



# **FOOD BUSINESS GUIDE**

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## **TO CONSTRUCTION AND OPERATION**



City of **HOBART**

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## WHO SHOULD USE THIS GUIDE?

This information package has been compiled to help new and existing food business owners comply with the Tasmanian *Food Act 2003* and the national *Food Standards Code*. It covers topics such as legal requirements and the City of Hobart registration process.

It also helps existing owners, new owners, and architects and builders to comply with structural, fixture and fit-out requirements in food businesses.

**This document is intended only as a guide and business owners should contact the Environmental Health Unit directly with detailed questions.**

**To contact the City of Hobart  
Environmental Health Unit**

Phone: **(03) 6238 2715**

Email: **[coh@hobartcity.com.au](mailto:coh@hobartcity.com.au)**



## ENVIRONMENTAL HEALTH OFFICERS (EHOS)

Environmental health officers check to see if you are following the *Food Act 2003* and the *Food Standards Code*.

They also assess and approve all plans for new food premises as well as alterations or extensions of existing premises. They follow the requirements detailed in the *National Construction Code 2016 – Building Code of Australia*, including Tas Part H102, and associated Australian Standards.

Environmental health officers make sure food premises and vehicles are designed to be easily cleaned and sanitised to avoid food contamination.

You should let the Environmental Health Unit know if you want to make any structural changes to your kitchen, storage or transport. Even if you don't need building planning approval, you may still need environmental health approval.

EHOs do not visit just to check if businesses are complying but can offer free food handler training, advice and materials, to help them to comply.

The City of Hobart's environmental health officers can answer your questions or point you towards the information you need.

# FOOD LEGISLATION

## THE LAW

The following legislation and regulations should be followed by proprietors of new or renovated food businesses:

- *Food Act 2003*
- *Food Safety Standards (Chapter 3 of the Food Standards Code by Food Standards Australia New Zealand)*
- *National Construction Code 2016 –Building Code of Australia including Tas Part H102*
- *Building Act 2016 and associated Regulations*
- *Australian Standard: Design, construction and fit-out of food premises – AS 4674—2004*
- *Australian/New Zealand Standard: Interior and workplace lighting Part 1: General principles and recommendations – AS/NZS 1680.1:2006*
- *Australian/New Zealand Standard: Interior lighting Part 2.4: Industrial tasks and processes – AS/NZS 1680.2.4:1997*
- *Australian Standard: The use of ventilation and air-conditioning in buildings Part 2: Ventilation design for indoor air contaminant control (excluding requirements for the health aspects of tobacco smoke exposure) – AS 1668.2—2002*
- *Australian/New Zealand Standard: The use of ventilation and air-conditioning in buildings Part 1: Fire and smoke control in multi-compartment buildings – AS/NZS 1668.1:1998*
- *Australian/New Zealand Standard: Slip resistance classification of new pedestrian surface materials – AS/NZS 4586:2004.*

## COPIES OF LEGISLATION CAN BE OBTAINED FROM:

- Tasmania’s Consolidated Legislation Online ([thelaw.tas.gov.au](http://thelaw.tas.gov.au))
- Standards Australia ([standards.org.au](http://standards.org.au))
- Food Standards Australia New Zealand ([foodstandards.gov.au](http://foodstandards.gov.au))

## FOOD STANDARDS CODE

The *Food Standards Code* ensures food in Australia and New Zealand is safe and suitable for us to eat. It includes standards for food additives, food safety, labelling and foods that need pre-approval, such as genetically modified foods.

## FOOD SAFETY STANDARDS

Chapter 3 of the *Food Standards Code* is called the 'Food Safety Standards'.

The Food Safety Standards were developed to provide more effective and nationally uniform food safety. These are national standards that are used to assess your food business.

The standards set out specific food handling controls for the receipt, storage, processing, display, packaging, transportation, disposal and recall of food.

Other requirements concern the skills and knowledge of food handlers, the health and hygiene of food handlers and the cleaning and maintenance of food premises and equipment.

The standards also set out the requirements for food premises, fixtures, fittings, equipment and food transport vehicles.

All owners and operators of food businesses must know and understand the Food Standards Code, and in particular Chapter 3.

You can get the code from [foodstandards.gov.au](http://foodstandards.gov.au) or from Food Standards Australia New Zealand by phoning **(02) 6271 2222**.

## FOOD ACT

The *Food Standards Code* has been incorporated into the Food Act 2003.

The *Food Act 2003* is the main Tasmanian law about food. It covers food sampling, registration of food businesses, fines, prosecutions and offences for selling unsafe and unsuitable food.

## NATIONAL CONSTRUCTION CODE

The construction of a new food business or alterations to an existing food business must comply with the *National Construction Code 2016 – Building Code of Australia including Tas Part H102*.

## RAW EGG MANUFACTURING CONTROLS

Since June 2008, anyone making raw egg products must follow the Raw Egg Controls. These were introduced by the Tasmanian Government (Department of Health and Human Services) to reduce risks to the public.

Food businesses that make raw egg products must document the method of manufacture and follow strict and auditable procedures covering egg receipt, product preparation, storage and handling. These Raw Egg Controls are important regardless of where you get your eggs.

### WHO DOES THIS APPLY TO?

These controls apply to food businesses that make raw egg products, such as dressings and sauces (e.g. mayonnaise and hollandaise-based sauce), desserts (e.g. tiramisu) and drinks (e.g. eggnog).

### WHAT IS NOT COVERED?

Pasteurised raw egg products, omelettes, poached eggs, coddled eggs, custards, panna cotta, creme caramel and other partially cooked products are not covered by the controls as they are usually made, served and eaten within a short time-frame. However, it is important to keep partially cooked egg products in the fridge at all times, other than when serving, and to throw out all leftovers daily.

### WHAT DO I NEED TO DO?

Businesses must advise the City of Hobart if they intend to make raw egg products, by completing the Raw Egg Manufacturing Control 2008 Notification form at [hobartcity.com.au](http://hobartcity.com.au).

If you intend to make raw egg products in the future, you must notify the City of Hobart before doing so.

# CITY OF HOBART APPROVAL – NEW BUSINESSES

New food businesses may have to get approval from the City of Hobart's Planning, Building, Plumbing and/or Environmental Health units.

## PLANNING

Planning approval is the first essential step in the construction of a new food business.

Planning officers will decide whether your business can open in the place you've chosen. They will look at things like whether it's a residential or business zone, how much parking is available and other planning matters.

You should talk to the City of Hobart's Planning Unit to determine whether you need a development application for your new business. This may be necessary if you are building new premises or converting an existing business to a food business. You may also need planning approval to put up a new sign.

## BUILDING COMPLIANCE

After you've gone through the planning process, you may need to get a building permit.

If you do need a building permit, you will need to get an accredited building surveyor to issue a Certificate of Likely Compliance.

You may also need to engage other accredited building practitioners, such as a building designer/ architect or mechanical and/or electrical engineer.

### Please note:

1. A building permit cannot be issued unless the builder contracted to undertake the work is accredited at the appropriate level.
2. You cannot be an 'owner-builder' if you are renting the premises.

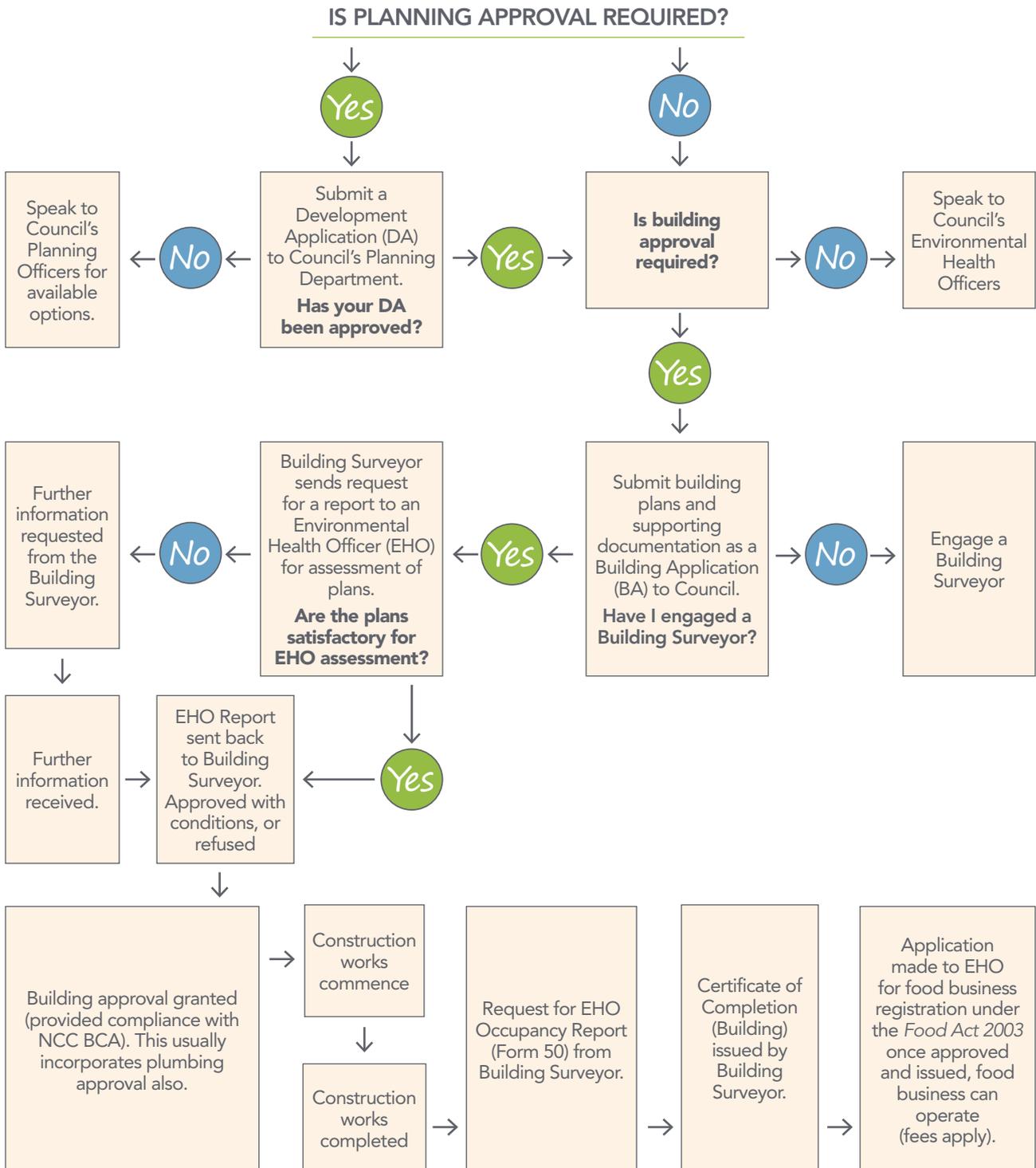
## PLUMBING

Before contacting the City of Hobart's plumbing compliance officers, you must contact TasWater to discuss all plumbing and drainage aspects of your build or fit-out, including grease-traps.

Depending on the amount and type of waste the business is likely to generate, a Trade Waste Permit may be required.

For information on Trade Waste Permits contact **TasWater** on **13 6992** or visit their website **taswater.com.au**

# COUNCIL APPROVAL DIAGRAMMATIC PROCESS



## FEES

For building, planning, plumbing and environmental health application fees, please check the City of Hobart's Schedule of Fees and Charges on the website [hobartcity.com.au](http://hobartcity.com.au)

## WHAT SHOULD BUILDING PLANS SHOW?

Plans and specifications must be drawn to scale and must comply with relevant legislation and standards.

The project size may influence who you pay to do the design. Professionals in this area can advise you on the legislation and standards you must comply with for the plans to be assessed and approved.

Please include a comprehensive list of all food manufacturing processes to be undertaken and a copy of the proposed menu.

Environmental health officers can only assess the plans if they reference each of the performance requirements of the *National Construction Code 2016 – Building Code of Australia including Tas Part H102 PI to PI2*.

The objective of the Tas Part H102 is to ensure the safe manufacture, preparation, storage or packing of food for human consumption. The 'deemed-to-satisfy provisions' of this Part (Tas H102.0 – Tas H102.17) specify how the performance requirements can be achieved.

## WHEN CAN I START BUILDING?

Construction can only start after the following have been issued:

- planning approval (if applicable)
- building and plumbing permits (incorporating environmental health requirements).

## WHEN CAN I START OPERATING AS A FOOD BUSINESS?

Before opening your food business, you must have:

- planning approval (if applicable)
- building and plumbing approval (incorporating environmental health requirements)
- an Occupancy Report issued by an environmental health officer to a building surveyor. An Occupancy Permit will not be issued until the officer has inspected the premises and signed off on the construction
- a Certificate of Completion issued by a City of Hobart compliance and permits officer.

Once you have all these approvals you need to apply to the Environmental Health Unit for registration as a food business.



## FOOD BUSINESS REGISTRATION

A food business is any business, enterprise or activity that involves the handling or sale of food, regardless of whether it's a commercial, charitable or community concern.

There is a single application fee for a new registration. Each following year the renewal fee you will pay depends on your risk classification according to the Food Standards Australia New Zealand publication *The Priority Classification for Food Businesses*.

This is a risk-based system designed to classify food businesses into priority ratings based on the risk they present to public health and safety. There are three risk categories – low, medium and high.

The application form can be posted or emailed to you, or you can download it from [hobartcity.com.au](http://hobartcity.com.au)

Your completed application will be examined and a Certificate of Registration issued to the business. A Certificate of Registration requires renewal on 31 May each year, with a fee.

If you have not constructed your kitchen according to the approved plans or have not complied with the conditions of occupancy, the City of Hobart may withhold a Certificate of Registration.

When your Certificate of Registration has been issued, you may start operating as a food business.

## WHICH BUSINESSES NEED TO BE REGISTERED

Under the *Food Act 2003* all 'food businesses' selling potentially hazardous food must be registered annually **before** food is manufactured or sold on-site.

**Potentially hazardous foods** might contain food poisoning bacteria or support growth of these bacteria or toxins to unsafe levels if the foods are not stored at correct temperatures. Toxins are poisonous chemicals produced by some types of bacteria.

### THE FOLLOWING ARE EXAMPLES OF POTENTIALLY HAZARDOUS FOODS:

- raw and cooked meat or foods containing meat, such as casseroles, curries and lasagne
- dairy products, for example, milk, custard and dairy-based desserts
- seafood (excluding live seafood)
- processed fruits and vegetables, for example, salads
- cooked rice and pasta
- foods containing eggs, beans, nuts or other protein-rich foods, such as quiche and soy products
- foods that contain these foods, such as sandwiches and rolls.

Food businesses include temporary food businesses and mobile food vehicles.

The application form to register a food business is available at [hobartcity.com.au](http://hobartcity.com.au) and payment is required when the application is lodged.

## CATERING BUSINESSES

A catering business must be registered as a food business and operate from a registered food premises.

## B&BS AND HOMESTAYS

Bed and breakfast (B&B) and homestay businesses that provide meals also need to comply with food legislation. These types of premises often accommodate a small number of people and undertake limited amounts of cooking. Therefore, the requirements for construction of these premises are based on each situation and depend on the foods being offered.

## HOME KITCHENS

If you want to use your home kitchen to produce food as part of your business, you should speak with the City of Hobart Planning Unit as you may need permission.

Once permission has been obtained, and depending on the activities undertaken and risks involved, you may need to register as a food business.

## MOBILE FOOD BUSINESSES

Mobile food vehicles and stalls are considered to be food businesses and therefore must be registered.

When designing and fitting out mobile food vehicles, you must ensure they meet the required outcomes from the Food Safety Standards.

You should contact a City of Hobart environmental health officer very early in the planning of your mobile food vehicles to discuss your proposal and the food handling you intend to undertake. While full building plans may not need to be submitted, an environmental health officer must still approve the vehicle as a food business.

The registration allows mobile food businesses to trade statewide at any event or market, without the need to apply in each local government area.

To get an application form to register as a mobile food business, call an environmental health officer in the local government area you live in. The form then needs to be lodged along with the application fee.

## TEMPORARY FOOD BUSINESSES

Temporary food businesses, such as sausage sizzles and cake stalls, also need to be registered with the City of Hobart.

Complete the online Temporary Food Outlet form and submit it with the payment. A certificate will be sent once the fee has been paid.

An environmental health officer may contact you if there are questions or concerns about your operation.

## WHICH BUSINESSES DON'T NEED TO BE REGISTERED?

Food businesses not handling or selling potentially hazardous food do not need to register, however, they still need to formally notify the City of Hobart. Simply complete the Food Business – Application for Notification of a Food Business form at [hobartcity.com.au](http://hobartcity.com.au).

Businesses that give away food, such as charity vehicles catering to the homeless, do not need to register.

Primary food producers do not need to register.

**Primary food production means the growing, raising, cultivation, picking, harvesting, collection or catching of food, and includes the following:**

- transportation or delivery of food on, from, or between the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught
- packing, treating (e.g. washing) or storing of food on the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught, or on premises associated with the primary premises
- storage of food in a silo that is not connected with a food processing operation and the transportation of food in and out of the silos
- sale of livestock at saleyards and the transportation of livestock to and from saleyards
- any other food production activity that is covered or permitted by the *Food Act 2003* and regulations.

# EXISTING FOOD BUSINESSES: BUYING AND SELLING

## BUYING OR TAKING OVER AN EXISTING FOOD BUSINESS

When buying a food business, you should contact the with Environmental Health Officer for information about the business well before the sale is finalised or contracts are signed.

### PRE-PURCHASE INSPECTION

First, check with the with Environmental Health Officer that the premises has a current registration certificate.

Second, ask the City to conduct a pre-purchase inspection to identify any current or outstanding works and any potentially expensive problems. If you don't get this inspection, you may inherit faults from the previous owner and be held responsible for fixing them.

You will need written permission from the owner to undertake the inspection. Fill out the pre-purchase inspection form at [hobartcity.com.au](http://hobartcity.com.au), and pay the application fee.

Please contact the **Environmental Health Unit** on **(03) 6238 2715** to book a pre-purchase inspection.

## TRANSFER OF REGISTRATION

A registration certificate is not transferable between the existing registered person and yourself.

This means that when you buy a food business or take over a lease, you must apply for a food business registration. This needs to happen before you begin to operate your food business.

## SELLING YOUR BUSINESS

When selling a food business, ensure that your registration is current and that there are no outstanding conditions or notices. This will make the sale process easier and avoid lengthy negotiations with potential buyers about outstanding conditions.

**You could also consider providing any prospective buyers with a pre-purchase inspection report to speed up negotiations.**



## TRAINING

As the owner of a food business, you and your staff **must** have relevant food safety skills and knowledge. You should be able to provide evidence of your training to the City's environmental health officers.

The City of Hobart offers FREE online food safety training to all food handlers in the municipality.

**The I'M ALERT training program can be accessed at [hobart.imalert.com.au](http://hobart.imalert.com.au)**

I'M ALERT is an easy-to-use online program developed by Environmental Health Australia and will help you and your staff to meet national food safety requirements.

It allows you to print a training acknowledgement form to confirm you have completed all sections if it's done in one sitting – this is useful for both yourself and for business training records.

The training takes about 1 hour and 45 minutes to complete. You can save your progress so you don't have to undertake all the modules in one sitting, however, a certificate will not automatically generate. To get a certificate you will need to lodge your acknowledgement forms with the City.

# TASMANIAN FOOD SURVEILLANCE PROGRAM

The City of Hobart participates in the Tasmanian Food Surveillance Program.

Each month, a different type of food product or surface is sampled.

An environmental health officer will buy the food product, just as it would be provided to consumers. The City does not always advise the premises they are being sampled at the time of purchase, but the results are forwarded. Feedback is supplied to the manufacturer about the safety and quality of their product(s) and, if necessary, the City works with the business to identify deficiencies and improve standards.

If the analysis indicates that the results for the particular food product are unsatisfactory, the City undertakes formal re-sampling in consultation with the business. The business must pay the cost of the formal re-sampling.

## FURTHER INFORMATION

For further information on registration, fit-out and construction please contact the **City of Hobart Environmental Health Unit** on (03) 6238 2715.

### USEFUL LINKS

The City's FREE online food safety training [hobart.imalert.com.au](http://hobart.imalert.com.au)

Food Standards Australia New Zealand [foodstandards.gov.au](http://foodstandards.gov.au)

#### **Nutrition panel calculator:**

To calculate nutrition content for product labelling [foodstandards.gov.au/thecode/nutritionpanelcalculator/index.cfm](http://foodstandards.gov.au/thecode/nutritionpanelcalculator/index.cfm)

### RELATED CITY OF HOBART DOCUMENTS

Downloadable from the Food section at [hobartcity.com.au](http://hobartcity.com.au)

- Template Temperature Monitoring Record – Fridge/Freezer
- Template Temperature Monitoring Record – Cooking
- Template Temperature Monitoring Record – Delivery
- Template Temperature Monitoring Record – Hot Holding
- Template Cleaning Schedule

### OTHER DOCUMENTS

Downloadable from the Food section at [hobartcity.com.au](http://hobartcity.com.au)

- Guidelines for Mobile Food Businesses

### RELEVANT APPLICATION FORMS

Downloadable from [hobartcity.com.au](http://hobartcity.com.au)

- Registration of a Food Business
- Notification of a Food Business
- Temporary Food Outlet (online application)
- Raw Egg Manufacturing Controls 2008 Notification
- Request for Information and Documents
- Request for Pre-purchase Inspection