



A Guide to Food Businesses from Residential Premises

Health Services Information Package

www.swan.wa.gov.au

one city diverse places

Introduction

The purpose of this guideline is to provide information in an easy to read format to assist food business proprietors who want to operate a food business from a residential premises. The City is often asked whether operating a food business from home is permitted. The answer largely depends on the proposed food handling activity but generally for most situations will not be permitted.

A domestic or residential style kitchen is typically not of the same standard as commonly found in commercial style kitchens. Despite this a number of low risk food activities such as cake making and decorating, manufacture of jams, chutneys and pickled onions have historically been allowed to operate from residential premises.

The City will allow any food handling process assessed as being a low risk, such as the activities above, to operate from a residential style kitchen. Where the activity is assessed as being either a medium or high risk it will not be permitted within a residential kitchen. Assessment is to be made using the City's Food Business Risk Profiling Tool.

Medium or high risk food handling processes may be prepared from a purpose built isolated facility within the residential property e.g. spare bedroom or outbuilding fitted out to a typical commercial standard. For information on the fitout requirements for these isolated facilities please refer to the City's information package A Guide to the Structural Requirements for Food Premises.

Legislation

All food businesses within the City must comply with the requirements of the following legislation;

- *Food Act 2008* (available from the State Law Publisher at www.slp.wa.gov.au)
- *Food Regulations 2009* (available from the State Law Publisher www.slp.wa.gov.au)
- *Australia New Zealand Food Standards Code* (available from FSANZ www.foodstandards.gov.au)

Approval Process

Planning Services

Depending on the nature and scale of the food handling operation you may require planning approval. Generally home based businesses are either classified as a home business or a home occupation. Home businesses all require planning approval whereas home occupations generally do not.

For more information on whether a planning approval is required please contact the City's Statutory Planning on 9267 9267.

Building Services

If using the existing kitchen without any modifications you will not need any Building Services approval. However if fitting out a new separate facility which has exhaust canopies or installing a coolroom you may be required to obtain a Building Permit (formally a Building Licence).

For more information on whether a Building Permit is required please contact the City's Building Services on 9267 9267.

Health Services

Unlike in the past, food businesses are no longer required to submit an application for approval to the City's Health Services. It is the food businesses responsibility simply to comply with the legislation requirements. Food businesses must however Notify or be Registered with the City prior to operating. This is done by submitting the required form which in relation to residential premises is the Home Based Food Business Registration Form.

Suitable Activities for a Residential Kitchen

- cake decorating (not including decorations involving fondant, butter cream, ganache or other decorations using raw egg or requiring refrigeration afterwards)
- food prepared for farm stays and home stay accommodation
- food prepared for community and charitable purposes
- jams
- cakes, biscuits and flour products which do not contain potentially hazardous foods such as cream and or custard
- chutneys, relishes and sauces that are heat treated by boiling or cooking
- herb vinegars with a pH of less than 4.5
- repackaging of bulk packaged low risk confectionary products
- pickled onions
- Any other food processing activity assessed as being low risk

Design Objectives

Regardless of whether you operate from a domestic kitchen or a separate commercially styled kitchen it should be operated with the following aims;

- To only prepare safe and suitable food
- To protect food from contamination
- To adhere to all other process requirements

Structural Requirements

There are some specific exemptions which apply to residential kitchens from the normal structural requirements. These typically relate to the provision of a separate hand wash basin and commercial styled exhaust canopies. However for the most part fixtures, fittings and appliances should be designed to be suitable for the activities and be unable to absorb grease, food particles or water, be easily cleaned and to the extent that is practicable not provide harbourage of pests. For more information on typical structural requirements please refer to the City information package A Guide to the Structural Requirements for Food Premises.

Handwash Basin

In relation to the handwash basin issue most kitchens have a double bowl sink and a separate dishwasher. Therefore it is recommended that one sink be designated as a handwash basin and should remain unobstructed whilst the other can be used for food processing activities.

Exhaust Hood

Most domestic style exhaust hoods do not meet the necessary ventilation standards required for most food businesses. Despite this they will be allowed in residential kitchens for low risk activities only.

Operational Requirements

Like the structural requirements operational requirements are also covered by the Food Standards Code. This covers such issues as food storage, food handling and preparation, cleaning, waste disposal, maintenance, personal hygiene and pest control. The requirements and practices of the food business will be dependant on the type of activities undertaken. A food business operating from a residential premises is expected to adhere to the same operational standards as would be required to any other food business

To further explain these requirements food proprietors may wish to refer to the City's 'A Guide to the Operational Requirements of Food Premises'.

Maintenance

Fixtures, fittings and equipment should be properly maintained to a standard similar to purchase or installation and any defect should be repaired.

Labelling Requirements

Where food is packaged it must comply with the labelling requirements as would any other food business. Please refer to Australia New Zealand Food Standards Code part 1.2 for specific labelling requirements. However in general the following will probably apply;

Regardless of whether you operate from a domestic kitchen or a separate commercially styled kitchen all packaged food should be labelled correctly;

- Name of food lot identification
- Name and street address of the manufacturer, packer or vendor
- Country of origin
- Date marking expressed as either Use By or Best Before
- Ingredients list, (the label must state the percentage(%) of the key or characterizing ingredients or components in the food product)
- Mandatory warning and advisory statements and declarations eg allergen information (letter size must be of not less than 3mm, except on small packages (surface area less than 100cm² total) where the letter size is of not less than 1.5mm)
- Nutrition information panel
- Health Claims
- Directions for use and storage, e.g. "keep refrigerated"

Animals

No domestic animals are to have access to the food preparation area during food processing and handling.

Children

It is recommended that children under 5 years and those not employed in the food business be excluded from the preparation area during food processing and handling.

Smoking

Smoking is not allowed in the kitchen.

Transportation

Where food is required to be transported from the residential premises to an alternative location for sale, the food must be transported by a method not likely to contaminate the food or affect the safety of the food. Food requiring temperature control should be transported at either below 5°C or above 60°C using refrigeration or other suitable techniques.

Inspection

All food businesses are regularly inspected by the City's Health Services. This means that despite operating from a residential premises your food premises will be inspected from time to time.

Responsibilities of Food Business Proprietor

It is the responsibility of the Food Business Proprietor to ensure the food business complies with the Act. The City's role is a safeguard that this is happening. Where non compliance is observed, the City can take enforcement action as required.

Enforcement Action

Where issues of non compliance are identified the City has a range of enforcement options open to it. These include but are not limited to issuing Improvement Notices, issuing Infringement Notices, seizing equipment or food products or undertaking a prosecution.

The action taken by the City will depend on the severity of the offence, the risk to the public and the history of the food business with regards to past non compliance issues. The amount of penalty for an infringement notices is set in legislation and is usually \$1000 per offence. The amount of penalty for a prosecution is determined by the magistrate and may be up to \$250 000. In addition a business found guilty via a prosecution may also be liable to cover the City's legal costs and will have the details published on the Department of Health's Publication of Names of Offenders List.

Skills and Knowledge

A food business must ensure all food handlers have skills and knowledge commensurate with their work activities. To assist food businesses meet this requirement the City provides free food safety training via an online learning program called 'I'm Alert'. This is available on the City's website at www.swan.wa.gov.au. Upon completion of the training course a certificate can be printed out verifying the person has completed the course.

Lodging the Registration Form

To obtain a Registration Certificate in your name you should submit the City's Home Based Food Business Registration Form as soon as possible. Failure to notify is an offence as is operating an unregistered food business.

Lodging your Form:

- In Person: City of Swan Administration Centre, 2 Midland Square, Midland
- By Mail: PO Box 196, Midland WA 6936
- By Email: swan@swan.wa.gov.au
- By Fax: 9267 9444

Further Information

Additional information, including fact sheets and guidelines on food handling and food safety, may be found on the following websites;

- Department of Health – www.public.health.wa.gov.au
- Food Standards Australia New Zealand – www.foodstandards.gov.au
- City of Swan – www.swan.wa.gov.au
- Australia Standards (SAI Global) - www.saiglobal.com

Should you have any queries regarding any of the above, please do not hesitate to contact the City of Swan's Health Services on 9267 9153.