



Guidelines for Home Based Food Businesses

Ensuring Food Safety

*Supporting the Health and
Safety of the Community*

Definitions

“Food” - means any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared) includes ingredients or additives.

“Handling” - in relation to food, includes making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

“Premises” - means any land (whether or not vacant), the whole or any part of a building, tent, stall or other structure (whether of a permanent or temporary nature), a pontoon or a vehicle (other than a food transport vehicle while it is engaged in the transport of food).

“Selling food” Under the Food Act, the definition of selling food is broad and includes a number of exchanges as detailed below:

- receive for sale; or
- display 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

This includes not for profit, community organizations, fundraising, market stalls, catering and bed and breakfast type activities.

“Non Wholesale” – means an activity that produces food for sale that is made to order and supplied direct to the customer/consumer and not manufactured in bulk or pre-manufactured for sale at a future date, and not intended for sale to a retailer for on-sale to a 3rd party consumer.

“Wholesale” – means an activity that produces food for sale that is supplied direct to the customer/consumer and can be manufactured in bulk or pre-manufactured for sale at a future date, and can be sold to a retailer for on-sale to a 3rd party consumer.

“Potentially Hazardous Foods” – 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.

What is involved with a Home Based Food Business?

This guideline establishes standards for the handling, storage and preparation of food for sale from residential premises.

This guideline is intended for use when the food is manufactured in residential premises for the **CONSUMPTION OFF THOSE PREMISES**.

Persons intending to establish such an operation should be aware that approvals are required from the Local Council Environmental Health Officer and may also require Development Approval. When food is manufactured and offered for sale the premises used must comply with several standards including:

- Food Act 2001 and Food Regulations 2002,
- Food Safety Standards 3.1.1, 3.2.2, and 3.2.3; and
- The National Food Premises Code: Australian Standard for the Design, Construction and Fit-Out of Food Premises

The use of facilities found in a residential environment is unsuitable, and a separate room or building is required to comply with the above requirements. The domestic kitchen cannot be used, except for certain activities subject to approval and conditions.

If your operations are approved your food business will be subject to regular routine inspections from Council's Environmental Health Officers to ensure compliance with the Food Act and Food Safety Standards. These inspections are conducted at reasonable times and are subject to fees in accordance with Councils Food Act Inspection Fees Policy.

Do I need to notify Council?

Under the requirements of the Food Act 2001, all businesses undertaking food handling activities or selling food are required to notify their Local Council (the enforcement agency) of their food business details on the approved food business notification form or online at <https://www.fbn.sa.gov.au/fbn/foodBusinessLogin.jsp>

Businesses are required to notify of their operations within 14 days of beginning operations; changes in ownership or contact information; and when the business ceases to operate. Operating a food business without notifying Council, and or with sub standard or non compliant premises is an offence and penalties can apply.

How do I apply for a Home Based Food Business?

Please complete and submit the attached Application Form to use your residential premises for the handling of food. In addition attach any supplementary information as required. Approval will be required before you can use your premises for handling, storage and preparation of food for sale.

What are the next steps in my application process?

- Inspection – Once Council has received your application form to have a home based food business, Council will arrange with you to conduct a preliminary inspection of your premises
- Consultation – Your application will then be referred to the Development Services Department for assessment. Further information or plans may be required from Development Services throughout the application process.
- Decision – A decision will be made on your application upon receipt of all required information. A written outcome will be provided to you.
- Notification Form – If approved, a Food Business Notification form needs to be completed and submitted to Council
- Routine Inspection – If approved, your premises will be scheduled for routine inspections. In accordance with Council's inspection fees policy fees may apply to these routine inspections.

What facilities will I need?

All premises used in the handling of food, including the use of food vending vehicles or vehicles used for the transportation of food, **MUST** comply with the Food Act and Food Safety Standards and must be *notified* (see *notification above*) to Council.

Facilities used for the storage, handling and or preparation of food must be constructed and fitted out in accordance with the requirements of Food Safety Standards 3.2.3, and the National Food premises Code.

1. A separate room or building must be provided exclusively for the handling, storage and preparation of food for sale from residential premises, and it must be physically separated by a wall or self-closing lockable door, from the rest of the domestic premises/environment. The facilities must be of a commercial standard where the following conditions apply:
 - The activity is considered to be wholesale (as defined in this guideline), and / or
 - The food product being manufactured is deemed to be potentially hazardous
2. Equipment used should be of commercial design and of sufficient capacity to cope with the requirements of the activity. This includes fridges, freezers, ovens, sinks, dishwashers.
3. The size of the kitchen and storage area should be adequate for the intended use.
4. Hot and cold water must be connected to the required sinks and hand basin and the hot water system should be of sufficient capacity to cope with the intended demand.

The use a domestic kitchen of residential premises can be used in certain circumstances as described below in 'Can I use my domestic kitchen for a home based food business?'

Please note that the home activity requirements under the Development Act have limitations on equipment that can be used in residential environments, and the area that can be used for a home business, along with service demands, eg trade waste connections. Exceeding these requirements will deem your activity unsuitable for a residential environment. Please refer any queries to Council's Development Services or further information can be found at www.salisbury.sa.gov.au

Can I use my domestic kitchen for a Home Based Food Business?

In most circumstances a separate commercial grade kitchen and commercial facilities will be necessary to comply with the legislation. The domestic kitchen of residential premises can be used, **subject to approvals** and the following conditions:

- The activity is considered to be non wholesale (as defined in this guideline),and
- The food product being manufactured is not deemed to be potentially hazardous or
- The food product being manufactured is for a fundraising event, and is not deemed to be potentially hazardous or
- The food being manufactured (and or handled, stored or prepared) is for the provision of ready to eat meals for bed and breakfast type premises.

In addition the following conditions also apply where a domestic kitchen is approved for use:

- A separate area or clearly identifiable containers must be used for the storage of all ingredients
- Separate and clearly identifiable utensils must be utilised for the manufacture and preparation of food for sale
- A separate fridge and freezer is recommended for the food for sale or clearly identified storage containers must be used to separate food for sale from domestic items
- A separate storage area or clearly identifiable container must be used for the storage of all final products

Where building work is proposed or required, a Development Application will be required to be lodged with Council's Development Services Department, and all necessary approvals must be attained from Council's Planning and Building Departments for any construction.

Prior to the construction and/or fit out of a food premises, floor plans are to be provided to Council.

In addition, prospective operators should acquaint themselves with other relevant State Legislation that may apply.

Hand Washing Facilities

Where separate hand washing facilities cannot be provided in the domestic kitchen an exemption will be required under the requirements of the Food Safety Standard 3.2.3 Premises and Equipment, Clause 14(4).

What health and hygiene requirements do I need to comply with?

Every person in the food preparation or food storage area must comply with requirements of the Food Act 2001, Food Regulations 2002, the Food Safety Standards as listed above and the Public and Environmental Health Act, with particular attention to the following:

- Family members or other persons not directly connected with food preparation are restricted in their access to the area where food is handled or stored.
- No person shall smoke in the food preparation or storage area.
- Normal domestic duties are not permitted in the food preparation or storage area if you do not have approval to use your domestic kitchen.
- No food intended for home domestic use is to be stored or prepared in the home catering kitchen.
- Household pets of all kinds are not to have access to, or be in the food preparation or storage area at any time.
- Decorations, pot plants and curtains, which render various surfaces incapable of being adequately cleaned, must be avoided.
- Garden fertilisers, household insecticides, chemicals and medications must not be kept in the food preparation or storage area.
- All food manufactured or stored intended for sale must comply with the requirements of the Food Act and Food Regulations, and the National Food Authority Food Standards Code.

Can I transport food?

The owner/operator must be aware of the legal requirements relating to the transport of food (particularly cooked food) to the point of actual delivery and sale and the temperature control requirements.

Do I need to label the food I make?

Food manufactured for sale in South Australia may need to comply with product labelling requirements including nutrition panels, ingredient lists and supplier details. For further information or to see if your business needs to meet this requirement refer to the Guidelines of Packaged Food for Retail Sale which can be found on line at <http://www.health.sa.gov.au/pehs/Food/food-labelling.htm>.

Do I need a food recall procedure?

Food Safety Standard 3.2.2 requires that businesses involved in the manufacturing or wholesale supply 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. For information on designing a food recall plan visit the Department of Health Website <http://www.health.sa.gov.au/pehs/Food/food-recalls.htm>

What if the food is for fund raising functions?

It is not the intent of this guideline to prevent the “one off” preparation of non potentially hazardous foods such as items of confectionery, biscuits or cakes for sale at fund raising functions. However, all safeguards associated with food handling and food hygiene should be adhered to during the handling and packaging. Food for fund raising is still subject to labelling requirements.

What if the event is outdoors?

When food is prepared at the point of sale, such as an outdoor function, the preparation area must comply with Council's Guidelines for the Hygienic Operation of Temporary Food Premises.

Are there penalties?

Substantial penalties apply for non-compliance with the provisions of the Food Act 2001 and Food Regulations 2002, and the Food Safety Standards. Penalties may also apply for operating a home based food business without Council approval.

Where can I find further information?

Councils Environmental Health Officers can be contacted on 8406 8222 and are able to provide food safety information.

Additional information on your legislative requirements and safe food handling can be found at the following web pages:

<http://www.health.sa.gov.au/pehs/food-index.htm>

<http://www.foodstandards.gov.au/foodstandards/foodstandardscode/>

Application for a Home Based Food Business

Information for Applicants

Any activity involving the preparation, storage or transport of food that is intended for sale, or the sale of food, must be undertaken in accordance with the requirements of the Food Act 2001, Food Regulations 2002 and the Food Safety Standards.

Guidelines for the Operation of a Home Based Food Business

Commercial home catering can take a number of forms and this code is intended for use when the food is handled (prepared) in domestic premises for the CONSUMPTION OFF THOSE PREMISES.

The use of domestic premises often creates problems within the household in ensuring that household pets and young children are kept out of the area when handling (preparing) food. The prospective operator should also be aware that Environmental Health Officers (State and Council) can inspect the premises at any reasonable time.

In most circumstances a commercial grade kitchen will be necessary to comply with the legislation. Council has discretion to allow operation from domestic kitchens if the food activity is:

- Non wholesale, and
- Food product being manufactured is not deemed to be potentially hazardous, or
- Low risk, non potentially hazardous foods for fundraising events or,
- Providing meals as part of a bed and breakfast

Home Based Business Guidelines

A home based business may be able to be conducted from your home, provided it does not create repeated, prolonged or loud noise, produce smoke, fumes, dust, odours or increase traffic in the street by delivery vehicles or the parking of clients. Schedule 1 of the Development Regulations 1993 states that a home activity means the use of a site by a person resident on the site, that does not detrimentally affect the amenity of the locality or any part of the locality; and that does not require or involve:

- assistance by more than one person who is not a resident of the dwelling.
- a floor area greater than 30m² (whether temporarily or permanently).
- any source of power, other than an electric motor, of not more than 0.4 kilowatts.
- the imposition on the services provided by any public utility or organisation which has a demand or load greater than that which is ordinarily imposed by other users of the services in the locality,
- the display of goods in a window or about the dwelling or its curtilage (surrounds).
- the use of a vehicle exceeding three tonne tare in weight,
- the display of an advertising sign greater than 0.2m² (45cm x 45cm) in size. Signs must be attached to the house, letterbox or front fence. No portable, easel or A-Frames signs are permitted. Signs should only display the business name, nature of business and trading hours.

Approval

All premises used in the handling of food, including the use of food vending vehicles or vehicles used for the transportation of food, **MUST** be approved by Councils Public and Environmental Health Division.

Where building work is proposed or required, a Development Application will be required to be lodged with Council's Development Services Department, and all necessary approvals must be attained from Council's Planning and Building Departments for any construction.

Further Information

1. Guidelines for the Operation of a commercial Home Catering Business – City of Salisbury
2. Home Based Business Guidelines – City of Salisbury
3. Food Act 2001, Food Safety Standard 3.2.3 – Food Premises and Equipment
4. Australian Standard (AS 4674-2004) Design, Construction and Fit-out of Food Premises

Application for Home Based Food Business

Applicant Name:	
Applicant Address:	
Phone Number:	Mobile:
Email Address	
Proposed Business name:	
Proposed Business Location:	
Type of Business: Retail / Manufacturing / Storage or Distribution	
Description of Proposed Food Business: (include the type of food, frequency of manufacture and quantity/volume of food)	
Operating Details: Days per Week:..... Number of Employees:.....	
Deliveries to site: NO / YES. If YES, number of deliveries: Type of deliveries:.....	
Deliveries from site: NO / YES. If YES, number of deliveries: Type of deliveries:.....	
Food Preparation / Storage: Are the business activities proposed to be undertaken in a separate kitchen or area? YES / NO Please Include plans and diagrams of the kitchen location / area, including equipment installed, types of flooring etc	

Signature: _____ **Date:** / /