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Guidelines for setting up a home based food business

These guidelines outline the Health requirements and are designed to provide a guide for anyone wanting to set up a home-based food business. It is important to be aware that the handling of food intended for sale must be done in a registered food premises. These guidelines are based on the requirements of the Australian New Zealand Food Standards Code. These Standards set out operational and structural requirements for food businesses. By satisfying the structural requirements, the operational outcomes will be easier to achieve and therefore aid you in preparing food that is both safe and suitable.

Running a food business and preparing food for sale is different from cooking food for the family. You will need to think about the suitability of your home and whether you can prepare food safely at home, with consideration for the type(s) of food, variety and quantity you are planning to make and whether it will practically fit in with your lifestyle. It is also important to consider your options should your business grow to an extent that your home is no longer sufficient to prepare food for the business. In this event, the safety and/or suitability of the food may be compromised and you will need to look into commercial facilities.

Do I need to notify Council?

Under the Food Act 1984, **all** food businesses handling food for sale **must** register their food premises with Council. Registration must be obtained from Council's Health Services Unit **prior** to commencing operation of your food business. *Operating a food business without the required Council registration is an offence and penalties may be applied.* Before registering a business, Council must be satisfied that all the requirements for registration have been met.

What are the requirements for food businesses?

A food premises where food is made or handled for sale, must be constructed to a necessary standard and the food handling operations conducted at the premises must comply with various requirements. In addition, there are also laws regarding the packaging and labelling of food products.

It is important to note that the facilities found in a residential setting will generally not meet the required food standards without undertaking some structural alterations.

Risk classification of your proposed food business

The requirements for your proposed food premises (e.g. structural and operational) depends upon the risk classification of your proposed business; the processes to be undertaken; and the quantity of food you intend to produce. The Food Act 1984 groups' food premises into separate 'classes'.

The classification system is risk based, and sets out food safety requirements for each class based on the food safety risks. Based on the information received, Council Environmental Health Officers will determine the Risk Classification that applies to your proposed business.

The risk classification system contains 4 risk classes. The 4 classes are summarised below to provide some guidance in the setup stages.

- Class 1** – Include food businesses that serve ready-to-eat potentially hazardous food to vulnerable people in hospital, child care and listed facilities for the aged.
- Class 2** – Include food businesses that handle potentially hazardous unpackaged foods (irrespective of volume).
- Class 3** – Include food businesses that handle unpackaged low risk food, pre-packaged potentially hazardous food, or the warehousing or distribution of pre-packaged foods.
- Class 4** – Include retail premises that only sell pre-packaged low risk food, and premises at which certain other low risk or occasional activities occur.

Further information on the classification system and classes can be found in the Government Gazette No S232 -22 June 2010 or at Department of Health and Human Services Food Business Classifications.

Can I use my domestic kitchen for a home based food business?

A domestic kitchen registration is where food is prepared, handled or stored for sale at events or markets from a private dwelling which is registered under the Victoria Food Act 1984. All registered domestic kitchens should be designed appropriately for the nature and quantities of foods produced and are only suitable for small amounts of low risk foods.

For the production of high risk foods (Class 2 food premises) or large scale production of low risk foods (Class 3 food premises), a commercial kitchen separate to your domestic kitchen which complies with the Australian Standard for fit out of food premises must be provided. High risk foods are foods that require refrigeration to stay safe such as meat, dairy, eggs and seafood.

As a guide the following requirements would need to be met in order for the proposed food business to operate from a domestic kitchen:

- The domestic kitchen is 'fit for its purpose' i.e. adequate (good condition, of sufficient size, able to cope with the scale of products being made etc.) for the production of safe and suitable food; and
- fixtures, fittings and equipment are adequate and fit for their intended use; and
- The domestic kitchen can be used at times, with no or limited access by other family members, to prevent possible risk of contamination of food and surfaces etc.; and
- Animals, ill family members and visitors can be effectively excluded from the domestic kitchen whilst it is being used for the food business.

What happens if I can't meet the requirements for a home based food business?

Proposed premises that are determined to be a Class 2 food business are unlikely to meet the necessary food safety requirements of the Food Standards Code in a domestic kitchen. Other suitable options that could be considered include:

- A separate dedicated kitchen set up at home in a garage or separate room within the home.
- Hiring an existing commercial food premises.
- Hiring a community venue with a commercial kitchen setup.

What requirements do I need to consider for my domestic kitchen?

This guide should be read in conjunction with the **AUSTRALIAN NEW ZEALAND FOOD STANDARDS CODE, Standard 3.2.2** 'Food safety practices and general requirements' and **Standard 3.2.3** Food Premises and Equipment'. Proposed premises that are likely to meet the necessary food safety requirements (most likely also determined to be a Class 3 food business), also need to consider whether the following requirements can be met:

General

The design and construction of the food premises must be appropriate for the activities for which the premises are used, provide adequate space for the activities to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities. Permit the food premises to be effectively cleaned and if necessary sanitised and not permit the entry and harbourage of pests.

Ensure the construction and finishing of all surfaces and fittings must be completed in a professional, workman-like manner.

Floors

Floors must be designed and constructed in a manner that is appropriate for the activities conducted in the food premises. Floors must be smooth, durable and unable to absorb water, grease and oil, capable of being effectively cleaned and laid so there is no ponding of water.

Walls

Walls in food preparation areas, wet areas and areas where unpackaged food is stored, must be smooth, durable, impervious to water or grease and readily washable.

Ceilings

Ceiling surfaces must be continuous construction so that there are no spaces and joints. The junction between the walls and ceiling must be tightly joined to provide a seal.

Fixtures, fittings and equipment

Ensure all fixtures and fittings are fit for their intended use, designed, constructed, located and installed so there is no likelihood of food contamination. They must be easily and effectively cleaned, located so that adjacent

floors, walls, ceilings and other surfaces are able to be easily and effectively cleaned and not able to harbour pests.

Dishwasher

Dishwashers and glass washers installed for washing and sanitising must be capable to undergo a sanitising rinse at 80°C for 2 minutes or 75°C for 10 minutes or 70°C for 15 minutes.

***Note: Many domestic dishwashers are not capable of running a final rinse cycle hot enough for the required time for it to effectively sanitise.**

Food preparation sink

Provide an additional sink for the washing of fresh products such as fruits and vegetables. Ensure the sink is of a size large enough to effectively wash food items, be sufficiently separated from other sinks and supplied with hot and cold water.

Hand wash basins

Ensure all hand wash basins are connected to supply of warm running water, with adequate water pressure through a single outlet. Be of a size that allows easy and effective hand washing (as a guide the minimum dimensions of 500mm by 400mm off the wall will be adequate for most food handlers) and supplied with liquid soap and paper towel. Provide a hand wash basin that is in the immediate area where exposed foods are handled and no further than five metres from any place where food handlers are handling food.

Storage facilities

Provide adequate storage for: dry goods, packaging and wrapping materials and crockery and equipment.

Food Transport Vehicles

Vehicles used to transport food must be designed and constructed to protect food if there is a likelihood of food being contaminated during transport. Parts of vehicles used to transport food must be designed and constructed so that they can be effectively cleaned. Food contact surfaces in parts of vehicles used to transport food must be designed and constructed so that they can be effectively cleaned and if necessary sanitised. Potentially hazardous foods are required to be transported under temperature control.

How do I apply to register my home based food business?

The following information is a step-by-step guide to setting up or altering a food premises in Knox City Council.

Step 1: Approval from relevant authorities:

Note: It would be advisable to contact the Departments below at the same time to prevent unnecessary delay in seeking your registrations.

- City Development (Building & Planning) – Phone 9298 8000.

- For home occupation, change of use of the building, car parking space requirements, for some structural and signage changes. Also, for any fit out/proposed structural changes to a building and, for public and staff toilet requirements.
- South East Water (Trade Waste) – Phone (03) 9552 3662.
- For the installation requirements for a grease trap/food & oil interceptor; information on sewer availability.
- Energy Safe Victoria – Phone 9203 9700.
- For the requirements of fitting of gas appliances to food premises.
- Community Laws Department – Phone 9298 8000.
- For signage permits and approval of street tables and chairs.
- Health Services Department – Phone 9298 8000.
- For Food Act registration requirements, initial inspection processes and approval of registration.

The application process – Food Act Registration

The next step is to complete the enclosed *Application for plan assessment (home based business)* form and return the form to Council's Health Services Unit along with the following information:

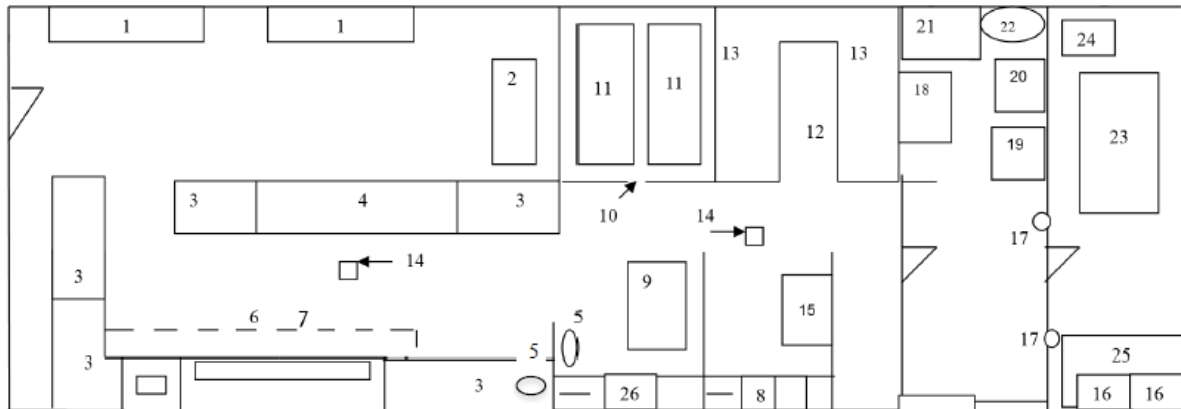
- A copy of a detailed floor plan showing the layout of your kitchen and any other areas of your home that you intend to use for business purposes. Please ensure that you include the dimensions of both the space and all fixtures contained within.
- A schedule of finishes – this is a written document that describes the finishes of all surfaces including the floor, ceiling, walls, benches, cabinetry etc.
- A business proposal which includes the following information:
 - A written document that describes, in detail, the nature of your business including the type of business (e.g. making cupcakes to sell at a farmer's market).
 - Frequency of operation.
 - Description of how the food is to be transported.
 - An ingredients list and details regarding the method of preparation for **each** of the food items you intend to make.

Note: In order to prevent costly mistakes, works should not start until all necessary permits and approvals have been given.

Sample Floor Plan

Legend

| Legend | | General Notes |
|---|--|---|
| 1. Customer bench. | 14. Floor waste drains (floor graded to drain). | Floor finish – commercial vinyl with coving at floor / wall junctions. |
| 2. Drinks refrigerator. | 15. Commercial dishwasher with mechanical exhaust system. | |
| 3. Bench with underneath laminate cupboards. | 16. 240-litre rubbish bins. | Wall finish – stainless steel panelling. |
| 4. Bain-Marie. | 17. Threaded tap with hot water supply. | Ceiling to be flush jointed plasterboard sealed with light coloured washable paint. |
| 5. Hands-free basin with hot and cold water supply. | 18. Storage locker for staff, personal effects and clothing on metal legs. | Stainless steel splashback to 450mm above sinks and hand basins. |
| 6. Cooking appliances – 8 burner stove and deep fryer. | 19. Storage locker for mops and cleaning equipment. | Paper towel and liquid soap dispensers above all hand basins. |
| 7. Canopy, filters and mechanical exhaust system. | 20. Cleaners sink (hot and cold water). | All plumbing in accordance with South East Water and Council requirements. |
| 8. Commercial double bowl sink with hot and cold running water. | 21. Staff toilet. | All plumbing pipes and electrical wiring to be concealed in floors, walls, ceiling, plinths, etc. |
| 9. Upright freezer on metal legs. | 22. Hand basin (hot and cold water). | Condensate water from cool room to be directed to sewer via tundish and bracketed 50mm off wall. |
| 10. Dry storage room. | 23. Grease trap – 2000 litres, in ground. | Self-closer mechanisms on all doors. |
| 11. Shelving – laminate. | 24. Hot water unit – 135 litres. | |
| 12. Cool room. | 25. Bin wash area (paved & graded to silt trap connected to sewer). | |
| 13. Shelving – stainless steel. | 26. Food preparation sink. | |



Final inspection and application for registration

Once all works are completed, you need to contact Council's Health Services Unit in order to organise an appointment, with an Environmental Health Officer, for a final inspection.

Upon successful completion of the final inspection, you will be provided with an *Application to Register a Food Premises* form and associated fees. This form must be completed and returned to Council's Health Services Unit along with the fee.

For class 2 businesses, a copy of your Food Safety Supervisor's certificate must also be attached to the application form.

Note: If you wish to sell the food you make in your kitchen at a market or event, you will also need to register your stall/food vehicle under the Streatrader system.

Streatrader

If your domestic kitchen prepares food for sale at markets or events you must register your business on the Streatrader website <https://streatrader.health.vic.gov.au>.

Once you are registered with Streatrader you are required to lodge a statement of trade each time you operate your business at an event or market.

Definitions

Food business - Means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves:

- (a) The handling of food intended for sale; or
- (b) 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. (Reference: Food Act 1984).

Food premises - Means any premises including land, vehicles, parts of structures, tents, stalls and other temporary structures, boats, pontoons and any other place declared by the relevant authority to be premises under the Food Act kept or used for the handling of food for sale, regardless of whether those premises are owned by the proprietor, including premises used principally as a private dwelling, but does not mean food vending machines or vehicles used only to transport food. (Reference: Standard)

Food Safety Program - Is a written document that outlines the food safety risks of your business and how they will be controlled and managed to ensure the food being produced for sale is safe. It involves keeping records to verify the safety of the food.

Handling - In relation to food, includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food; (Reference: Food Act 1984).

Low risk food - means food that is unlikely to contain pathogenic micro-organisms and will not normally support their growth due to food characteristics; examples include:

- Carbonated beverages.
- Jams.
- Dried fruits.
- Packaged pasteurised milk (both UHT & non- UHT milk).
- Pasteurised or heat treated soy milk.
- Ice-cream manufactured from pasteurised or heat-treated milk.
- Cut fruit or vegetables which are not subject to any further processing (does not include fruit salad etc.)

(Reference: Victoria Government Gazette No. S232 Tuesday 22 June 2010).

Potentially hazardous food – means food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food (as per Standard 3.2.2 Australia New Zealand Food Standards Code).

The following foods are examples of foods that are normally potentially hazardous:

- Raw and cooked meat or foods containing raw or cooked meat, for example casseroles, curries, lasagne and meat pies.
- Smallgoods such as Strasbourg, ham and chicken loaf.
- Dairy products and foods containing dairy products, for example milk, custard, and dairy based desserts.
- Seafood (excluding live seafood) and foods containing seafood.
- Processed fruits and vegetables, for example salads and unpasteurised juices.
- Cooked rice and pasta.
- Foods containing eggs, beans, nuts or other protein-rich food, for example quiche and soya bean products.
- Pre-packaged food is food that has been sealed within a package prior to entering the business, and remains in that package until after it is sold; (Reference: Victoria Government Gazette No. S232 Tuesday 22 June 2010).

Selling food - under the Food Act, is a broad definition and includes a number of exchanges, including but not limited to the following:

- Receive for sale; or
- display for sale; or
- send, forward or deliver for sale; or
- cause or permit to be sold or offered for sale; or
- offer as a prize or reward; or
- give away for the purpose of advertisement or in furtherance of trade or business; or
- sell for the purpose of resale.

Example photos of a home based bakery

