ABOUT THIS GUIDE

This guide is for businesses, charities and community organisations that operate food premises, mobile food vehicles, mobile food carts and catering businesses. It provides advice on licensing a food business or mobile food vehicle.

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INTRODUCTION

Food safety is an important issue to the Australian community. The correct construction, maintenance and operation of a food business ensures the general community is provided with both safe and suitable food. An important part of providing safe food is the licensing of food businesses.

This guide has been developed to assist food businesses in meeting Council requirements and submit an application to licence their food business.

Brisbane City Council licenses food premises in accordance with the Food Standards Australia New Zealand (FSANZ) Food Safety Standards and the Food Act 2006.

FOOD LAWS

The construction and operation of food premises need to comply with the Food Act 2006 and Food Safety Standards. This guide is based on the requirements of the Act and standards and will provide adequate information to prepare an application for a licence under the Food Act 2006. Details on the design on fit out of your food shop are explained in detail in the Brisbane City Council Information book called Food Premises, Design, Construction and Fit Out Guide.

The Food Safety Standards are based on a preventative approach to the incidence of food borne illness in Australia and are designed to ensure food businesses produce food that is safe to eat.

All owners and operators of food business need to have a knowledge and understanding of the Food Safety Standards outlined in the Food Safety Practices and General Requirements and Food Premises and Equipment Standards. These standards can be obtained by contacting FSANZ on (02) 6271 2222 to purchase a copy or visiting www.foodstandards.gov.au to download a copy.

The Food Safety Standards have been incorporated into the Food Act 2006 and have been adopted across Australia to provide nationally consistent laws. Local governments are responsible for the licensing, monitoring and enforcement of food businesses.

The Food Act 2006 introduces concepts never before used in Queensland’s food legislation. The Food Act 2006 manages food safety based on the level of risk that the food business presents to the community. The introduction of nominated food safety supervisors in all food businesses and introduction of Food Safety Programs in certain higher risk food businesses will ultimately increase knowledge of food safety matters throughout the industry.
WHO NEEDS TO BE LICENSED?

The Food Act 2006 defines what a licensable food business is.

A licensable food business is a food business that:

- involves the manufacture of food; or
- involves the retail sale of unpackaged food (café/restaurant, takeaway food bar) and is not a non-profit organisation; or
- is carried on by a non-profit organisation and involves the sale of meals on at least 12 days each financial year.

A food business is any business, enterprise or activity, including charity groups that handle food or sell food. If you are operating a food business, you may need a licence from Council.

Food premises are any premises, including temporary structures and mobile food vehicles, where food is handled. If you are operating from a food premises, they need to be approved by Council. If you own or operate more than one premises you will need to hold a licence for each food premises.

WHO DOESN'T NEED A LICENCE?

The Food Act 2006 exempts certain food businesses from requiring a licence. Although these operations are exempt from licensing they still need to comply with the requirements of the Food Safety Standards. A food business may apply to Council for a design assessment without applying for a licence.

The following food businesses do not require a licence:

- sale of meals by a non-profit organisation that operates less than 12 days in a financial year
- production of primary produce under an accreditation granted under the Food Production (Safety) Act 2000 – including meat, dairy, seafood and egg schemes
- handling or sale of fisheries resources under a buyers licence issued under the Fisheries Regulation 1995, except where the seafood is cooked
- sale of unpackaged non potentially hazardous snack foods, such as biscuits, cakes, confectionary, nuts and potato chips
- sale of whole fruit or vegetables
- sale of seeds, spices, dried or glazed fruit, dried herbs, tea leaves, coffee beans or ground coffee,
- grinding of coffee beans
- sale and preparation of drinks including tea, coffee, soft drinks and alcohol, (other than drinks that consist wholly or partially of fruit or vegetable juice processed at the place of sale)
- sale of ice, including flavoured ice, such as slurpees and snow cones or bags of party ice (manufacturing of ice is not exempt from food licensing)
- providing of meals by a non-profit organisation that are pre-prepared by another organisation and are stored and heated or otherwise prepared by the non-profit organisation in accordance with the directions of the meal's manufacturer
- sale of food, by a non-profit organisation, that is prepared as part of an educational or training activity conducted by the organisation involving food preparation, hospitality or catering
- sale of food, by a non-profit organisation, that consists of low risk food (e.g. fruits, cereals, toast or similar food).

If you have any queries regarding whether you are a licensable food business please contact Council on (07) 3403 8888.
WHAT IS A FOOD SAFETY SUPERVISOR?

Commencing from 1 July 2007 all licensed food businesses must have an approved food safety supervisor. The licensee of the food business may be the food safety supervisor and a business may have more than one food safety supervisor. A food safety supervisor is a person who has undertaken training in safe food handling and/or has sufficient experience in working in the food industry. The food safety supervisor needs to be reasonably contactable by Council when the business is operating.

What does a licensee need to tell Council?

— the name and contact details of the food safety supervisor within 30 days of the license being issued
— the name and contact details of any new food safety supervisors within 14 days of the person becoming a food safety supervisor
— if there is any changes to the contact details of the food safety supervisor within 14 days of the change.
— if a person ceases to be a food safety supervisor within 14 days of the change.

WHAT IS A FOOD SAFETY PROGRAM?

From 1 July 2007 certain food businesses are required to have a Food Safety Program. All food businesses have the opportunity to apply to have a Food Safety Program accredited. Council is responsible for accrediting Food Safety Programs.

A food safety program is a program that assists business in identifying food safety hazards, control measures for these hazards and provides systematic monitoring of food safety hazards. An important part of a Food Safety Program is record keeping. Record keeping assists food businesses in demonstrating compliance with the Food Safety Program. It is important to undertake a regular review of the program to ensure the program is meeting the needs of the food business.

Who needs a Food Safety Program?

Section 99 of the Food Act 2006 states which food businesses require a Food Safety Program and section 100 gives the opportunity for other food businesses to have a Food Safety Program. If you are considering developing a Food Safety Program it is recommended you contact Council to discuss the requirements for your business.

The Act currently requires the following businesses to have a Food Safety Program from 1 July 2007:

• a food business involving off-site catering
• a food business where the primary activity of the food business is on-site catering at the premises or part of the premises stated in the licence
• a food business is carried on as part of the operations of a private hospital under the Private Health Facilities Act 1999
• a food business that—
  – involves the handling of potentially hazardous food or other food that is reasonably likely to pose a risk to public health or safety; and
  – is a food business prescribed under a regulation.

If you are considering developing a Food Safety Program, please contact Council on (07) 3403 8888.
APPLYING FOR A LICENCE

THE LICENSING PROCESS — FOR ALL FOOD BUSINESSES, ‘FIXED’ AND MOBILE

When applying for a new licence from Council there is a two-stage assessment process. Stage one is a design assessment and stage two is the licence application assessment. Both of these stages are explained in detail in this guide. If after reading this guide you are still unsure about what steps to take, please phone Council on (07) 3403 8888 to make an appointment with an Environmental Health Officer at your nearest Regional Business Centres for advice (see page 13 for locations).

When constructing a new food premises it is important to make sure that the design meets the requirements of the Food Safety Standards. Council assesses your design against the Food Safety Standards and provides you with advice and additional design requirements (design assessment) for construction of the premises.

Once you obtain your design assessment you must apply for a licence within 30 days prior to commencing trade. Council will conduct an audit of the premises to ensure the construction is completed in accordance with the design assessment prior to issuing a licence.

It is important not to apply for a licence until you have obtained a design assessment unless you can complete construction of the premises within 30 days of making a design assessment application. Council may refuse your licence if you are unable to complete construction of the premises within 30 days of making a licence application.

It is important to remember that a food licence application does not include any building, plumbing or development approvals. These approvals should be obtained prior to making any applications for a food licences (refer to the ‘Design Assessment Checklist’ on page 6).

NEW PREMISES

DESIGN ASSESSMENT

When constructing a new food business, it is essential that certain approvals are obtained before others. By obtaining all the required approvals before starting the design assessment stage, you can reduce the possibility of costly mistakes.

Before starting the design assessment stage, check that the following approvals have been obtained:

- Development approval – you will need to check whether a development approval is required for a food business to be conducted on the site you are considering. You can contact Council’s Customer Liaison Officer for brief development assessment advice on (07) 3403 8888.

- Building approval – you may need to obtain building approval from a private certifier to carry out minor or major building works. Works that may require a building approval include partition changes, structural changes, mechanical exhaust ventilation, internal layout changes or alterations to the shop front. Building advice can be obtained from private building certifiers.

- Plumbing approval – all plumbing approvals need to be obtained from Council’s Plumbing Services. Please phone Council on (07) 3403 8888 for more information.

- Trade waste approval – you may require Council’s approval for trade waste and grease traps. Please phone Council on (07) 3403 8888 for further information on trade waste approvals. If you are operating mobile premises, you will need to organise the disposal of your waste through a private waste contractor.
DESIGN APPLICATION CHECKLIST

The following checklist can be used as a reference when making an application for new food premises. This will assist you with providing Council with all the relevant and correct information to process your application quickly.

Design Assessment Checklist

The following approvals should be considered before starting construction of your food business.

- Development Assessment approval
- Food Premises Design Assessment (Council)
- Building approval (Private Certifier)
- Advertising Signs (Council)
- Plumbing approval (Council)
- Liquor Licensing (if required) (QLD Government)
- Trade Waste approval (Council)

LODGING A DESIGN FOR ASSESSMENT

The design assessment process simply means having your plans assessed so that you can construct or fit out the food premises or vehicle. To obtain a design assessment you will need to submit:

- a completed application form
- the appropriate fees
- plans and drawings (refer to the examples in Appendices 1, 2, 3 and 4 at the back of this guide).

For an application form or further information on fees payable contact Council on (07) 3403 8888 or visit www.brisbane.qld.gov.au

The plans, application form and fees must be lodged before you begin construction. Council will assess the design and then give you a design assessment document. This document will specify any alterations that you may need to make. This design assessment enables you to begin ‘fitting out’ the food premises or vehicle in accordance with Council’s requirements and the Food Act 2006. It is NOT an approval to open or operate a food business.

Submit two copies of plans/drawings that are A3 size maximum. The following types of plans and drawings are ordinarily required for design assessment.

- Layout plans – (must be drawn to scale of not less than 1:50)
  - The floor plan must show the layout of the food premises and the locations of all equipment, fixtures and drainage facilities. The floor plan should also include what materials will be used for floors, walls, ceilings and equipment. For example, floor – tiled, sinks – stainless steel, bench tops – laminate. Examples of a floor plan can be found in Appendices 1 and 3 at the back of this guide.
  - The ceiling plan must be provided for areas where food is prepared or stored, particularly where there are decoration or decorative light fittings proposed.

- Sectional elevations drawings– (must be drawn to scale of not less than 1:50)
  - A sectional elevation drawing should show the ceiling heights, wall and floor clearances of benches, equipment and fixtures (including plumbing works and scullery facilities). Examples of a sectional elevation drawing can be found in Appendices 2 and 4 at the back of this guide.
• Mechanical exhaust ventilation plans and elevations – (must be drawn to scale of not less than 1:50)
  – Where the installation of mechanical exhaust systems is required, you will need to lodge the plans and elevation drawings to show that the proposed system is compliant with the relevant provisions of the Australian Standards AS1668. This will include a site plan showing the height and location of the discharge point in relation to the property boundary and any existing or proposed outside air inlets of the property where the food premises are located and those of the adjoining property that are within 6 metres of the discharge point. Information on Australian Standards AS 1668, can be obtained from Standards Australia through its website www.standards.com.au or phone 1300 654 646.

Plus for ‘fixed’ premises –

• Site plan – (must be drawn to scale of not less than 1:200)
  – The site plan should show details of staff toilet facilities, waste storage and collection areas, grease trap (where one is required) and adjacent land uses.

• Hydraulic plan – (must be drawn to scale of not less than 1:100)
  – The drainage system of the kitchen, particularly the floor drain and the scullery facilities, that leads to the grease trap must be shown on the plan.

**LICENCE APPLICATION ASSESSMENT**

You should commence construction or fitting out works only after you have received your design assessment document. You need to make an application for a licence within 30 days prior to commencing trade. Once the construction of the premises is completed, you must contact Council to conduct a structural audit of the premises to ensure that the construction is in accordance with the design assessment. Please contact Council on (07) 3403 8888 for an appointment to be made for a structural audit. It is advisable to book your appointment at least two working days prior to the intended date of the structural audit.

A Council Environmental Health Officer will conduct a structural audit and may issue a licence certificate with conditions applicable to your business. A licence must be obtained before any food is to be handled or stored at the premises.

If you have not constructed the premises in accordance with the requirements of the design assessment, Council may refuse to grant a licence or may issue a provisional licence with conditions that must be complied with within set time frames.

After the licence is issued a Council Environmental Health Officer may conduct a conditions audit of the food business operation to ensure compliance with the Food Safety Standards.

Your licence is valid for a period of 12 months from the issue date. Each year you will be required to renew your licence with Council. A renewal notice and a fee quote will be mailed to you each year and payment of the fee quote by the due date is required to renew your licence for another year.
EXISTING PREMISES

BUYING AN EXISTING BUSINESS

When buying a food business that is already operating, it is vital that you obtain some information from Council before the sale is finalised or contracts are signed.

Firstly, check with Council that the food business has a current licence. Secondly, you may apply for an Inspection Report from Council.

Inspection Report

The Inspection Report will list any outstanding requirements under the Food Act 2006 that the food business needs to rectify or maintain. It is strongly recommended that you obtain an Inspection Report before you settle your contract of sale. The inspection report will list any outstanding licensing requirements or breaches against the Food Act 2006 as identified at the time of inspection. Once you become the licence holder you would become legally liable for any pre-existing defects or breaches that you may inherit from the previous owner of the food business.

An application for an Inspection Report can be made at a Regional Business Centre near you. The application must be lodged with the appropriate fee and written permission from the current owner for Council to release the report to you. It is advisable to lodge the application at least 10 working days before it is required.

OBTAINING A NEW LICENCE FOR A PREVIOUSLY LICENSED PREMISES

When taking over the ownership of a previously licensed food business you must apply for a new licence. Council will assess your application and decide to grant or refuse your application. A Council Officer may inspect the premises during this process to assess the suitability of the premises. It is important to remember that once the new licence is granted the new holder is responsible for any outstanding requirements that may apply to the premises.
SELLING YOUR FOOD BUSINESS

When selling a food business, ensure that your licence is current and that there are no outstanding requirements. This will make the sale process easier and avoid lengthy negotiations with potential buyers about outstanding requirements. You could also consider providing any prospective purchasers with an Inspection Report. This could speed up negotiations with possible purchasers.

RENOVATING OR ALTERING EXISTING PREMISES

If you are making structural changes to your premises, you will need to contact Council for advice. You may need to lodge a design assessment application with Council for assessment. Once you receive your design assessment document, you may make the approved changes. When the work is complete, contact an Environmental Health Officer for an appointment to conduct a structural audit.

For more information, phone Council on (07) 3403 8888.

MOBILE FOOD BUSINESSES

With an increase in fairs and festivals in Brisbane, mobile food vehicles and mobile food carts have increased in popularity. Mobile food vehicles and carts are considered to be food businesses and may need to be licensed under the Food Act 2006.

The Food Act 2006 enables an operator of a mobile food vehicle to take the vehicle into any Local Government in Queensland and operate under the one licence. The Local Government in which the van operates may inspect the vehicle and take action against the operator if required.

If you wish to operate your mobile food vehicle or cart by the side of the road or on the footpath, you will need to also apply for a ‘Standing Vehicle’ permit under Council’s Local Law. A ‘Standing Vehicle’ permit requires a separate application. For more information, phone Council on (07) 3403 8888.

TEMPORARY FOOD STALLS

The licensing of temporary food stalls is explained in the information guide for temporary food stalls. This guide can be obtained from Council’s Contact Centre, Regional Business Centres and Customer Service Centres.

CATERING BUSINESSES

If you are operating a catering business you must be licensed with Council as a food business. All food being prepared must be prepared at an approved premises and/or if your business involves off site catering, at the event. If you are transporting food you must advise Council of all the food transport vehicles involved in the catering operation.

If you wish to operate from domestic premises, you will need to ensure the premises fully complies with the Food Safety Standards. You will also need to check with Council’s Development Assessment Team to find out whether you can operate a business at your home. Development Assessment advice can be sought by phoning Council on (07) 3403 8888.

From 1 July 2007 caterers are required to submit a Food Safety Program to Council for accreditation. Further information on Food Safety Programs can be found in this guide.

If you are unsure of how you plan to operate your catering business, you will need to speak with a Council officer. To arrange a time for a meeting please contact Council on (07) 3403 8888.
OPERATING YOUR BUSINESS

Council has developed several fact sheets that relate to specific operational food hygiene issues. Topics include:

- food quality
- cross contamination
- food poisoning
- personal hygiene
- temperature control
- pest management
- waste management
- cleaning
- taste testing.

Copies are available from Council’s Contact Centre, Customer Service Centres and Regional Business Centres. Information is also available on Council’s website www.brisbane.qld.gov.au

OTHER ISSUES TO CONSIDER

ADVERTISING AND SIGNAGE

Council has a Local Law that deals with advertising material. For further information about whether your outdoor advertising and signs need to be licensed, phone Council for advice or a copy of the Advertising Sign fact sheet.

FOOTPATH DINING

If you wish to place tables and chairs on the footpath, you will need to obtain a Footpath Dining Permit. For further information, refer to the Footpath dining guide or phone Council on (07) 3403 8888.

LIQUOR LICENSING

Liquor licensing permits are obtained from the Liquor Licensing Division of State Government. The Liquor Licensing Division is part of the Department of Tourism, Racing and Fair Trading and can be contacted on (07) 3224 7024 or visit their website on www.liquor.qld.gov.au

SMARTLICENCE

SmartLicence provides a guide to local government, State and Federal licensing requirements for businesses. Application forms can be downloaded from this site. SmartLicence can be contacted on 1300 363 711 or visit www.sd.qld.gov.au

INDUSTRY ASSOCIATIONS

There are numerous industry associations that assist people in the food industry. Some of the major associations are:

- Restaurant and Catering Queensland – phone (07) 3252 8880
- Commerce Queensland – phone (07) 3842 2244
- Queensland Hotels Association – phone (07) 3221 6999
- Clubs Queensland – phone (07) 3252 0770
QUEENSLAND HEALTH
Queensland Health can provide information about Food Standards that relate to labelling and food composition requirements. They can be contacted on (07) 3234 0111 or visit their website www.health.qld.gov.au

FEES
Information about fees for design assessment, licence applications, inspection reports and other Council processes can be obtained from Council’s Contact Centre, from Council’s website www.brisbane.qld.gov.au or you can visit a Regional Business Centre or Customer Service Centre (refer to page 13 for locations).

ADDITIONAL INFORMATION
Additional information about food hygiene can be obtained from Food Standards Australia New Zealand (FSANZ). FSANZ promotes safe food through developing national food safety standards. Contact FSANZ on 02 6271 2222 or visit www.foodstandards.gov.au

KEY DEFINITIONS
There are some words and phrases from the Food Act 2006 and FSANZ Food Safety Standards that have specific meanings in relation to food licensing. Some of the more important definitions have been included in this guide.

Food business – a business, enterprise or activity (other than primary food production) that involves:
- the handling of food intended for sale
- the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

A proprietor of a food business is the person operating, or in charge of the food business.

Food premises are any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, boats, pontoons and any other place used for the handling of food for sale, including premises used principally as a private dwelling. It does not mean food vending machines or vehicles used only to transport food.

Food handling includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

Primary food production is the growing, cultivation, picking, harvesting, collection or catching of food, and includes the following:
- the transport or delivery of food on, from or between the premises on which it was grown, cultivated, picked, harvested, collected or caught
- the packing, treating (for example, washing) or storing of food on the premises on which it was grown, cultivated, picked, harvested, collected or caught
- any other food production activity that is regulated by another Act.

However, primary food production does not include:
- any process involving the substantial transformation of food (for example, manufacturing or canning), regardless of whether the process is carried out on the premises in which the food was grown, cultivated, picked, harvested, collected or caught
- the sale or service directly to the public.
**Sell** means (but is not limited to):

a) barter, offer or attempt to sell

b) receive for sale

c) have in possession for sale

d) display for sale

e) cause or permit to be sold or offered for sale; and

f) send, forward or deliver for sale

g) dispose of in any way for valuable consideration

h) dispose of to an agent for sale on consignment

i) provide under a contract of service

j) in relation to food, supply the food as a meal or part of a meal to an employee, under a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work

k) dispose of by way of raffle, lottery or other game of chance

l) offer as a prize or reward

m) give away for the purpose of advertisement or in furtherance of trade or business

n) in relation to food, supply the food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment

o) in relation to food, give the food away, from a food business, to a person

p) sell for the purpose of resale.
BRISBANE CITY COUNCIL REGIONAL BUSINESS CENTRES

Council’s Regional Business Centres provide localised business and community services to builders, developers, small business, the trades, and industry and community groups.

**North Region**
- 960 Gympie Road
- Chermside
  - (Opposite the Tax Office)

**West Region**
- 46-56 Coonan Street
- Indooroopilly
  - (Opposite roundabout)

**East Region**
- Carindale Regional Shopping Centre
- Corner Millenium Boulevard & Carindale Street
- Carindale

**Central Region**
- Brisbane Square
- 266 George Street
- Brisbane

**South Region**
- Sunnybank Hills Shoppingtown
- Shop 301, Level 1
- 661 Compton Road
- Sunnybank Hills

**Customer Service Centres**

Applications can not be made at Council’s Customer Services Centres. Application forms and further information can be obtained from these centres.

**City**
- Brisbane Square
- 266 George Street
- Brisbane

**Chermside**
- Chermside Shopping Centre
- 375 Hamilton Road

**Inala**
- Inala Civic Centre
  - Corner Corsair Avenue and Wirraway Parade

**Indooroopilly**
- Westfield Shoppingtown
- 69 Station Road

**Upper Mt Gravatt**
- Garden City Library
  - corner Logan Rd and Kessels Rd

**Wynnum**
- Ground Floor
- Wynnum Civic Centre
  - Corner Bay Terrace and Charlotte Street
APPENDIX 3 – EXAMPLE MOBILE FOOD VENDOR FLOOR PLAN

NOTE: All equipment to be fitted to floor/walls to be fixed in an approved manner.

12. 150mm Clearance to wall and other surfaces, alternatively mount and secure on castors.

All corners to have aluminium coving (typical)
ELEVATION 2

ITEM No. SCHEDULE
1 Stainless Steel Bench Top with Double Bowl and Water Storage Under
2 Stainless Bench
3 Grille
4 Fryer
5 Stainless Steel Shelf
6 Stainless Steel Canopy (Refer Detail)
7 & 8 Upright Fridge
9 Stainless Steel Bench Top with Cupboards/Storage Under
10 Bainmarie
11 Basin
12 Freezer
13 Sky Light
14 Windows (Exist)
15 Servoy Hatch
16 Aluminium Wall Sheet
17 Laminated Wall Sheet
18 Flooring details

NOTES: All walls to be laminated unless noted otherwise. Full descriptive detail required to provide explanation to plans.