home-based business? i.e. You manufacture food products at home		

		Yes	No
2.2	Do you have local Council Development Consent to manufacture and prepare food products for sale at this address		

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (NSW) declares that “A home business, a home industry or a home occupation that does not involve the manufacture of food products or skin penetration procedures is development specified for this code”. This means that local government development consent is required for home based food businesses.

This may be achieved via a Development Application to Council or a private certifier Complying Development Certificate (CDC). A CDC will require full compliance with AS4674-2004 Design, construction and fit out of food premises. This would mean a full commercial style fit-out no matter what level or type of production. A Development Application (DA) to Council will determine certain requirements (if any applicable) based on the level and type of production.

It is advised that you contact your local Council and obtain in writing any determination. This includes a determination that no DA or official consent is required.

Any DA consent, CDC, NSW Food Authority Licence (see part 4 for more information) or written determinations will need to be forwarded to Kiama Council as part of the application.

- Kiama Council cannot approve any Temporary Food Stalls where food is manufactured in an un-approved home-based kitchen.

Regulation and inspections

- Council: When a food business sells direct to the final customer (e.g. from the premises or from a market/school canteen etc.).
- NSW Food Authority: When businesses do not retail food direct to the customer (i.e they sell to another part such as a café or restaurant to on-sell). Planning and development consent requirements for the home based food business are still applicable.

Part 3.0 Commercial Kitchen Details

PART 3 - COMMERCIAL KITCHEN DETAILS (where applicable)	
Address of commercial kitchen:	
Name of owner:	
Phone:	
Email:	

There are numerous commercial kitchens that are available for hire in the region. Commercial kitchens include any kitchen that contains DA consent as a food premises and are inspected on a routine basis by local government Health Officers. These provide an alternative where domestic kitchens do not have consent or are not suitable for the level and type of production (e.g. High Risk foods). The applicant will require the kitchen owner's approval to operate with details provided in the above section.

Part 4.0 NSW Food Authority Requirements – Food Safety Supervisor Certificate (FSS), Licensing & Notification

One FSS needs to be appointed for the premises (i.e. the tent or stall structure). If you have more than one premises at the event, then a different FSS needs to be appointed for each premises. A copy of the FSS Certificate for your FSS must be kept at the premises.

Certain food businesses do not require an FSS, such as organisations selling food for community or charitable causes. See the NSW Food Authority's website for details.

The FSS requirements apply to businesses that process or sell food at the retail level, e.g. food that is:

- Ready to eat
- Potentially hazardous (requires temperature control) (See below), and
- Not sold and served in the supplier's original packaging.



Table 1: Potentially Hazardous Foods (PHF's) (HIGH RISK)

Food type ¹	Example or comment
Raw or cooked meat	Including poultry or game
Foods containing raw or cooked meat	Casseroles, curries, lasagne
Smallgoods	Devon, ham, chicken loaf
Dairy products	Milk, custard, dairy desserts, unbaked cheesecake, custard tarts
Seafood (excluding live seafood)	Seafood salad, soup, fish sticks, stews
Processed fruit and vegetables	Salads, cut melons
Cooked pasta and rice	
Foods containing eggs, beans, nuts or other protein-rich foods	Quiche, fresh pasta, soy bean products
Foods containing the above foods	Sandwiches, rolls, uncooked and cooked pizza

Part 4.1 NSW Food Authority Licence

Certain food businesses require a [NSW Food Authority licence](#). These include:

- [eggs](#) – producers (other than small egg farms), graders, processors and storage facilities
- [dairy](#) - dairy producers, factories, stores and vendors
- [meat](#) - businesses that handle, process, pack or store red meat or poultry (other than small poultry meat farms) for humans or animals. Includes retail butchers
- [seafood](#) - businesses that handle and wholesale seafood excl. shellfish
- [shellfish](#) - businesses that cultivate, harvest or depurate shellfish
- [plant products](#) - businesses producing products such as seed sprouts, vegetables in oil or unpasteurised juices
- [vulnerable persons](#) - food service to vulnerable persons in hospitals and aged care facilities
- transporters – businesses that transport any of the foods above


Part 4.2 Manufacturers and Wholesalers

Manufacturers & Wholesalers that produce and sell foods by wholesale with a limited or no retail sales business component are required to:


1. Notify the NSW Food Authority of their business details and activities.
2. Meet relevant food standards.
3. Prepare for and be regularly audited and inspected.

Part 5.0 Details of food being sold and manufactured/processed

PART 5 - DETAILS OF FOOD BEING SOLD AND MANUFACTURED/PROCESSED

<p>Complete list of <u>all</u> food types being sold</p> 	<p>Cheeseburgers (commercially bought mayo), beef patty cooked well, double American cheese, tomato relish, white onion, milk bun.</p> <p>Cheese, onions and frankfurter hot dogs.</p> <p>Loaded Fries (gravy + cheese curds) and normal potato fries.</p> <p>Bottled water and canned soft drinks (coke, solo etc.)</p> <p><i>Pre-packaged foods require scanned or photographed copies of labels for the products listed above.</i></p>
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Kiama Council Officers require a detailed list of all food types to be able to assess the risk classification and other food safety requirements. Failing to provide enough detail will require Council Officers to request information and delay the approval process.

<p>Complete list of <u>all</u> food types being sold</p> 	<p>Burgers, fries, hotdogs</p> <p>Drinks</p> <p><i>Pre-packaged foods require scanned or photographed copies of labels for the products listed above.</i></p>
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Part 5.1 Labelling

All pre-packaged food items brought to a market or event requires labelling that is compliant with provisions of the Food Standards Code. For all pre-packaged items, Kiama Council requires copies of the labelling for the products to check for compliance with the Food Standards Code. Kiama Council does not require copies of labelling for every product, simply one from each food type or a sample of no more than 10 that demonstrates the stall holder's knowledge and application of the requirements.

The Food Standards Code states that all food labels must contain the following information:

- Name and/or description of the food
- Identification of the 'lot' number *
- Name and Australian street address of the supplier of food *
- List of ingredients
- Date mark
- Nutrition information panel (NIP).
- Country of origin of the food
- Warning and advisory statements
- Storage conditions and directions for use
- Information about *characterising ingredients and *characterising components

Other additional information may be required for other types of food such as minced meat, raw meat, juice blends etc. Additional requirements for food labels are stated in the Food Standards Code Standard 1.2.1 – 8.

This information must be legible, prominent and in English. If a label is in another language, that is acceptable as long as essential information is also in English.

LIGHT CHEESE	Use by 01/01/2018
Nutrition Facts Serving Size 1 Piece (24g) Servings Per Container 24	INGREDIENTS: PASTEURIZED PART-SKIM MILK, CHEESE CULTURES. SALT, ENZYMES, VITAMIN A PALMITATE. CONTAINS: MILK
Amount per serving	Product of Australia
Calories 50 Calories from Fat 20	Manufactured at: 123 Kiama Street Kiama NSW 2533
% Daily Value	
Total Fat 2.5g 4%	
Saturated Fat 1.5g 7%	
Trans Fat 0g	
Cholesterol 10mg 3%	
Sodium 200mg 8%	
Total Carbohydrate less than 1g 0%	
Dietary Fiber 0g 0%	
Sugars 0g	
Protein 7g	
Vitamin A 4% Vitamin C 0%	
Calcium 20% Iron 0%	Keep Refrigerated

For assistance with the Nutrition Information Panel (NIP), FSANZ contain a Nutrition Panel Calculator whereby you can load recipes to produce an NIP. This is available free via the below link.


Figure 1: Example of Compliant Food Label

NIP Calculator: <http://www.foodstandards.gov.au/industry/npc/Pages/Nutrition-Panel-Calculator-introduction.aspx/>

See Appendix A for a NSW Food Authority Fact Sheet on Labelling – General Requirements and further information.

Part 6.0 Details of equipment and processes used when trading and handling

PART 6 - DETAILS OF EQUIPMENT AND PROCESSES USED WHEN TRADING AND HANDLING FOOD (where applicable)

<p>Type of stall:</p> <p><i>(Please provide photographs and a floor plan of the stall)</i></p> 	<p>3x3m marquee, 3 walled sides, tarp flooring. See attached photographs & floor plan.</p> <p>eg. marquee, tent, caravan</p> <p>Stall structure must be in accordance with the NSW Food Authority guidelines for food businesses at temporary events (June 2016):</p> <p>http://www.foodauthority.nsw.gov.au/ Documents/retail/temp_events_guideline.pdf</p>
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Part 6.1 Stall Structure and Location


- Stalls should be set up on sealed ground and away from drainage lines to avoid cross contamination and maintain stall cleanliness. If only unsealed sites are available or where PHF is being prepared on site (the ground where food is being prepared and stored should be completely covered).
- Multi day events that remain committed to trading regardless of weather conditions will need to implement further measures such as raised floors. Floor coverings must be easily cleaned and non-absorbent.
- The open side of the stall (preparation and serving areas must be enclosed on 3 sides) should not face prevailing winds to reduce dust, odour and insect problems. Walls to be non-absorbent and easily cleaned.
- Stalls should be located away from toilets and garbage areas to prevent airborne contamination.
- Ceiling to be of similar construction to the walls.
- Whole structure to be securely fixed together when assembled and protected against wind.

Walls and ceilings are required at any food premises where that need to protect food from contamination, for example if the business is handling unpackaged food or handling packaged food that could be damaged by weather, insects, animals, sprays etc.

For pre-packaged and low risk foods at single day events, there may be exemptions from certain construction requirements due to the reduced food safety risk. Examples of pre-packaged and low risk foods are: pre-bottled or sealed jams, honey, pickles; pre-wrapped and sealed cakes, toffees and biscuits; whole fruit, vegetables and nuts intended to be washed or peeled before eating.

See Appendix B & C for visual guides of compliant designs for temporary food stall premises and floor plans.

Part 6.2 Fixtures, fittings and equipment


<p>List of all fixtures and equipment used at the stall:</p> <p><i>(Please provide photographs)</i></p> 	<p>x3 plastic trestle tables for display, plastic counter top & hand washing facilities. Sanitised chopping board, stainless steel tongs, spatula, cooks knife.</p> <p>1x stainless steel food preparation bench.</p> <p>Food preparation surfaces (eg. counters, shelves, stands) must be made from rigid, smooth, impervious and durable material, free of cracks or joints. Shelves should be at least 150 mm off the floor. Metal end sections should be sealed.</p>
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All food, cooking, eating utensils, hand washing and sanitising facilities must be kept off the floor. Wooden tables must not be used in a food preparation area as they are porous and absorbent providing an non-compliant surface. Any timber surfaces should be painted, laminated or clear finished. Table clothes if applicable must be plastic as fabric table clothes are absorbent, become stained and are not easily cleaned.

All food preparation utensils, equipment and eating utensils (re-usable and disposable) must be stored a minimum 150mm off the ground to facilitate effective cleaning and sanitising.

- For pre-packaged items, these requirements are exempt. Simply write 'N/A only pre-packaged food sold' in the box. Those who sell pre-packaged food but supply taste testing are not exempt.

Part 6.3 Hand Washing Facilities

<p>Hand washing facilities: <i>(Please provide photographs)</i></p> 	<p>25L potable water drum with tap. Wastewater bucket. Liquid hand soap. Paper hand towels. See attached photograph.</p> <p><i>Warm potable water (ie. safe for human consumption) in a minimum 25 litre sealed container with a tap, with suitable bowls or containers, liquid soap and paper hand towels must be provided for all stalls that sell unpackaged foods.</i></p>
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<p>25L water drum</p>	<p>Water drum tap to be applied</p>	<p>Example of water drum and tap</p>

	
<p>Liquid hand soap</p>	<p>Alcohol instant sanitiser</p>
	
<p>Paper hand towels</p>	<p>Tissue paper</p>

Food handlers must use hand wash facilities if unpackaged food is being handled. This includes any businesses who sell pre-packaged food, but supply taste testing. The hand washing facility must be separate from other facilities and used only for handwashing.

As a high risk item, Kiama Council requires a photograph of the hand wash facilities to ensure requirements under the Food Standards Code are met prior to operating.

A food handler must wash his or her hands using soap and warm water, then dry them with single-use, paper towels:

- a) before commencing or re-commencing handling food
- b) immediately before handling ready-to-eat food after handling raw food
- c) immediately after using the toilet
- d) immediately after smoking, coughing, sneezing, using a handkerchief or tissue, eating, drinking or touching his or her hair, scalp or a body opening, and before using disposable gloves for handling.

Part 6.3.1 Alcohol-based hand sanitising & gloves

Alcohol-based hand sanitising gels or foams can be used in addition to handwashing. However, antibacterial gels on their own are not a substitute for hand washing. The food standards code does not require food handlers to use gloves. Even when wearing gloves, in many situations it may be preferable to use utensils such as tongs or spoons. Gloves must be removed, discarded and replaced with a new pair in the same instances where you would need to wash your hands.

- a) before handling food
 - b) before handling read-to-eat food and after handling raw food.
 - c) After using the toilet, smoking, coughing, sneezing, using a handkerchief, eating, drinking, handling money or touching the hair, scalp or body.
- The use of hand wash facilities may not be required where food is delivered fully packaged and sold in the same packaging. Simply write 'N/A only pre-packaged food sold' in the box. Those who retail pre-packaged food but supply taste testing are not exempt.

See Appendix D for further information on health and hygiene requirements of food handlers.



Figure 2: Hand, utensil and food washing facilities [Food Standards Australia New Zealand – Safe Food Australia 2016 – A Guide to the Food Safety Standards pg. 203]

Part 6.4 Utensil and food washing facilities

<p>Washing and sanitising food preparation utensils:</p> <p><i>(Please provide photographs)</i></p>	<p>Diluted bleach & food grade sanitiser. 25 L portable water drum and wastewater bucket. Hot water um able to produce boiling water.</p> <p><i>Stalls manufacturing food products on-site require potable water, double sinks and sanitising chemicals for utensil washing which does not include and is separate from the hand washing facilities.</i></p>
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Sanitising is the process of applying heat/chemicals to a clean surface to reduce the number of bacteria and other organisms to a safe level. All businesses must have clean and sanitary

utensils and food contact equipment (cutting boards, serving platters, etc.) (See figure 2 above for an example facility). Chemical sanitisers include chlorine based compounds (e.g. hypochlorite or bleach), quaternary ammonium compounds, alcohol, iodine, organic acids (e.g. peracetic acid and hydrogen peroxide).

Part 6.4.1 Approved sanitising methods

		
<p>Diluted bleach (e.g. 2.5ml of non-scented household (4% chlorine) bleach per Litre): This can be contained in a spray bottle and applied or in a soaking tub. The contact time with the sanitiser should be at least 7 seconds before being rinsed off with water.</p>	<p>Commercial food-grade sanitizer: The solution must be used/diluted according to the manufacturer’s instructions with particular attention to the required concentration, contact time and whether rinsing is required (if residue is left). Products suitable for using in food businesses are available from commercial suppliers and retailers.</p>	<p>Manually sanitising with hot water: The utensils or surfaces must be in contact with water at minimum 77°C for at-least 30 seconds. A temperature measuring device will need to be employed. A minimum of 20-25 litres of water for each day is also recommended. The use of a bowl to fully submerge the items is required and the use of a thermometer to ensure the water remains hot for the whole sanitation period.</p>


Unsuitable sanitisers for food businesses:

- Disinfectants (e.g. detol & pine-o clean)
- Cleaning agents (e.g Ajax) for use on floors and toilets are not suitable for use with food contact surfaces.
- Vinegar – not an effective sanitiser.
- Methylated spirits – leaves residues
- Citrus based cleaners – leaves residues
- Scented or perfumed bleach – leaves residues
- Hand sanitising gels – leaves residues
- Sanitising cloth wipes – leaves residues.

Equipment used with potentially hazardous foods (e.g. hand held and stand-alone blenders, liquidisers, can openers, meat tongs and slicers), should be frequently cleaned and sanitised (e.g every 4 hours) to prevent food –poisoning bacteria growing to dangerous levels in food residue.

See Appendix E for further information on cleaning and sanitising requirements of food businesses.

Part 6.5 Temperature control devices and monitoring (digital probe thermometer)

<p>Food heating / cooling and transportation devices:</p> <p><i>(Please provide photographs)</i></p> 	<p>BBQ, pie warmer</p> <p>Electric display refrigerator. Esky with fresh ice spread evenly.</p> <p>Temperature monitored and ice replaced once daily.</p> <p><i>(eg BBQ, warmer, hot plate, ice bricks and esky, refrigerator, cool room, etc)</i></p>
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One of the most common causes of foodborne illness is the storage and display of potentially hazardous foods at inadequate temperatures for extended periods. All potentially hazardous food must be stored at or below 5oC or at or above 60oC. (See Appendix F for Temperature Danger Zone fact sheet).

Refrigerators, ovens or similar equipment are recommended for premises connected to power. For premises without power, food could be kept cold using covered ice buckets, eskies with ice/bricks, camp refrigerators or cold rooms provided by the event organisers. Hot food could be kept hot using, for example, barbeque hot plates, gas-heated chafing dishes, baine maries, or insulated containers or bags.

A food business where potentially hazardous food is handled, must have a temperature measuring device that is readily accessible and can accurately measure the temperature of potentially hazardous food to +/- 1 oC. For events longer than 4 hours, Kiama Council recommends as a means of best practice and for documentation in the event of any issues, that a temperature record sheet be maintained (See Appendix G for temperature record keeping sheet).

Part 6.5.1 Food Transport

Food transported to temporary events must be kept safe for example:

- Food should be transported in clean, sealed food-grade containers or wrapping.
- Raw foods such as meats should be transported in separate containers from ready-to-eat foods such as salads and breads.
- All potentially hazardous foods must be transported under temperature control (e.g. in a refrigerated truck, on ice in eskies or in thermally insulated bags). Temperature records are to be kept for long travel distances (e.g. > 60 mins).
- The transport vehicle must be clean.
- Food must not be transported in the same compartment as animals.

Part 6.6 Fire Safety and Work Safety

- a) Food business operators (and event management) should ensure there is a sufficient supply of electricity for food handling activities, particularly for hot/ cold food holding and heating water.
- b) Electricity should be supplied through proper supply poles equipped with all necessary safety devices (as required by legislation). All work should be carried out by a licensed electrician and conform to Australian Standard AS 3002-1985 'Electrical Installations – Shows and Carnivals'. WorkCover NSW requires electrical appliances and leads to be tested at least annually, and identification tags to be attached.
- c) Gas should be installed by a licensed gasfitter and comply with the appropriate provisions of Australian Standards AS 1596-1997 and AS 5601-2000. A current compliance plate should be attached to the vehicle for new installations or for any changes made to existing gas appliances.
- d) Gas-fired appliances used in the open should not have a gas bottle greater than 9 kg capacity, and the bottle should be secured so that it cannot be tipped over. Gas bottles must be pressure checked.

- e) A fire extinguisher and fire blanket should be supplied in any vehicle or stall where cooking or heating processes take place. Operators should be able to extinguish small fires if needed.
- f) Fire safety equipment should be easily accessible. The extinguisher should be suitable for dealing with the type of combustible materials present.
- g) Fire safety equipment should be tested annually and have current tagging in accordance with Australian Standard 1851. Contact Fire and Rescue NSW for more information.
- h) All measures should be taken to satisfy the requirements of WorkCover NSW to protect the health, safety and welfare of employees and visitors at the event. Contact WorkCover NSW for more information.

Part 6.7 Food Display (Counter Protection and Sneeze Guards) and Taste Testing

All unpackaged food on display must be protected from contamination including taste testing items. convenient options to prevent customer contamination at temporary stalls could include the use of:

Chafing dishes, lidded containers and cling wrap covers for dishes of self-service food – covers need to remain available to be placed on food once customers have served themselves.

Squeeze-type condiment dispensers and individually sealed condiment packs.

For taste testing samples, single use utensils (e.g. toothpicks, disposable spoons), a disposal container and signage to prevent double dipping (See Appendix I for a taste testing fact sheet).

Part 8.1 Charities and Community Groups

PART 8 - DO I PAY A FEE?		
	Yes	No
8.1	Are you a charitable organisation, not-for-profit organisation or do your profits go to charity?	

Charities and community groups are those which do not derive funds for personal financial gain, but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs). A certificate confirming charitable or not-for profit organisation status may be required to accompany the application. Charities and community groups are exempt from fees.

Note: Food Stalls that are engaged (possibly charged a fee) by charity groups and not for profit organisations however, obtain a personal profit from the event, are not exempt from Kiama Council Temporary Food Stalls fees.

The Food Act 2003 (NSW) and Food Standards Code apply to all food businesses including those selling food for charity or community purposes. It is always an offence to sell food that is unsafe or unsuitable. Therefore, Kiama Council requires an application to be submitted and for the charities and community groups to register with Kiama Council their operations. This is so that Council Officers can guide and advise the charities and community groups of their food safety responsibilities and respond to any incidents.

Charities and community groups are exempt from some requirements; these include:

- Food Safety Supervisor Requirements do not apply. However, it is highly encouraged that a Food Safety Supervisor is present. Alternatively, Kiama Council provides a FREE online Food Safety training entitled 'Imalert'. This is available at www.kiama.imalert.com.au . A certificate is issued on completion.
- Some labelling requirements do not apply; however, it is a requirement to provide information to customers on request about these allergenic ingredients:
 - cereals containing gluten
 - crustacean and their products

- fish and fish products
- egg and egg products
- milk and milk products
- peanuts and peanut products
- sesame seeds and sesame seed products
- soybean and soybean products
- tree nuts and tree nut products
- lupen

Part 8.2 Existing Kiama Municipality Food Premises/Business and Fees

		Yes	No
8.2	Do you have an existing food premises/business within the Kiama Municipality (ie you are on the Council food premises database) and currently pay administration and inspection fees for that business?		

Temporary Food Stall applicants who have an existing FIXED food premises/business within the Kiama Municipality and currently pay administration and inspection fees (i.e. routine health inspections) for that business are exempt from the temporary food stall fees.

A food premises/business at a neighbouring Illawarra Council or fee exemption from a neighbouring Illawarra Council does not exempt you from Kiama Council temporary food stall permit fees.

4.0 Kiama Council Fees and Exemptions

This High risk or low/medium risk non-refundable application processing fee is applicable for all new applicants that Kiama Council has not history with. Council will waive the application processing fee for renewing temporary food stalls should the following criteria be met:

- The stall holder has been approved by Kiama Municipal Council in the last 12 months and;
- The Kiama Municipal Council Temporary Food Stall Application is submitted in full with photographs and documents as required, to Council within 12 days of the expiry date and;
- There are no significant changes in the type of food production, or location of the manufacturing of food, or change in risk (low to high) and;
- There are no outstanding non-compliances with relevant Food Safety Standards noted in a Kiama Municipal Council inspection report. NOTE: Evidence of compliance eg photographs can be submitted with the Temporary Food Stall Application form and will be considered as the above criteria being met.

Low risk primary producers

The only exemption from the above permit fees are for food businesses that are classified as 'low risk primary producers' that do not require Council regulation or inspection. Kiama Council simply asks that the applicant details and type of foods section sold are submitted to Council to be registered in the event of any incidents. These include:

- Whole fruit and vegetable retailers that do not process the fruit and vegetables in any way.
- Liquor retailers (bottled beer & wine) as they are licensed by liquor & gaming NSW with no further input from Council required.
- Pure natural honey produces with no additives.
- Pre-packaged products that are sold in original packaging and the manufacturers premises and transport vehicle is licensed by the NSW Food Authority. A copy of the license must be provided to Council.

5.0 Contact Information

Kiama Council

Tel: 4232 0444

Website: www.kiama.nsw.gov.au

Email: council@kiama.nsw.gov.au

NSW Councils

Website: www.lgsa.org.au/www/html/7-home-page.asp

NSW Food Authority

Tel: 1300 552 406

Fax: 02 9199 8253

Website: www.foodauthority.nsw.gov.au

Email: food.contact@dpi.nsw.gov.au

Food Standards Australia New Zealand

Website: www.foodstandards.gov.au/

Food safety fact sheets:

www.foodstandards.gov.au/scienceandeducation/factsheets/factsheetaz.cfm

SafeWork NSW

Tel: 13 10 50

Website: www.safework.nsw.gov.au/

Email: contact@safework.nsw.gov.au

626/0 References

This document should be read in conjunction with

- Food Standards Australia New Zealand 2019 – Food Standards Code:
 - Standard 3.2.2 – Food Safety Practices and General Requirements
 - Standard 3.2.3 – Food Premises and Equipment
 - Part 1.2 – Labelling and other information requirements.
- Kiama Council Development Control Plan 2020 (DCP 2020), *Mobile Food Vans & Temporary Food Stalls*, Chapter 17
- NSW Department of Primary Industries – NSW Food Authority 2016 – *Guidelines for Food Businesses at Temporary Events*
- NSW Department of Primary Industries – NSW Food Authority – *Guideline to Food Safety Supervisor Requirements*
- NSW Food Authority 2008 – *Potentially Hazardous Foods: Foods that Require Temperature Control for Safety*
- *State Environmental Planning Policy (Exempt and Complying Development Codes (2008)* (NSW) – made under the *Environmental Planning and Assessment Act 1979* (NSW)
- *Food Act 2003* (NSW)

LABELLING – GENERAL REQUIREMENTS

The NSW Food Authority is responsible for administering the labelling provisions of the Australia New Zealand Food Standards Code (the Code). In addition, the Food Authority administers the NSW *Food Act 2003*, which includes sections prohibiting the provisions on labels of misinformation which can mislead the consumer.

The Food Authority is not responsible for:

- the presence and accuracy of total weights and measures statements, which is the responsibility of the National Measurement Institute (however, the Authority is responsible for percentage ingredient statements),
- barcodes
- recycling codes
- composition and labelling of pet food
- therapeutic products (including dietary aids and supplements) registered by the Therapeutic Goods Administration, which are governed by that agency.

Food labelling

Food labelling informs the consumer of the properties of food offered for sale. The information presented on the label must:

- be visible on the outside of the package
- be unambiguous
- not mislead the consumer.

Unpackaged food is exempt from most labelling requirements. However, the consumer must be provided with certain information (see section *Labelling exemptions*). Certain packaged foods are also exempt from some or all of the labelling requirements (see section *Labelling exemptions*).

Under food law, advertising information is considered to be equivalent to labelling.

Information a food label must contain

The food label must identify:

- a name for the food which is prescribed by the Code, or a name/description that describes the true nature of the food
- the production 'lot' of the food prepared under the same conditions and during a particular span of time (date coding can in some circumstances satisfy the requirement for a lot number)
- the name and street address in Australia or New Zealand of the supplier of the food (e.g. the manufacturer, marketer or importer)
- a list of the ingredients

- a statement of the shelf life of the product, as either a 'use-by' or a 'best before' date (see related factsheet *Labelling – Date marking, storage conditions and directions for use* for further details)
- directions for use and storage where these are needed for reasons of health and safety or to ensure shelf life is achieved
- the nutrition information panel (NIP), which shows the quantity of the basic nutrients contained in the food, per serving and also per 100g of that food. Certain packaged foods are exempt from the requirement to carry a NIP, e.g. alcoholic beverages, water, herbs and spices, and prepared sandwiches
- the country of origin of the product and its ingredients (see related factsheet *Labelling – Country of origin* for further details)
- warning and advisory statements and declaration of the presence of substances which may adversely affect the health of people with allergies and food sensitivities (see related factsheet *Food allergies and intolerances*).

Portion-packed foods

Retail businesses often purchase bulk-packed foods, such as cheese wheels, smallgoods, nuts and pulses, which are then divided into portions and repackaged on their premises. The retailer displays these foods in self-service cabinets. Although portion-packed foods require

labelling information (as listed above), there are some additional options available to retailers to comply with the Code. Retailers may choose to:

- attach a label to each portion-packed food, or
- display labelling information on a sign/booklet or tearaway pamphlet in close proximity to the portion-packed food. The information must be legible and the consumer should be able to readily identify the portion-packed food to which the information relates. Information that may change frequently or is essential to protect consumer safety (for example, the use-by date, lot code, storage conditions, allergens) should be declared on a label that is attached to the portion-packed food.

Labelling exemptions

Some food offered for retail sale is exempt from general labelling requirements. Exemptions apply if the food is:

- unpackaged
- in an 'inner' package, not designed for sale without the outer package
- made and packaged on the premises from which it is sold:
 - for a food to be considered 'made' as well as 'packaged' on the premises, it must have
- been processed on the premises in a way that has changed the nature of the food, before packaging the food on the premises. Merely dividing and repackaging portions of food from bulk to individual smaller pieces for sale does not in itself qualify the food for a labelling exemption
- packaged in the presence of the purchaser:
 - a retailer may sell food without a label on the package where the customer witnesses the packaging of the food, so that any questions about the food can be put to the person serving the food for sale
- packaged food displayed in an assisted service cabinet which requires food to be served on request from the purchaser
- whole or cut vegetables and fruit, in a package which displays the nature and the quality of the food (sprouting seeds are excluded from this exemption)
- delivered packaged and ready for consumption at the order of the consumer
- sold at a fundraising event (see related factsheet *Food safety requirements for charitable and not-for-profit organisations*).

Even exempt food must comply with the requirement for the various warning statements required by the Code for safety reasons and also for foods that are genetically modified or irradiated.

With the exception of the presence of royal jelly, genetically modified foods and irradiated foods, this requirement can be met either by displaying the required information in conjunction with the food (mandatory for royal jelly), or providing the information to the purchaser on request.

More information

- visit the Food Authority's website: www.foodauthority.nsw.gov.au
- phone the helpline on 1300 552 406
- see the labelling information detailed in Part 1.2 of the Food Standards Code
- visit the Therapeutic Goods Administration's website: www.tga.gov.au

About the NSW Food Authority: The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled. It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

Note: This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).



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[nswfoodauth](https://twitter.com/nswfoodauth)

March 2016
NSW/FA/F048/1511

Appendix B: Visual Guides of Compliant Designs for Temporary Food Stall Premises (Safe Food Australia 2016)

(Image provided courtesy of City of Gold Coast)

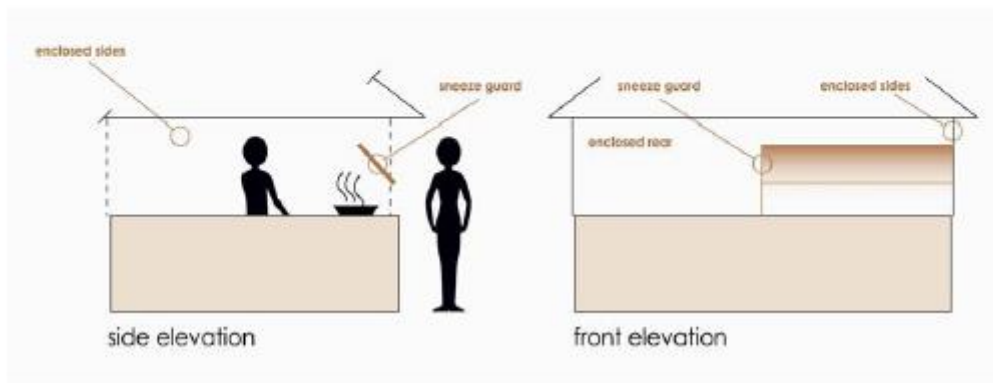
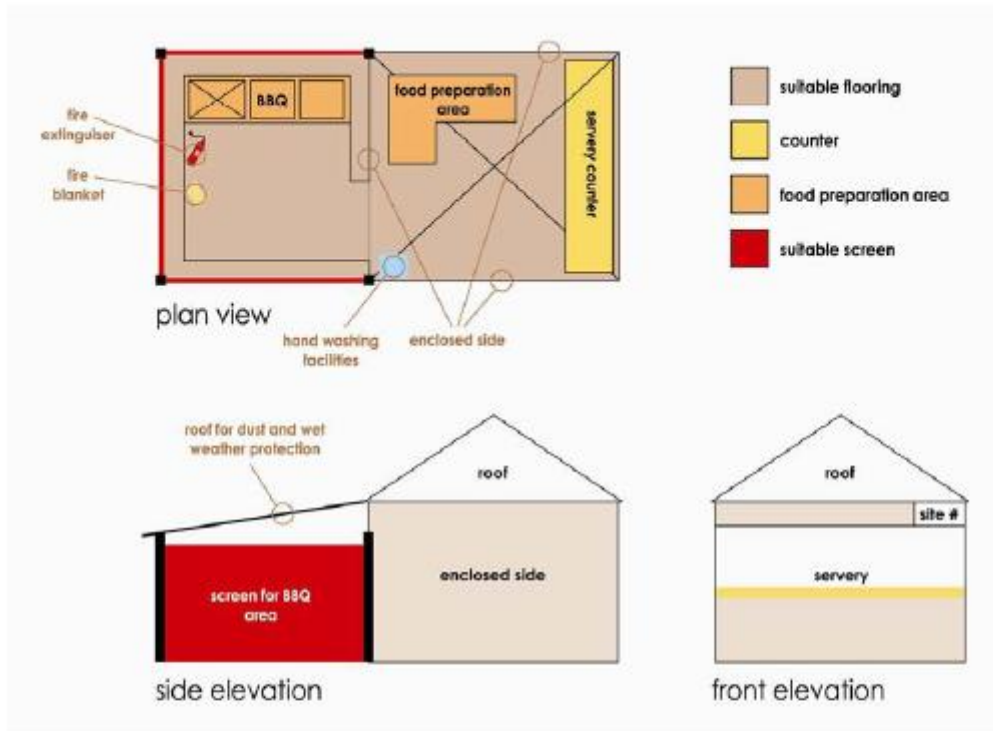
GUIDE FOR THE DESIGN AND OPERATION OF A TEMPORARY FOOD PREMISES (STALL)



This document is for guidance only and is not legally binding. Each premises will be assessed on its own individual food safety risks by the relevant local enforcement agency. Other requirements may also apply (e.g. LPG use, fire control, waste disposal) – seek advice from your local enforcement agency.

Appendix C: Example floor plans for a temporary food stall premises. (NSW Department of Primary Industries Food Authority 2016)

Temporary food stall layout



HAND WASHING IN FOOD BUSINESSES

Correct hand washing is important

Correctly washing your hands is an important step you can take to minimise the risk of foodborne illness in your food business.

Thorough hand washing physically removes dirt, food waste, grease and harmful bacteria and viruses from your hands.

It is a legal requirement for food handlers to wash their hands.

Hand washing facilities

The Food Standards Code requires food premises to have complying hand washing facilities in areas where food handlers work if their hands are likely to be a source of contamination of food.

Additionally, if there are toilets on the food premises, hand washing facilities must be provided immediately adjacent to the toilets. Premises must have complying hand washing facilities.

Hand washing facilities must be:

- permanent fixtures
- connected to or provided with a supply of warm running potable water
- of a size that allows easy and effective hand washing

- accessible
- provided with soap and single use towels (or air drier) and a container for used towels
- clearly designated for the sole purpose of washing hands, arms and face.

Some premises are required to provide hand washing facilities fitted with non-hand operated taps, e.g. abattoirs, butcher shops etc. Check with your local council or the NSW Food Authority.

When hands need to be washed

A food handler must wash his/her hands:

before:

- preparing and cooking food
- handling food, especially ready-to-eat foods
- serving food.

after:

- using the toilet
- handling raw meat, raw poultry or raw eggs
- smoking, sneezing, coughing, blowing his/her nose, eating, drinking or touching his/her hair, scalp or body opening.

Penalties can apply to the food handler for failing to wash his/her hands correctly.

How to properly wash hands

Using the hand washing facilities provided in the food business, follow these steps:

1. Wash your hands thoroughly with soap and warm running water.
2. Lather your hands by rubbing them together with soap. Be sure to lather the backs of your hands, between your fingers and under your nails.
3. Scrub your hands for at least 20 seconds
4. Rinse your hands well under clean, warm, running water.
5. Dry with a clean towel (preferably paper) or air-dry them before preparing or eating food.

Use of nail brushes and antibacterial gels

Clean and undamaged nail brushes can be used during hand washing to assist in removing dough and other hard to remove food residues.

Antibacterial gels that are suitable for use around food preparation can be used in addition to hand washing.

Antibacterial gels on their own are not a substitute for hand washing.



Department of
Primary Industries
Food Authority

More resources at foodauthority.nsw.gov.au



[nswfoodauthority](https://www.facebook.com/nswfoodauthority)



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CLEANING AND SANITISING IN FOOD BUSINESSES

Cleaning and sanitising help prevent the growth and spread of organisms that cause foodborne illness, and help reduce the activity of pests in a food premises.

All food businesses are required to comply with Standard 3.2.2, Clause 19, of the Food Standards Code, which states that a food premises, including the fixtures, fittings and equipment, is to be maintained to a standard of cleanliness where there is no accumulation of:

- garbage and recycled matter
- food waste
- dirt
- grease
- other visible matter.

Note: ‘Cleanliness’ means that surfaces are clean to touch and free of visible matter, and without a bad odour.

Cleaning and sanitising of special equipment

In the food industry, cleaning and sanitising are two separate and important issues.

Under Standard 3.2.2, Clause 20, of the Food Standards Code, a food business must ensure that all eating and drinking utensils and food contact surfaces of equipment are both clean and sanitised.

What is cleaning?

Cleaning generally involves the following steps:

1. Scraping, wiping or sweeping away food scraps and rinsing with water
2. Washing using hot water and detergent to remove grease and dirt (protective gloves may be required)
3. Rinsing off any loose dirt or detergent residue.

What is sanitising?

Sanitising is the process of applying heat and/or chemicals (or other approved processes) to a clean surface to reduce the number of bacteria and other organisms to a safe level. Sanitising can be performed using a dishwasher or chemicals.

How to sanitise effectively

Make sure the item to be sanitised is clean. Sanitising is not effective on unclean surfaces.

Dishwasher

To sanitise with a dishwasher:

1. Use the correct type of detergent or sanitiser

2. Use the hottest rinse cycle available (economy cycle on a domestic dishwasher is not adequate)
3. Look over equipment and utensils when removing them from the dishwasher to check they are clean
4. Clean the dishwasher so there is no build-up of food residues
5. Regularly maintain and service the dishwasher according to the manufacturer’s instructions.

Chemicals

Chemical sanitisers are generally chlorine-based or ammonium-based compounds. Only use chemical sanitisers that are designed for using in food premises.

Products suitable for using in food businesses are available from commercial chemical suppliers and retailers. It is recommended that you seek advice from a reputable supplier.

Dilution rates, contact times and safety instructions vary from product to product. When using and storing chemicals (including bleach), always follow the manufacturer’s instructions.

Items that can fit in the sink can be washed and cleaned in the left-hand bowl and then immersed in a chemical sanitiser solution in the right-hand bowl.

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If an item has been cleaned and is too large to be immersed in the right-hand bowl for sanitisation, the sanitiser solution can be applied using a spray bottle.



How a double bowl sink can be used to clean and sanitise eating and drinking utensils and food contact surfaces of equipment.

Using vinegar and methylated spirits as sanitisers

Vinegar and methylated spirits should not be used as sanitisers. Vinegar is a weak acid and not effective and methylated spirits can leave chemical residue on surfaces.

Using bleach as a sanitiser

Unscented bleach is a chlorine-based chemical that can be used to sanitise food contact surfaces when diluted correctly. A bleach concentration of 50 ppm is only effective when used warm (38°C).

Table 1 shows how to dilute bleach. Contact time with the sanitiser should be at least 7 seconds.

More information

- Phone your local council Environmental Health Officer for information about inspection findings or compliance action. They can clarify what work needs to be done and when.
- Download the [Food Standards Code – Standard 3.2.2 Food Safety Practices and General Requirements](#)
- Visit the Food Authority's website at www.foodauthority.nsw.gov.au
- Phone the Food Authority's helpline on 1300 552 406.

Table 1: Using bleach as a sanitiser

How much water?	How much bleach?					
	Household (4% chlorine)		Strong domestic (6% chlorine)		Commercial (10% chlorine)	
Concentration required (ppm)	50 ppm	100 ppm	50 ppm	100 ppm	50 ppm	100 ppm
Water temp	Warm	Cold	Warm	Cold	Warm	Cold
1 litre	1.25 ml	2.5 ml	0.85 ml	1.7 ml	0.5 ml	1 ml
10 litres	12.5 ml	25 ml	8.5 ml	17 ml	5 ml	10 ml
50 litres	62.5 ml	125 ml	42.5 ml	85 ml	25 ml	50 ml

About the NSW Food Authority: The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled. It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

Note: This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the Food Act 2003 (NSW).



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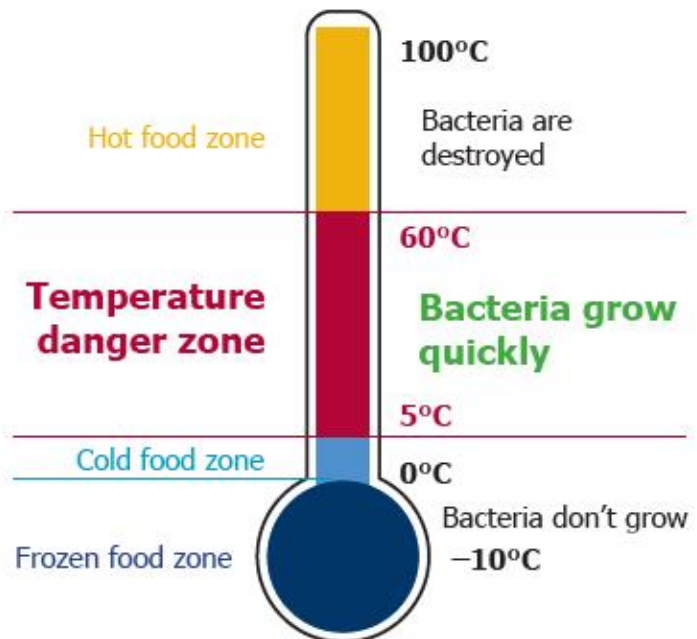
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August 2015
NSWFA/PT118/1508

Appendix F: NSW Food Authority Fact Sheet – ‘Food Temperature Danger Zone’



- The temperature danger zone is between 5°C and 60°C, when it is easiest for harmful bacteria to grow in food
- Minimise the time that food spends at these temperatures in order to keep food safe
- Refrigerated food needs to be kept at 5°C or below
- Hot food needs to be kept at 60°C or above



4-hour/2-hour rule

If a refrigerated food (eg dairy, cut fruit, sandwiches, salad) or a hot food (eg casserole, pie, lasagne, meatballs) has been in the temperature danger zone for a total time of:

0 to 2 hours

Use immediately, or keep at or below 5°C, or at or above 60°C

2 to 4 hours

Use immediately

More than 4 hours

Throw away

If you intend to use the 4-hour/2-hour rule you will need to demonstrate that the food is safe. See the guideline on the 4-hour/2-hour rule on the Authority's website.

Childrens services poster – Temperature danger zone NSW/FA/FI128/1106

Appendix G: Temperature Record Keeping Sheet Template

Date and name of event: _____

Name of stall: _____

Hot food must be held hot at above 60 Degrees Celsius
Cold food must be held cold at below 5 Degrees Celsius

Temperatures of food can be checked by using a probe thermometer. It must be cleaned and sanitised each time a new temperature is taken.

Temperature(s) of food stored before event: _____

Temperature(s) of food when setting up stall: _____

Check every 4 hours after initial set up.

*** Examples of cold or hot hold could be eskies, baine-maries or refrigerated units.

Cold storage of food

Time Checked	Temperature (°C)				Corrective action taken if temperature was above 5°C	Person who checked
	Esky 1	Esky 2	Fridge 1	Fridge 2		
<i>Example: 9:00am</i>	<i>4.5°C</i>	<i>8°C</i>	<i>5°C</i>	<i>9°C</i>	<i>Esky 2 – added more ice to esky. Temperature checked again 10 minutes later and it was 5°C</i>	<i>John Check</i>
					<i>Fridge 2 – removed all items out of fridge 2 and placed into fridge 1 as fridge 2 was faulty and could not be repaired on the day.</i>	<i>John Check</i>

Appendix H: Kiama Council Checklist for Temporary Food Stallholders



Temporary Food Stall Checklist for Stall Holders

- Appropriate structure **e.g.** Three-sided marquee, enclosed tent or mobile van/trailer.
- Premises, fixtures, fittings, flooring, walls, tables, table cloths, food contact surfaces, utensils are easy to clean and in a clean standard (No grease, dirt, dust, food matter etc.)
- No public access to food area including protective barriers and sneeze guards.
- All food prepared inside stall.
- Fire extinguisher and fire blanket (only required for full preparation of food).
- Thermometer in use.
- Temperature Records kept. After initial set up and every 4 hours thereafter (see record keeping sheet template provided).
- Temperature control for potentially hazardous foods (**i.e.** 5°C or below for chilled, -15°C for frozen and 60°C above for hot food).
- Temperature control maintained during transport.
- Adequate storage facilities (Items and food not stored on the floor).
- Food is covered and protected from contamination.
- Raw and cooked food prepared separately.
- Taste testing samples covered, single use items only.
- Personal hygiene: clean attire and habits, no smoking in the food stall, no uncovered cuts or sores, or contagious illness on food handlers.
- Hand wash basin or minimum 25 L water drum with a flick tap and labelled wastewater bucket.
- Food grade sanitiser or a mechanism to apply min 77°C water to utensils for 30 seconds.
- Liquid hand soap (not instant hand sanitiser) and paper hand towels.
- Pre-packaged food labelling: Description, name & address of supplier, mandatory & advisory warnings (**e.g.** allergens), ingredients list, NIP, date marking and storage conditions.
- Provide **an** rubbish container that is easy to clean.

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Appendix I: Kiama Council Taste Testing Fact Sheet



FACT SHEET TASTE TESTING

Taste testing or sampling of foods can be a great way for your potential customers to 'try before they buy'. However, if not done properly and hygienically, samples can be a source of food contamination and could spread diseases. Food that is not protected from contamination can make your customers sick.

Know the risks

There are many potential risks associated with taste testing - from people, from bacteria and even the surrounding environment. If people contaminate your food samples by breathing, coughing or touching, diseases can be spread. Someone sneezing nearby could easily contaminate samples that are unprotected. Some bacteria and viruses can survive for hours on the surface of food.

Bacteria contamination can occur if samples are not kept at correct temperatures or not separated from other foods that may cause contamination.

Animals, dust, foreign objects and chemicals can also cause contamination. While taste testing can be an effective way to sell your product, it is in your best interest, and the interest of your customers' health, to keep your food samples free from all types of contamination.

Preparing or manufacturing the food

If you provide taste testing for your customers, you need to ensure that the food has been properly prepared.

You need to demonstrate that the food has been prepared at approved premises. The approval for the premises where the food was made must be available (on request) wherever the sample food is available for public consumption.

If you are cooking, preparing or displaying food samples on site, for example at a market, you will also need to hold an approval to operate a Temporary Food Stall. Even if you are offering samples for taste testing of pre-packaged foods such as corn chips and bottled salsa you will require an approval to operate a Temporary Food Stall.

The Temporary Food Stall will need to meet the minimum requirements of the Food Act 2003 (Food Safety Standards).

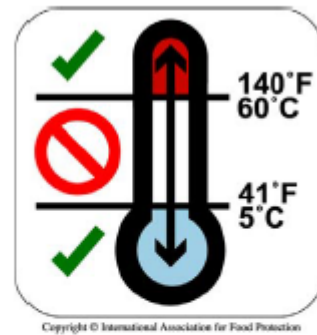
Transporting of food

All food must be protected from contamination during transport. It should be kept totally sealed and transported in a clean vehicle.



If the food is potentially hazardous (that is, required to be kept hot or cold), careful consideration must be given to how you are going to transport the food and maintain correct temperatures.

- Cold food must be kept at 5°C or less. Use refrigerated vehicles or, for shorter time periods, an esky packed with ice.
- Hot food must be kept at 60°C or higher. Use vehicles that are equipped to keep food hot or, for shorter time periods, insulated hot bags.
- You must have a food thermometer with you to ensure that food is kept at the required temperatures at all times.



Serving the food

When serving, it is important to keep the food protected from all the different types of contamination.

Ways to protect food from contamination:

- Provide single serves of your product. Use disposable cups, spoons, toothpicks or other implements to minimise the amount of handling by the customer.
- Provide a physical barrier (a sneeze barrier), such as perspex between the customer and the food.
- Display small quantities, so that food samples have less time to become contaminated.
- For potentially hazardous food, keep the food samples hot (above 60°C) or cold (below 5°C).
- Signage must be displayed adjacent to the taste testing stating 'No double dipping, single serve only'.
- Supervise the samples to ensure that customers do not contaminate by re-dipping spoons or other items.
- Provide litter containers so that customers can dispose of single use items, leaving the area clean and tidy.
- Use tongs and gloves when you handle samples.
- Best practice taste testing of food is achieved when the proprietor or staff at the stall fully control taste testing by keeping the taste testing products protected behind the counter and serving the product to the customer with a tong or other implement.

Food samples that are manufactured, prepared, transported and served correctly will have much less risk of contamination and will help you present a quality product for taste testing.

The law

National food safety standards have been developed to reduce food-borne illness and to help food businesses produce food that is safe to eat. Copies of the Food Safety Standards can be obtained by contacting the Food Standards Australia New Zealand (FSANZ) on (02) 6271 222, emailing: info@foodstandards.gov.au or on the website www.foodstandards.gov.au.

While Council wishes to assist you in operating a successful Temporary Food Stall it is legally required to enforce these laws. Council can issue a statutory notice if a business does not meet the safety standards, and will collect evidence to prosecute the business if the problem persists.

For further information on this topic, please contact Council on 4232 0444.

How to contact Council

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Monday to Friday (excluding public holidays)

