



Food Business at Home GUIDELINES

COBAR SHIRE COUNCIL



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Introduction

Food businesses that operate from a home can be a worthwhile venture for both the operator and the community. However these businesses may present similar health risks to the community where the business is not operated to a specific standard.

This guide has been developed to provide prospective home based food business operators with an overview of the standard to which Council will seek businesses to achieve in order to obtain development consent and operate.

NSW Food Authority and Cobar Shire Council require home-based food businesses to operate in accordance with the *Food Act 2003* and the Food Standards Code.

It should be noted that this guideline has been developed to assist you in developing your home food business proposal. Complying with the information contained in this guideline does not guarantee that your food home business will be approved by Council.

Approval Process

The NSW State Government requires that most food businesses obtain an approval before operation of the business. There are specific exceptions for charitable and not for profit organisations in some cases.

If you are considering operating a home based food business, it is recommended that you contact Council's Planning and Environmental Services Department to discuss your proposal and possibly to organise an inspection of the premises to be used as the food business.

Following this initial discussion and inspection, written advice can be provided to you detailing the next steps in the process, which usually includes drafting of plans, provision of business operation details, application plan and relevant application fees.

In terms of the assessment time, this can vary depending on the quality of the application, existing workloads that Council officers experience and time taken by the applicant to respond to Council's questions. Council officers however will endeavor to assess and determine your application as expeditiously as possible.

In most cases, approvals given by Council will include conditions of consent. These conditions may require additional works to occur before and during the operation of the food business. It is important that you read your approval documents carefully once you receive it. Should you have any questions in relation to the conditions of consent, it is recommended that you contact Council to seek clarification.

Scale of Home Businesses

Home food business operations need to be undertaken in a subordinate intensity to the normal domestic use of the dwelling site. Council will not approve the operation of the above types of uses where they are considered to be too intense and have the potential to impact on the amenity of the surrounding residential area.

In addition, the types of facilities to be installed in the dwelling will differ depending on the scale of the food business. For example, a food business that seeks to only prepare a small amount of food products an existing domestic kitchen may be shared with the business activities. However if the business seeks to produce and package a higher volume of food products, it is likely that a separate/independent kitchen facility would need to be used to the higher likelihood of mixing of domestic and business kitchen use.

When developing your proposal, you should consider the likely intensity of the proposed food business, taking into consideration the intensity of the proposed business, such as the number of potential customers, hours of business operation, the types and volumes of food being prepared, need for frequent deliveries from distributors or to customers and volumes of waste products being produced. Where any of the above factors lead the business to be out of character as a domestic dwelling or impacting on the surrounding residential area, it is likely that the proposed business is unsuitable as a home business.

The intensity of the proposed business activities will determine one of the following:

- The food business is minimal in intensity and can be safely undertaken in a normal domestic kitchen.
- The food business is likely to conflict with the normal domestic use of the existing kitchen and needs to be undertaken in a separate/independent food preparation area.
- The food business is too intense for a dwelling and needs to be undertaken in a commercially compliant food preparation facility in a shop or other commercial premises.

Employees and Floor Area Restrictions

All home businesses, irrespective of whether they are a food business or not, are limited in scale to ensure that their operation is not inconsistent with domestic residential areas.

To limit the scale of home based food businesses:

- No more than 2 persons (other than the residents) are to be employed to operate the business.
- The business must not involve the use of more than 100 sq/mtrs of the dwellings floor area or more than 10% of the dwellings total floor area, whichever is the lesser.

Liquid Trade Waste

Liquid trade waste products are liquids discharged to the sewerage system as part of the commercial operation of the food business.

Liquid trade wastes may impose greater demands on sewerage systems and if uncontrolled can pose serious problems to public health, worker safety, Council's sewerage system and the environment.

Impacts of poor liquid trade waste regulation include:

- Grease oil, solid material, if not removed on-site, can cause sewer chokes and blockages and the discharge of untreated sewage to the environment.
- Concentrated waste may cause sewage odour problems and corrosion of sewer mains, pumping stations and sewage treatment works.



Photo 1- Fats, grease and food products can solidify and block sewerage pipes

Certain food preparation activities can generate more liquid trade waste than others, such as businesses that use oils, grease, fats and those that discharge solid materials to the sewer (kitchen sink) during food preparation and cleaning activities.

All home based food businesses need to comply with Cobar Shire Council's Liquid Trade Waste Policy. This policy can be located on Council's website. This policy includes specific criteria which needs to be followed in order to obtain approval to discharge liquid trade waste into Council's sewerage system.

Food Safety Supervisors (FSS) and Skills and Knowledge

The *Food Act 2003* requires specific food business premises to have at least one food safety supervisor. Home-based food businesses are no exception.

Before Council will approve a Development Application for a home based food business, the business proprietor must be able to prove that at least one trained Food Safety Supervisor is appointed for the premises. Provision of a copy of a food safety supervisor certificate issued pursuant to the *Food Act 2003* would be sought as part of this process.

A Food Safety Supervisor is a person who:

- Holds a food safety supervisor certificate that is less than 5 years old.
- Is not appointed as a food safety supervisor for any other food business, including a mobile catering business.
- Has the authority to supervise other persons handling food to ensure the handling is done safely.

For further information relating to food safety supervisors, it is suggested that you read the relevant information on the NSW Food Authorities website.

The food business must ensure that all persons that handle food as part of the home based food business have:

- Skills in food safety and food hygiene matters.
- Knowledge of food safety and food hygiene matters.

As part of the initial and on-going inspection of the food business, specific questions will be asked by Council's Environmental Health Officer and/or NSW Food Authority officers to ascertain whether all food handlers have the necessary skills and knowledge in food safety and food hygiene. This may include seeking a food handler to demonstrate the process of testing and recording food temperatures and cleaning practices.

Minimum Facility Standards

Although domestic kitchens are suitable to be used for the day to day needs of the normal running of a household, home based food businesses must operate in a kitchen with a higher degree of controls implemented to ensure that food products are managed in a way that reduces the likelihood of being hazardous.

Again, all food businesses shall comply with both the *Food Act 2003* and Food Standards Code. As part of the inspection and assessment process of your proposed home based food business, Council's Environmental Health Officer will determine the premises' level of compliance. Where there are compliance shortfalls, a list of remedial works will be developed and provided to the applicant. These shortfalls would of course, need to be rectified prior to Council approving the operation of the business.

The following matters should be considered when considering whether to operate a home based food business:

Easily and Effectively Cleanable

The walls, ceiling and floor that encompasses the part of the dwelling where food products are managed as part of the food business, shall be easily and be effectively cleanable. Services penetrating these elements such as power outlets, ductwork, windows (and coverings), doors, lights, fans and air handling system louvres shall also be able to be cleaned easily and effectively.

All fixtures, fittings and equipment that are used by the food business shall be adequate for the production of safe and suitable food and fit for their intended use.



Photo 2- Equipment and Fixtures in kitchens have to be consistently and frequently cleaned and maintained

While some fixtures, fittings and equipment are suitable for domestic household use, they may not be suitable for a food business. Examples include use of wooden cutting boards, bamboo trays, old plastic containers etc.

Condition of Premises

A home based food premises needs to be of a reasonable condition so that it does not inadvertently impact on the safety of food products.

For example, it would be expected that the kitchen's level of construction is sound and does not permit pests and vermin to live.

Separation of Household and Business Food Products

Food products associated with the home business activities need to be separated from food that is being used for domestic household use.

During operation the business operator will need to demonstrate that the food is satisfactorily separated from household food products. Where food products are mixed, there could be an assumption that all stored food products have the probability of being used for business activities, therefore needing to comply with the relevant requirements detailed in the *Food Act 2003* and Food Standards Code.

Exclusion of Animals, Pests, Dirt and Other Contaminates

The food business needs to take appropriate steps to continuously prohibit the presence of domestic animals, pests, dirt and other contaminates from the dwelling. Domestic animals include dogs, cats, birds, hamsters, rabbits, mice, rats, etc. Assistance dogs are permitted in the dwelling, except in areas used for preparing or storing food products.

Water

Water is important to sustain a food business for the purposes of cleaning, rinsing and cooking processes. However the quality of water can also be a risk to not only your home based food business, but also the domestic use of the dwelling as well.

The Food Standards Code requires food businesses to have an adequate supply of potable water available to sustain the activities conducted on the food premises.

It is important that prospective home food businesses ensure that the water they use is potable water, meaning that it is acceptable for human consumption.

Where a home based food premises are not permanently connected to a reticulated water system, the business should ensure that suitable alternative water supplies are available for use. NSW Food Authority provide advice on water use, which can be found on their website.

Where businesses choose to use rainwater from external tanks, the proprietor should be aware of guidelines on the use of water from rainwater tanks issued by NSW Health.

Personal and Office Items

To assist in reducing clutter and potential sources of contamination, personal and office items should not be housed within the food preparation area. This includes mobile phones, keys, stationary, computers, bags etc. These items can contain sources of contamination, which can impact on the safety level of the food products.

Waste Disposal

Proper ways of disposing, storage and transportation of waste products needs to be undertaken to:

- Reduce sources of contamination.
- Keep pests and animals away.
- Not accumulate so that it becomes an odour concern or fire hazard.

A prospective business operator should consider the probable levels of waste generated by the business activities, how it will be stored within the food preparation area, how and when it will be moved to an external storage receptacle and whether this external receptacle will be capable of appropriately containing the levels of waste that will be generated.



Photo 3 - Poor waste storage can impact on the ability to maintain the site and prevent harborage of pests and vermin

Light and Ventilation

Adequate sources of light are important to not only ensure that the food handlers can see what they are doing, but enable the business operators to adequately see all parts of the food premises in order to sufficiently clean the premises on a regular basis.

Ventilation is important for a number of reasons. Poorly ventilated food preparation areas can create issues where airborne products of the cooking process can stick to surfaces creating a cleanliness issue. Furthermore, it can also be a growth source for mould where airborne products of cooking, like steam, is cooled following contact with cooler surfaces causing walls and ceilings to be dampened and, if not cleaned appropriately can lead to mould spores developing.



Photo 4 - Poor ventilation can create environments that can increase development of mould

Hand Washing and Equipment Cleaning Facilities

Hand washing is a very important component in the process of ensuring good hygiene and reducing contamination of food products. In addition to the provision of dedicated hand washing facilities, knowledge of how and when to wash your hands is equally important.

For a home-based food business, the business must have at least the following:

- A solely dedicated and permanently fixed hand washing facility that is connected to a supply of warm running potable water, that is of a size that allows easy and effective hand washing in close proximity to the food preparation area, and not located in a toilet/bathroom area. This facility must be accompanied with accessible single use hand towels, a container for used towels and soap.
- A dedicated facility to clean equipment. If a dishwasher is proposed to be used, the water must reach a temperature that will sanitise the utensils or equipment.
- An externally located tap and hose that can be used to clean the externally located garbage area.

Temperature Control

Management, control and recording of food product temperatures are a critical component to operating a food business. Getting temperature control wrong can lead to serious issues where your customers can become very ill.

During the operation of the home based food business, food products will need to be stored, prepared and transported under temperature control.

During the initial site inspection by Council, proposed methodologies of temperature control will need to be demonstrated and discussed. In particular, the following should be concentrated on:

Storage

All food products need to be kept in some type of temperature control. It is important to know whether food products need to be frozen, refrigerated or stored in dry cool locations. Even products that do not need to be refrigerated or frozen still need to be stored in an appropriate environment where their quality is not lessened.

During storage, the temperature of food products should be continuously monitored and recorded. Constant temperature checking can identify flaws in storage facilities as well as demonstrating to investigating officers that food has been kept in appropriate temperature controlled environments.

Pre - Preparation Transport

When receiving food products or transporting the food products from the shops, it is important to ensure that these products are transported home in an appropriate way taking into the consideration the likely time, distance and environmental conditions.

For food products that are intended for commercial use, temperature readings should be taken and recorded during the pre-preparation process to ensure that you are not using foods that have been in unsafe temperature levels.

Post - Preparation Transport

Prior to transporting prepared food products, temperature readings should be taken and recorded.

Food that is to be delivered to a customer needs to be transported in an appropriately temperature controlled way. The business proponent will need to demonstrate to Council that the methodology proposed to transport food products is appropriate in terms of its ability to comply with the *Food Act 2003* and Food Standards Code.

Temperature Logging

Temperature readings taken during the business activities should be recorded constantly and consistently.

These readings will enable the business to demonstrate that food products are maintained at safe temperatures in the case of on-going audits by enforcement officers and during investigations.

Origin of Food Products

The proprietor of the food business should be able to demonstrate the origins of the ingredients contained in their food products.

The business operator should ensure that the ingredients are from sources appropriate for a commercially operated food business. For example, meat products can only be used from Food Authority licensed facilities.

While home-grown vegetables and fruit may be acceptable, the proponent would need to demonstrate that these products are suitable in terms of insect control, pesticide use and fertilisers.

When in doubt contact Council to discuss.

Cleaning, Sanitising and Hygiene

The business proponent would need to demonstrate methods of cleaning, sanitizing and food handler hygiene practices. The demonstration would need to include methodologies, frequency of cleaning, cleaning products to be used and types of acceptable cleaning facilities that are intended to be used.

Customer and Delivery Management

Home-based businesses generally should operate with little impact to surrounding neighbours. This includes odour, smoke, parking, customer movements and delivery frequencies.

The proponent will need to provide to Council a business management plan detailing how the above impacts will be managed during the course of operation.

If the proposed business is unable to adequately demonstrate suitable ways of controlling the above issues, Council may not be able to grant approval or may condition an approval requiring certain measures to be implemented to ensure that the business does not negatively impact neighboring residents.

Signage and Advertising

Business advertising signage is permissible for home based food businesses, however they can only advertise the home business.

In terms of location, dimensions and types of signage, the business proponent should refer to the latest business advertising information sheets from the NSW Department of Planning and Environment.

Labeling

There are various labeling requirements food businesses must display on their packaging but these requirements are dependent on the type of product they are selling. Refer to the NSW Food Authorities' General Requirements for labeling which, can be downloaded from the following web address:

http://www.foodauthority.nsw.gov.au/Documents/retailfactsheets/labelling_general_requirements.pdf

Food Recalling

Home-based food businesses engaged in wholesale supply, manufacture or importation of food need to have a recall procedure in place. This involves having a written system in place to ensure the recall of unsafe food which, needs to be made available upon request to an authorised officer. Prospective food business operators need to demonstrate the intended process, where applicable.

Further Information

For clarification of any information contained in this guideline or to arrange a meeting with a Council officer to discuss your proposal please contact Council's Planning and Environmental Services Department on (02) 6836 5888.

Important References

Legislation

Food Legislation: *Food Act 2003*
<http://www.legislation.nsw.gov.au/#/view/act/2003/43>

Planning Legislation

Environmental Planning and Assessment Act 1979
<http://www.legislation.nsw.gov.au/#/view/act/1979/203>

Guides and Technical advice

NSW Food Authority
<http://www.foodauthority.nsw.gov.au>

Food Safety Information Council
<http://www.foodsafety.asn.au>

Food Standards Australia New Zealand
<http://www.foodstandards.gov.au/Pages/default.aspx>