

Guide to Operating a Food Business



This information is provided as a general guide for owners, proprietors, architects and/or builders that intend to design, construct/fit-out and operate a food premises or food vehicle within the Shire of Broome. This guide also details the process for approval and registration of a food business. Prior to commencement of any work, it is recommended that an on-site meeting be held with an Environmental Health Officer to discuss your proposal.

Food businesses are currently governed by the following state-wide legislation:

- Food Act 2008
- Food Regulations 2009
- Food Safety Standards (Chapter 3)
- Australia New Zealand Food Standards Code

Copies of the legislation can be downloaded at the State Law Publisher website www.slp.wa.gov.au and at the FSANZ website www.foodstandards.gov.au.

Australian Standard (AS 4674-2004) Design, construction and fit-out of food premises can provide you with good detail and advice on your proposed food business. This document is copyrighted.

Definitions

“Food” includes;

(a) 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);

(b) any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a);

(c) any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid;

(d) chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum; and

(e) any substance or thing declared to be a food under a declaration in force under the Commonwealth Food Standards Australia New Zealand Act 1991 section 6, whether or not the substance, thing or chewing gum is in a condition fit for human consumption.

(f) food does not include a therapeutic good within the meaning of the Commonwealth Therapeutic Goods Act 1989.

(g) to avoid doubt, food may include live animals and plants.

“Food Business” means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves —

(a) the handling of food intended for sale; or

b) the sale of food, regardless of whether, subject to section 6, the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

The Shire of Broome uses a risk-based classification system for food businesses which is determined by the type of food prepared and who the food is prepared for (e.g. elderly people and children). Risk classification determines the initial inspection frequency but this may be altered by the outcome of the routine inspections i.e. if the inspection result is good, then the inspection frequency is lessened. If the inspection result is sub-standard then more frequent inspections of the business will be undertaken.

Food businesses are classified as:

- Exempt e.g. newsagencies selling packaged confectionery
- Low risk
- Medium Risk e.g. most cafes and restaurants will fall into this category
- High Risk

Food businesses are charged a one-off registration fee and then an annual licence fee. Licensing is for the calendar year from 1 January – 31 December and invoicing occurs in November. For the current fee schedule please contact Environmental Health Services on 9191 3456.

COUNCIL REQUIREMENTS

1 Planning and Heritage Services

The premises you have chosen may require planning approval and a Planning Application may need to be submitted to ascertain suitability with the Local Planning Scheme in relation to zoning and parking etc. Also many buildings within the Shire have some historic importance. It is necessary to determine if the chosen premises is heritage listed before alterations are made. Contact Planning Services on 91913456 or shire@broome.wa.gov.au

1.2 Building Services

You will be required to submit a Building Licence Application for:

- newly constructed premises;
- where cool rooms and exhaust canopies are to be installed; or
- where alterations may affect the structural integrity of the building.

Contact Building Services on 91913456 for further information.

1.3 Environmental Health Services

Before any new developments, alterations or extensions, approval must be obtained from Environmental Health Services, even where planning approval or a building licence is not required. Your shop-fitter, draftsman or architect should be able to assist you with plans.

The following must be submitted:

- a) Food Business Notification / Registration form (a copy of this can be found on our website);
- b) Application for Fit out of Premise form (a copy of this can be found on our website);
- c) Two sets of drawings showing:
 - (i) scale 1:50
 - (ii) all dimensions
 - (iii) floor plan
 - (iv) sectional elevations through walls etc.
 - (v) hydraulic plans of fresh water and waste water services
 - (vi) mechanical exhaust ventilation plan

- (vii) finishes of every wall, floor and ceiling
- (viii) the position and type of every fixture, fitting and equipment
- (ix) toilet facilities
- (x) grease traps
- (xii) the estimated number of patrons.

NOTE: Submitted plans must be of a high quality that clearly shows all of the above details. This will help the Shire's Environmental Health Officers assess the plans in a timely manner.

1.4 Approval of Plans

After the plans have been approved, one copy will be given back to you with "Environmental Health Conditions of Approval" attached. You can then commence the construction of the food premises but the conditions of approval must be complied with.

1.5 Final Inspection

Once construction is complete, you will need to contact Environmental Health Services to arrange for an Environmental Health Officer to undertake a final inspection for compliance with the approved plans and Conditions of Approval.

1.6 Food Business Registration and Licence

After the food business has been approved you will be required to pay your registration fees. After payment has been received you will be issued your food business registration and licence certificates which must be displayed in a prominent place within your food business at all times. Registration of your food business occurs once and does not expire. The licence certificate is issued annually with the fees.

2.0 STATE GOVERNMENT DEPARTMENTS

2.1 Department of Racing, Gaming and Liquor (RGL)

Any premises selling alcohol must obtain a liquor licence. Applications can be obtained from RGL and will usually require a Section 39 certificate to be issued from Environmental Health Services. This involves an inspection of the premises to ensure compliance with relevant health legislation. There is a fee associated with this. A Section 40 Certificate may also need to be issued by Planning Services.

To enquire Email: rgl@rgl.wa.gov.au Website: www.rgl.wa.gov.au

Please contact Environmental Health Services for Section 39 application and Planning Services for a Section 40 application, please note application fees apply.

2.2 Department of Environment and Conservation (DEC)

The DEC deals with pollution such as noise, waste, water and air. Problems may arise due to noisy refrigeration motors and exhaust hood outlets. Consider neighbouring premises when installing such equipment. Sound levels created by the business must not exceed those in the Environmental Protection (Noise) Regulations 1997.

All food businesses are required to comply with the Environmental Protection (Unauthorised Discharges) Regulations 2004 by having adequate drainage, refuse storage and waste fat and oil storage and collection. Environmental Health Officer's may issue infringements if a food business is found discharging chemicals, fats, oils etc. into the environment (e.g. stormwater drain).

Website: www.dec.wa.gov.au

2.3 Water Corporation

1. Plumbing is to be carried out by a licensed plumber in accordance with the Water Services Coordination (Plumbers Licensing) Regulations 2000. Contact the Plumbers Licensing Board for more information.

The Industrial Waste Department at the Water Corporation should be consulted for provision of grease traps. Most food premises where food preparation occurs will require a grease trap to be installed, Phone: 13 13 95 Website: www.watercorporation.com.au

3.0 DESIGN AND CONSTRUCTION

3.1 General Requirements

The food premises must comply with the requirements of Food Safety Standard 3.2.3 – Food Premises and Equipment (FSS 3.2.3). The additional following information may be useful when designing your food premises

Your food business design must aim to:

- Exclude locations that may allow harbourage to vermin by such measures as eliminating cavities, cracks and crevices.
- Facilitate easy cleaning by measures such as providing open access to all surfaces where grease and dust may accumulate and ensuring that all surfaces are durable, smooth, impervious and washable.
- Allow the flow of food in one direction, from receipt, to storage, to preparation, to packing/serving/dispatch incorporating in the design process, provision for safe food handling practices so that the risk of contamination is minimised.

Consider:

- Sufficient dining space, allowing of 1m² per person for dining area;
- Potential for future expansion. If in the future you may wish to upgrade the type of food preparation, then you may also need to upgrade the premises to suit.
- The kitchen incorporating crockery/equipment/chemical/food storage, washing areas, wet and dry preparation areas, refrigeration and cooking areas.
- Separation of raw products and cooked/final products
- Sanitary conveniences for both staff and customers
- Space for change rooms and storage area for personal items

3.2 Water Supply

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 2 Clause 4	<p>The water supply must be:</p> <ul style="list-style-type: none"> • Provided in an adequate quantity; • Potable; and • Of an appropriate temperature. <p>The water supply for mobile food vehicles must be: Of a minimum 25Litres (used solely for cleaning purposes).</p>	<ul style="list-style-type: none"> • Hot water system installed in adequate capacity for the activities occurring at the premises • Council water supply • Tank and Bore water (Samples will be taken by the Shire to confirm compliance)

3.3 Sewage and Waste Water Disposal

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 2 Clause 5	<p>The premises must have a sewage and waste water disposal system which:</p> <ul style="list-style-type: none"> • Effectively disposes of all sewage and wastewater; and • Is constructed and located so that there is no likelihood of the sewage and wastewater polluting the water supply or contaminating food. <p>Food transport vehicles:</p> <ul style="list-style-type: none"> • Where there is no connection to mains sewer, temporary holding tanks must be installed at 50Litres capacity. 	<ul style="list-style-type: none"> • Connection to deep sewer • If the premises is located in areas without deep sewerage you will require on-site disposal. A further application to install apparatus for the treatment of sewage is required. Alternatively, investigate the installation of a reticulated sewerage system connected to the main sewer. • Contact the Water Corporation for information regarding grease traps. The Shire of Broome does not process these applications. • Trade waste agreement required

3.4 Storage of Garbage and Recyclable Matter

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 2 Clause 6	<p>The premises must have waste facilities that:</p> <ul style="list-style-type: none"> • Adequately contain the quantity and type of waste and recyclable matter; • Are enclosed, as to not allow access to pests and animals; and • Are designed and constructed to be easily and effectively cleaned. 	<ul style="list-style-type: none"> • Provision of an adequate supply of water for cleaning • Refuse containers serviced by appropriate contractor • Fats and oils must be stored in leak proof containers and regularly collected by a waste removal contractor. • Easy access to allow for removal Of bins • Bins in food preparation areas should be located where cross contamination will not occur. They should be provided with a plastic liner and lid. These bins should be cleaned and sanitised regularly.

3.5 Ventilation

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 2 Clause 7	<p>Ventilation throughout the premises must:</p> <ul style="list-style-type: none"> • Be sufficient and easily and effectively cleaned; and • Effectively remove fumes, smoke, steam and vapours, so as not to cause environmental nuisance. • Mechanical exhaust ventilation system to be designed, constructed and installed in accordance with AS 1668 Part 2 (2002). 	<p>Mechanical ventilation to be installed for:</p> <ul style="list-style-type: none"> • Cooking equipment where electrical input exceeds 8kW; • Cooking equipment where gas input exceeds 29MJ/h; and • All deep fryers.(Written certification is required to verify that system meets performance criteria)

3.6 Lighting

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 2 Clause 8	The premises must: <ul style="list-style-type: none"> • Be sufficiently provided with light; and • Light fittings must be easily and effectively cleaned, unable to provide harbourage for pests and constructed to protect food from contamination. 	<ul style="list-style-type: none"> • Natural light • Artificial—recessed and diffuser • Artificial—ceiling mounted and diffuser • Light fittings are to be provided with protective plastic covers or sleeves to prevent contamination of food with broken glass.

3.7 Floors

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 3 Clause 10	Floors must be: <ul style="list-style-type: none"> • Constructed appropriately for the activities being carried out within the premises; • Impervious and easily and effectively cleaned; • Laid in a manner so that pooling or ponding of water cannot occur; and • Unable to provide harbourage for pests. • Where floor is subject to heavy washing floor wastes should be provided 	<ul style="list-style-type: none"> • Ceramic tiles • Coving provided • Concrete and epoxy layer • Commercial grade continuous vinyl • Treated concrete • Flooring materials must be light in colour

3.8 Walls

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 3 Clause 11	Walls must be: <ul style="list-style-type: none"> • Provided to protect food from contamination; • Constructed appropriately for the activities being carried out within the premises; • Sealed to prevent entry of dirt, dust, pests and vermin; • Unable to provide harbourage for pests; • Impervious; and • Easily and effectively cleaned. • Flush with no panels 	<ul style="list-style-type: none"> • Ceramic tiles • Gloss painted fibre cement sheeting • Impervious panelling • Smooth finish provided • Splashbacks provided to sinks and benches • Heat resistance material behind cooking equipment • Light coloured paint

3.9 Ceilings

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 3 Clause 11	<p>Ceilings must be:</p> <ul style="list-style-type: none"> • Provided to protect food from contamination; • Constructed appropriately for the activities being carried out within the premises; • Sealed to prevent entry of dirt, dust, pests and vermin; • Unable to provide harbourage for pests; • Impervious; and • Easily and effectively cleaned. 	<ul style="list-style-type: none"> • Gloss painted fibre cement sheeting • Impervious panelling • Smooth finish • Solid, continuous construction <p>NOTE: Drop-in panel ceilings will not be approved in kitchens and food preparations areas.</p>

4.0 FLOORS, WALLS AND

4.1 General Requirements

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 4 Clause 12	<p>Fixtures and fittings are to be adequate for the production of safe food and fit for the intended use.</p> <p>Fixtures and fittings should be designed and constructed so that:</p> <ul style="list-style-type: none"> • There is no likelihood of causing food contamination; • The fixtures and fittings and adjacent floors, walls and ceilings are able to be easily and effectively cleaned; and • They are unable to provide harbourage for pests. <p>Food contact surfaces must be:</p> <ul style="list-style-type: none"> • Able to be easily and effectively cleaned and sanitised; • Impervious; and • Made of material that will not contaminate the food. 	<p>Fixtures, fittings, shelving and equipment should:</p> <ul style="list-style-type: none"> • Be able to be easily moved • Have castors fitted and flexible connections • Have 150mm legs and clear of walls • Be sealed to plinth, surfaces, floor and adjacent surfaces • Have 75mm above bench and clear of the wall • Not have false backs or bottoms • Food contact surfaces should be stainless steel. • Pipes, ducts, fitting and fixtures should be concealed in the wall, floor or ceiling.

4.2 Washing Facilities

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 4 Clause 12	Cooking Equipment and eating/drinking utensils must be able to be easily and effectively cleaned and sanitised.	<ul style="list-style-type: none"> • Double bowl sink for utensil and equipment washing OR • Single bowl sink and commercial dishwasher AND • Separate sink for fruit and vegetable washing AND • Glass washer

4.3 Handwashing Facilities

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 4 Clause 14	<p>A food premises must have a designated hand wash basin that is;</p> <ul style="list-style-type: none"> • A permanent fixture; • Located in an easily accessible location for all food handlers (not more than 5m away); • Within immediate area where food handlers work; • Adjacent to the toilets or toilet cubicles at the food premises (if any); • Connected to or provided with a supply of warm running potable water (between 22°C and 48°C); • Supplied with warm and cold water through a common spout; • Of a size which allows easy and effective hand washing; • Supplied with paper towels, soap and a waste container; and • Connected to sewer 	<ul style="list-style-type: none"> • Minimum 11 litre capacity basin provided in area where food handlers are working • Minimum 11 litre capacity basin provided adjacent to toilet facilities • Each hand basin must be supplied with soap, paper towels and a waste container • Hand Basins connected to sewer

4.4 Hot and Cold Food Storage and Display

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 3 Clause 6 & 8	During storage and display, food must be; <ul style="list-style-type: none"> • Protected from the likelihood of contamination; and • Under appropriate temperature control. Storage and display areas and containers must be capable of being easily and effectively cleaned.	<ul style="list-style-type: none"> • Hot display unit minimum of 60°C • Cold display Unit/Cool Room maximum of 5°C • Freezer units maximum - 15°C and food must remain frozen • Sneeze barriers

4.5 Coolrooms / Freezers

Installation of a walk-in coolroom or freezer requires a building licence.

- Floor is to be graded and drained to a floor waste located outside the facility.
- All racks and shelves should be of smooth, non-absorbent, easily cleanable, non-corrosive material.
- Coolroom and freezer condensates should discharge to a drainage system located outside the coolroom/freezer (i.e. tundish).
- A thermometer indicating temperature within +/- 1° C is required.
- Inaccessible cavities should be filled with fibreglass wool and sealed.
- All doors are:
 - fitted with a rubber or similar seal which effectively prevents the escape of cold air or the entry of warm air when the door is closed, and the seal must be kept clean and in good repair
 - be capable of being opened from the inside at all times.
- Should the coolroom be externally accessed it may only be utilised for bulk storage where food is fully enclosed within packaging material.
- Alarm to be provided on outside of coolroom but controlled only from the inside of the coolroom (BCA requirement).
- Internal lighting controlled by a switch located adjacent to the entrance doorway (BCA requirement).
- All coolroom motors and compressors should be located outside the premises if possible.

4.6 Storage Facilities

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 4 Clause 15	Adequate storage facilities must be provided for items that are likely to contaminate food, including; <ul style="list-style-type: none"> • Chemicals; • Clothing; and • Personal belongings. Storage facilities should be located where there is no likelihood of the above items contaminating food or food contact surfaces	<ul style="list-style-type: none"> • Separated staff room • Clearly designated room, shelf or cupboard for staff items • Clearly designated chemical/cleaning items storage room, shelf or cupboard.

Miscellaneous

6.1 Temperature measuring

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 6 Clause 22	A food premises must have a temperature measuring device that can accurately measure the temperature of potentially hazardous food to +/- 1°C.	<ul style="list-style-type: none"> • Thermostat and gauge provided on all units; AND • Single mobile device per premises (i.e. Probe thermometer)

6.2 Cleaning and Sanitising

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 5 Clause 20	<p>All equipment and utensils must be kept in a clean and sanitary state. Heat and/or chemicals must be applied to equipment and utensils so that the number of micro-organisms on the surface has been reduced to a level that;</p> <ul style="list-style-type: none"> • Does not compromise the safety of the food which it may come in contact with; and • Does not permit the transmission of infectious disease. 	<p>Cleaning</p> <ul style="list-style-type: none"> • Sink (water at 54°C and detergent); • Dishwasher (water at 75°C or water at 54°C and detergent); • Glass washer (water at 54°C and detergent). <p>Sanitising</p> <ul style="list-style-type: none"> • Chemical sanitizer • Water at 77°C for hot water sanitising at the sink • Rinsing compartment should be provided with heating elements capable of maintaining the water at a minimum temperature of 77°C.

6.3 Toilet Facilities

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 5 Clause 16	<p>An appropriate number of toilets must be available for the use of food handlers.</p>	<p>Designated internal staff toilet containing:</p> <ul style="list-style-type: none"> • Double air lock and self closers; or • Single door, mechanical ventilation and self closer. • External staff toilet • External common room

- Sanitary conveniences are to be provided for both staff and patrons of each gender. Staff and patron facilities may be combined as long as there are enough facilities to cater for both as per the requirements of the Building Code of Australia.
- A disabled facility must be provided in newly constructed premises and may be required when alteration, additions or a change of use are undertaken on an existing property. Contact the Shire's Building Services for further information prior to submitting an application.
- Sanitary conveniences must be equipped with both hot and cold water, liquid soap and single use paper towels or a warm air drier.
- Gender identification signs are required on the toilet doors.
- Patron sanitary conveniences are generally only required when a food premises accommodates more than 20 persons.

Refer to the following table which is extracted from the Building Code of Australia for number of facilities required for staff and patrons of each gender.

STAFF FACILITIES									
Numbers of:	Toilets			Urinals			Hand-wash Basins		
	1	2	Each extra	1	2	Each extra	1	2	Each extra
Facilities	1	2	Each extra	1	2	Each extra	1	2	Each extra
Males	20	40	20	25	50	50	30	60	30
Females	15	30	15	N/A			30	60	30
PATRONS FACILITIES									
Number of:	Toilets			Urinals			Hand-wash Basins		
	1	2	Each Extra	1	2	Each extra	1	2	Each extra
Facilities	1	2	Each Extra	1	2	Each extra	1	2	Each extra
Males	100	300	200	50	100	50	20	200	200
Females	25	50	50	N/A			50	150	200

NOTE: Where the number of male patrons exceeds 250, not less than 5 urinals must be provided plus one additional urinal for every additional 100 in excess of 250. Where the number of female patrons exceeds 250, not less than 6 closet fixtures must be provided plus one additional closet fixture for every 100 females in excess of 250. If not more than 10 persons are employed a unisex toilet facility may be provided. One unit is either an individual unit, 600mm length of continuous urinal or a continuous urinal or a WC can be used in place of a urinal.

6.4 Animals and Pests

- An assistance animal, such as a guide-dog, is only permitted in dining and drinking areas (this includes outdoor dining areas).
- All openings should be protected as far as is practicable from pests through the use of screens, self-closing doors and other inhibiting mechanisms (e.g. air-curtains, fly-strips or fly zappers – fly-zappers must not be located over food contact surfaces).
- It is highly recommended to obtain the services of a qualified pest controller to carry out quarterly inspections and treatment for pests such as cockroaches and rodents.

6.5 Food Safety Training

- It is a requirement that all food handlers demonstrate their skills and knowledge appropriate to the level of food handling that they are employed to carry out.
- “I’m Alert” Food Safety Program is available free through the Shire of Broome Website. This is a self-paced online learning tool that food business operators can use to train their staff to minimum compliance with the hygiene standards in the Food Safety Standards.

6.6 Outdoor Eating Areas (Alfresco Dining)

- An Outdoor Eating Area is licensed by the Shire of Broome where the dining area falls on Shire land. Outdoor Dining is assessed in accordance with Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2003. A planning application must be submitted with the Shire detailing the area to be used to gain an outdoor Dining licence. This is an annual licence and requires annual fees to be submitted.

7.1 Food Transport Vehicles

Relevant Food Safety Standard	Performance Criteria	Acceptable Solutions
FSS 3.2.3 Division 4 Clause 17	Food Transport Vehicles must be: <ul style="list-style-type: none"> • Designed and constructed to protect food if there is a likelihood of contamination during transport; and • Designed and constructed to be easily and effectively cleaned and if necessary, sanitised. 	<ul style="list-style-type: none"> • Smooth impervious surfaces to the storage compartment • Food is to be transported in such a way as to prevent contamination (e.g. packaged in food grade storage containers).

7.2 Mobile Food Vendors

Mobile Food Vehicles are required to comply with the Food Standards Code. Acceptable solutions to compliance are:

- Food preparation area must be sealed off from the driving area;
- Hand wash basin must be of adequate size, connected to a holding tank of sufficient size to contain all waste water and have a supply of liquid hand soap and single use paper towels at all times;
- Utensil washing sink to be provided in addition to hand wash basin and connected to water holding tank;
- Holding tank must be located beneath the vehicle and all waste water disposed of to sewer;
- Vehicles must be designed and constructed so food is protected from contamination during transport;
- Vehicles must be designed and constructed so they can be easily cleaned;
- Food contact surfaces must be designed and constructed so they can be easily cleaned and sanitised;
- Food vehicles must be kept in a clean condition and parts must be maintained in good working order;
- Provision of adequate storage of food, whether potentially hazardous and perishable or non potentially hazardous; and
- No animals are permitted to enter the food vehicle at any time.

8.0 Food Service to Vulnerable Persons

Food service to vulnerable persons such as hospital patients, meals-on-wheels clients in nursing homes, respite centres, children under the age of 5 years in child day care and similar services are required under Standards 3.2.1 and 3.3.1 of the Code to have a Food Safety Program that documents how the food business will control the food safety hazards associated with food handling activities of the business.

Food businesses servicing vulnerable persons are required to comply with the Code in the same manner as other food premises in terms of Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment. For example, a larger child day care centre that provides for more than five children is required to comply with all of the Code Standards mentioned above, except for those where less than six vulnerable persons are serviced they are not required to have a Food Safety Program. Such premises are still required to have appropriate food premises, equipment, safety practices and comply with the general requirements.

9.0 Food Prepared in Residential Premises

Food prepared in a residential premises for sale or other reasons defined in the Act such as for charity or fundraising purposes are also considered to be a food business activity and must comply with relevant aspects of the Act, Regulations and Code. Such activities are exempt from having to meet the full requirements, such as food handlers not being required to have the skills and knowledge expected of staff in a large commercial food business.

In general low risk food preparation activities may occur in a residential premises kitchen where approved by the Shire and consistent with the Department of Health WA guidelines. (http://www.public.health.wa.gov.au/2/959/2/food_prepared_in_residential_premises.pm) Such activities must be approved by the Shire by completing the food business notification/registration form. Examples of food preparation activities that are permitted in residential premises include:

- Child day care within a residential premises kitchen where less than seven children are cared for and meals are prepared for children in the residential home.
- Charitable or fundraising activities.
- General low risk food preparation such as the making of jams, pickles, cake decorating and similar products.

Please note that a kitchen within a residential premises used for the above activities must comply with the Code in respect to Standards 3.2.2 Food Safety Practices and General and 3.2.3 Food Premises and Equipment. While these standards can require suitable high quality finishes and equipment fit-out in a commercial premises, a residential kitchen would not be expected to have the same level of fit-out. Further advice from an Environmental Health Officer is required depending on the food risk and activity involved. Other considerations, such as Planning requirements for conducting a business from a residence should also be considered and consultation with the Shire's Planning Services on this matter is required.