



## Home-Based Food Businesses – *What you need to know*

Persons handling, storing and/or preparing food for sale from a residential premise or vehicle are required to comply with the requirements of the Food Act 2001 and the associated Food Safety Standards, namely Standards 3.1.1, 3.2.2 and 3.2.3. A home based food business must comply with the same requirements as any commercial food business must comply. Generally, domestic kitchens do not satisfy the requirements of the Food Act 2001, however, to assist you, this factsheet has been created to provide guidance for handling, storing and preparing food for sale, safely from home.

### Do You Need To Notify Council?

Yes. All businesses that sell food are required to notify their Council of their food business by completing a **Food Business Notification Form** which can be found on Council's website. Notification is required 14 days prior to beginning any operations, when business ownership or contact information changes, and when the business ceases to operate. Please be advised that operating a food business without notifying Council and/or within a non-compliant premise is an offence and penalties may apply. Notification to Council does not override any other Council requirements. It is recommended that contact is made with Council with respect to zoning restrictions, planning consent (if necessary) and other local regulations.

### What Are The Next Steps?

1. Home-based food businesses may require approval from Council's Planning Department, please see Council's website for *Home Activity Information Sheet*.
2. Once planning approval is granted (if required), please complete the attached application form including the information specified. An assessment will not commence until all the information required is provided.  
**Assessment** – Based on the information provided, an assessment will be undertaken to ensure you are able to comply with the requirements of the *Food Act 2001* and *Food Safety Standards*. The Environmental Health Officer (EHO) may require further information at any time throughout the assessment process until they are satisfied you are able to meet the requirements of the legislation.  
**Decision** – Following all assessments and considerations, you will be informed of a decision
3. **Notification** – If approved, you will need to complete a *Food Business Notification Form* and return it to Council at least 14 days prior to any operations. This form can be found on Council's website.
4. **Routine Inspection** – Your premises will be scheduled for routine inspections for which a fee will apply.

### What are the Food Safety Standards Requirements?

**Fixtures, Fittings, Equipment and Transport Vehicles** must be designed and constructed so that they can be easily and effectively cleaned and where necessary sanitised. In the case of a home based business the size of the kitchen and storage areas should be adequate for their intended use with equipment such as fridges, freezers, ovens, sinks and dishwashers in a good state of repair and working order and sufficient to cope with the demands of the businesses activities. The premise must provide necessary services of hot and cold water, waste disposal, light and ventilation and be free of animals, pests, dirt and other contaminants. ***For more details on your food premise and equipment refer to Food Safety Standards 3.2.3.***

**Hand Wash Facilities** must be separate facilities designated for the sole purpose of washing hands; available where food is being handled; and stocked with soap and paper towel at all times. Where separate hand washing facilities cannot be provided in a domestic kitchen, Council may issue an exemption. Exemptions may only be granted and alternative hand washing facilities considered, once a risk assessment has been undertaken.



**Cross contamination** between food and food contact surfaces in a domestic kitchen can be avoided by:

- Restricting persons who are not preparing or handling food for sale from preparation and storage areas.
- Prohibiting all pets from food preparation and/or storage areas at all times.
- Not preparing food for personal use simultaneously with food intended for sale.
- Removing all personal items i.e. papers, keys, phones and medications from food preparation areas. If preparing potentially hazardous foods, sanitising all food contact surfaces using a food grade sanitiser (preferably non-rinse) and using the dishwasher on the highest setting.
- Keeping personal equipment/utensils (e.g. chopping boards, knives, food processor) for domestic use separate to those used to prepare food for sale.
- Limiting the use of tea towels.

**Storing food** in a domestic kitchen can be achieved safely by keeping all items used for the business separate to those used for domestic use. This includes:

- separate storage containers for all ingredients (containers must be food grade and easily and effectively cleaned and sanitized);
- separate utensils and equipment for food preparation and handling; and
- separate fridge/s and freezer/s (if possible) for the food for sale or clearly marked shelving or storage containers to differentiate food for sale from domestic items.

**Temperature Control** is important for ensuring safe and suitable food. To assist in monitoring the temperature of potentially hazardous foods a probe thermometer that is accurate to  $\pm 1^{\circ}\text{C}$  is required. This will help ensure that:

- Potentially hazardous foods are cooked thoroughly;
- Hot foods are reheated and kept hot at  $60^{\circ}\text{C}$  or above;
- Cold foods are kept at cold at  $5^{\circ}\text{C}$  or below; and
- Cooled food it is done using the prescribed method – *from  $60^{\circ}\text{C}$  -  $21^{\circ}\text{C}$  within 2 hours and  $21^{\circ}\text{C}$  -  $5^{\circ}\text{C}$  within a further 4 hours.*

**Food Handlers** must have appropriate **skills and knowledge** that are commensurate with their work activities. To assist food handlers in meeting their legal obligations the 'I'm Alert' food safety training is a free online training program that can be accessed through the Council's website.

**Food Handler Health and Hygiene** is imperative in ensuring safe operations. Home-based businesses should consider how their business will operate if food handlers get sick. Food handlers who are unwell must not handle food. Family members and visitors who are also unwell must also be restricted from food preparation and storage areas.

**Food Labelling** involves a nutrition panel, use-by or best before dates, ingredient list and supplier details. An EHO can help you determine if your product requires labelling. For more information refer to the 'Guide to Labelling of Packaged Food for Retail Sale' which can be downloaded via <http://www.sahealth.sa.gov.au>.

**Food Recall Programs** are required from manufacturers or wholesale suppliers. This involves having a written system that will assist you and the relevant authorities to recall any affected products. For information on designing a food recall plan, visit the SA Health's Website:

[-http://www.foodstandards.gov.au/industry/foodrecalls/firp/Pages/default.aspx](http://www.foodstandards.gov.au/industry/foodrecalls/firp/Pages/default.aspx).



**Transporting Food** may be a necessary part of your business. Foods must be protected from contamination and potentially hazardous food kept under temperature control at all times from time of manufacture to the point of delivery and sale.

### Food Business Risk Classification

Food businesses are classified in one of four classifications, from the highest risk category of Priority 1 (P1), through to P2 and P3, to the lowest risk category of P4 and are described below:

**Priority 1 (P1) & Priority 2 (P2) - High Risk to Medium Risk Foods** - A food business that will handle foods that support the growth of pathogenic micro-organisms. The food handling process will involve at least one control step eg. Heating, during cooking. Furthermore, a P1 food businesses are further characterised by known risk-increasing factors, such as potential for inadequate/incorrect temperature control such as, cooling, reheating, holding under temperature control, service to a vulnerable consumer base.

An example of a **high risk food** is a food that is prepared in advance and is processed on-site from the raw product to the ready-to eat product and there is a time delay before serving. Examples of food businesses that may be captured under this risk classification include: café, clubs, hotel, pub, restaurant, sushi shop, chicken shop.

An example of **medium risk food** can be a food that is processed on site from the raw product to the ready-to eat product for immediate consumption. Examples of food businesses that may be captured under this risk classification include: deli's, fast food and juice bar.

**Priority 3 (P3) Low Risk Foods** - A food businesses that will handle only "low risk" foods and are unlikely to contain pathogenic micro-organisms and will not support their growth. Examples include: bakery products that contain non-perishable fillings e.g. jam, bread, biscuits and cakes without custards and creams.

**Priority 4 (P4) – Low Risk** - A food business that sell only low risk pre-packaged foods. Examples of food and food businesses that may be captured under this risk classification include: include: newsagent, chemist, potato crisps, bottled drinks.

### Definitions

**Clean** means clean to touch and free of extraneous visible matter and objectionable odour.

**Food Handler** means a person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food, for a food business.

**Handling** of food includes the making, preparing, heating, thawing, collecting, extracting, storing, treating, packing, transporting, delivering, serving or displaying of food

**Potentially hazardous foods** - are foods that meet both of the criteria below:

- They might contain the types of food-poisoning bacteria that need to multiply to large numbers to cause food poisoning, and
- The food will allow the food-poisoning bacteria to multiply.

Potentially hazardous food must be kept at certain temperatures to minimise the growth of any pathogenic microorganism that might be present in the food or to prevent the formation of toxins in the food.



**Ready-to-eat food** is food that is normally consumed in the same state as that in which it is sold (without further cooking or preparation) but does not include nuts in the shell and whole, raw, fruits and vegetables that are intended for hulling, processing, peeling or washing by the consumer.

**Sanitise** means to apply heat or chemicals, heat and chemicals, or other processes, to a surface so that the number of micro-organisms on the surface is reduced to a level that:

- (a) does not compromise the safety of food with which it may come into contact; and
- (b) does not permit the transmission of infectious disease.

**Temperature Control** means maintaining food at a temperature of:

- (a) 5°C, or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature; or
- (b) 60°C or above; or
- (c) another temperature - if the food business demonstrates that maintenance of the food at this temperature for the period of time for which it will be so maintained, will not adversely affect the microbiological safety of the food.

### Need More Information?

The information contained herein is intended as a guide. For further information in relation to this document or any associated matter, please contact Council's Environmental Health Service on 8229 9999.

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

<http://www.legislation.sa.gov.au/LZ/C/A/Food%20Act%202001.aspx>

<http://www.foodstandards.gov.au/code/Pages/default.aspx>

<https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/protecting+public+health/food+standards>

<http://www.standards.org.au/Pages/default.aspx>



## Home-Based Food Business Application Form

Details of Proposed Food Business
<b>Applicant Name:</b>
<b>Applicant Address:</b>
<b>Telephone Number:</b>
<b>Email:</b>
<b>Proposed Business Name:</b>
<b>Proposed Business Location:</b>
<b>Maximum number of staff at any one time:</b>
<b>Type of Business:</b> <i>circle</i> Retail / Manufacturing / Storage
<b>Operating Details – Hours per day &amp; per week:</b>
<b>Will deliveries be made:</b>
<b>If deliveries will be made, the registration number of vehicle(s):</b>

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, the food product being manufactured is not deemed to be potentially hazardous or is low risk.

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.

Please be advised that you may be required to provide further information at any time throughout the assessment process until authorised officers under the *Food Act 2001* are satisfied you are able to meet the requirements of the legislation and can demonstrate and there are controls in place to eliminate any food safety risks.

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 customers.



*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 area or any part of the area and that does not:

- Require more than one person who does not reside in the home assisting in the business.
- Use more than 30 square metres of floor space, either temporarily or permanently.
- Use more water, power and similar public utility organisation services than would ordinarily be used by other homes in the area.
- 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
- Display of goods in a window, around the home or its surrounds.
- Use a vehicle exceeding three tonne tare in weight (3000 kg).
- The display of an advertising sign greater than 0.2m<sup>2</sup> (45cm x 45cm) in size, does not move or flash, and does not cause a distraction to motorists. For more information concerning signage, please see Council's 'Signage' information sheet on Council's website.

Once the relevant approvals are in place, as described in the Fact Sheet, and to enable Council's Environmental Health Service to undertake an accurate assessment of your proposed home-based food business, the following information is required at a minimum:

1. Provide detail about the products intended to be produced, including product descriptions, the ingredients of each product, the processes to be undertaken and the volume of food to be produced on a daily/weekly basis.
2. Provide a scaled plan of not less than 1:100, which clearly identifies the size of food handling area(s) and includes all equipment, fixtures and fittings that are required for food handling activities. Equipment used should be designed with sufficient capacity to cope with the requirements of the activity. This includes fridges, freezers, ovens, sinks and dishwashers.
3. Provide process flow diagram(s) on the plan itself, detailing stages of food handling from the incoming raw materials to the finished product. In addition, provide information in the process flow diagram of the food handling area(s) where each stage of food handling activities will be undertaken.

The information provided for items numbers 1, 2 and 3 above will be used to assess the adequacy of space for the activities intended to be conducted on the property and for fixtures, fittings and equipment used for those activities in accordance with Food Safety Standard 3.2.3 Clause 3 (a) & (b).

4. Provide details as to the types of finishes available in your residential premise, these include floors, walls, ceiling and equipment (photos are sufficient). These must be designed to be smooth and impervious and be able to be easily and effectively cleaned and sanitised in accordance with Food Safety Standard 3.2.3. Clauses 10 and 11.
5. Demonstrate that the finished product(s) are microbiologically safe and suitable for the duration of the products shelf life – as per Food Act 2001, Clauses 16 and 17, and Standard 3.2.2 Clause 7 (1).
6. Contact with the Trade Waste unit at SA Water is recommended. A Trade Waste Application form may need to be completed in order to determine grease arrestor requirements for your residential premise. For assistance in relation to grease arrestors, please contact SA Water's Trade Waste Unit on (08) 7424 1336.