

# Operating a Commercial Food Business

The *Food Act 1984* regulates the sale of food for human consumption. If your business sells food you must either register with, or notify, the Council in which the premises is located.

The information below explains whether you will need to **register** or **notify** Council.

There are four classes of food premises, Class 1, Class 2, Class 3 and Class 4. This classification system means that regulatory requirements are better matched to the level of risk associated with the food handling activities at different types of premises. Class 1 has the highest and Class 4 the lowest level of legal requirements. In summary, the classes are:

<b>Class 1</b>	Hospitals, child care centres and aged care services which serve ready to eat potentially hazardous food to vulnerable groups.
<b>Class 2</b>	Premises that handle potentially hazardous unpackaged food.
<b>Class 3</b>	Premises that handle unpackaged low risk food, potentially hazardous pre -packaged foods or the warehousing or distribution of packaged foods.
<b>Class 4</b>	Premises that only retail pre packaged low risk food and certain low risk occasional activities, e.g. a simple sausage sizzle (sausages, bread, sauce and onion only).

Classes **1, 2 and 3** premises must register with Council.

Class **4** premises must complete a notification form and forward to Council.

## Commercial Kitchen/Vehicle Requirements

All food premises/vehicles must be designed and constructed in accordance with Food Standards Code 3.2.3 - Food Premises and Equipment [www.foodstandards.gov.au/code](http://www.foodstandards.gov.au/code)

- **If you package food, it must be labelled in accordance with Food Standard 1.2.1 - Labelling and Other Information Requirements, prior to any retail sale.**
- **Labels should be validated by a National Association or Testing Authorities (NATA) approved laboratory and must include at a minimum:**
  - Name of Food
  - Lot and Premises identification
  - Name and address of the manufacturer/supplier/importer
  - Ingredients list in descending order and percentage labelling
  - Warning and Advisory statements
  - Date marking, Best before or Use by Date
  - Nutritional Information Requirements
  - Country of Origin
  - Legibility Requirements
- » Packaged food with an expiry date must have the expiry date validated by a NATA approved analyst.
- » Nutritional claims such as Gluten Free or Dairy Free must be independently verified by a NATA approval analyst.
- » Food Labelling Guidelines can be found at **[www.foodstandards.gov.au/code/userguide](http://www.foodstandards.gov.au/code/userguide)**
- » The Nutritional Panel Calculator can also assist to meet labelling requirements:  
**[www.foodstandards.gov.au/industry/npc](http://www.foodstandards.gov.au/industry/npc)**

- **Businesses that wholesale (sell their product through retailers) must have a recall protocol in place. A copy of the Food Standards Australia New Zealand Food Industry Recall Protocol can be accessed online at: [www.foodstandards.gov.au/industry/foodrecalls/Pages/default.aspx](http://www.foodstandards.gov.au/industry/foodrecalls/Pages/default.aspx)**
- **If you plan to sell your food at market stalls, you must also register your Temporary Food Premises with Council on Streatrader, <https://streatrader.health.vic.gov.au> and submit your Statement of Trade at least five days prior to the event. A temporary food premises fee must be paid to Council (community groups exempt).**

Please see the guidelines for running a market stall in Victoria at <https://streatrader.health.vic.gov.au/resources/businesses/running-a-market-stall> or the guidelines for starting a mobile food business at <https://streatrader.health.vic.gov.au/resources/businesses/starting-a-mobile-food-business>

## Class 2 Food Business Registration Requirements:

### Food Safety Programs

Class 2 food premises are required to implement and follow a Food Safety Program (FSP). A Food Safety Program may be a Standard Template or a Non Standard Program.

- Standard FSPs are approved by the Department of Health and Human Services and can be accessed at [www.health.vic.gov.au/foodsafety/bus/templates](http://www.health.vic.gov.au/foodsafety/bus/templates)
- A Non Standard Food Safety Program will be required if the process/procedure is not covered in a standard food safety program/template. A food safety consultant may assist you in developing the program.
- If you are required to have a Non Standard Food Safety Program, you must submit a copy to Council and have this program approved by an approved Food Safety Auditor. A copy of the certificate of adequacy of the FSP from the auditor must be submitted within three months of operation.

### Food Safety Supervisors

Class 2 food businesses are required to submit a copy of the Food Safety Supervisors competency training certificates prior to registration.

A food safety supervisor (FSS) is someone who:

- Knows how to recognise, prevent and alleviate food handling hazards at your premises
- Has a Statement of Attainment that shows the required food safety competencies from a Registered Training Organisation (RTO)
- Has the ability and authority to supervise other people handling food at the premises and ensure that food handling is done safely.

The minimum competencies for a FSS are outlined at [www2.health.vic.gov.au/public-health/food-safety/food-businesses/food-safety-training-skills-knowledge](http://www2.health.vic.gov.au/public-health/food-safety/food-businesses/food-safety-training-skills-knowledge)

Businesses with a Quality Assurance (QA) Food Safety Program are exempt from the Food Safety Supervisor requirement.

Training providers can be accessed through [www.myskills.gov.au](http://www.myskills.gov.au)

## Class 3 Food Business Registration Requirements:

Class 3 premises are required to have a Food Safety Guide and maintain Minimum Food Safety Records.

These can be found at [www2.health.vic.gov.au/public-health/food-safety/food-businesses/starting-a-food-business/class-3-food-business](http://www2.health.vic.gov.au/public-health/food-safety/food-businesses/starting-a-food-business/class-3-food-business)

## Other Permits and Regulations

You must contact the following authorities to ensure that you have obtained all other relevant permissions for your food business.

<input type="checkbox"/>	<b>Council's Statutory Planning Unit</b>	A new business or change of existing business, for car parking space requirements and for structural and signage changes, other related permits.	9840 9470
<input type="checkbox"/>	<b>Council's Building Services Unit</b>	For any fit out or proposed structural changes to a building and for public and staff toilet requirements, other related permits.	9840 9430
<input type="checkbox"/>	<b>Yarra Valley Water Trade Waste Team</b>	To see if a Trade Waste Agreement is required (includes Grease Trap requirements).	9872 1240
<input type="checkbox"/>	<b>Council's Environmental Health Unit</b>	If the property is operating a septic tank system (unsewered) the system may need to be upgraded. A permit will be required.	9840 9450
<input type="checkbox"/>	<b>Local Laws</b>	Keeping animals (eg. poultry), A frame signage, footway trading	9840 9450

## The Plan Approval Process

It is **recommended** that all proposed Food Act businesses submit plans for approval prior to works commencing on any building or premises. Should plans not be submitted for approval, Council may refuse registration if it believes an aspect of Food Standard 3.2.3 has not been met.

1. Complete the application form and attach a copy of the floor plan of the food premises. Submit this to Council.

### Plan Approval Specifications

A scale drawing of the proposed layout is required, showing in detail a site plan, and specifications that must include:

- Fridges and freezers
  - Food storage areas
  - Hand wash basin
  - Waste disposal facilities
  - Double bowl sink
  - Dishwasher
  - Benches, shelving
  - Cooking equipment, stove, oven fryers etc
  - Toilets and vanity units
  - Mechanical ventilation system
  - Equipment and chemical storage
  - Doors
  - Wastewater disposal to sewer via grease trap (if required by Yarra Valley Water).
  - Surface finishes of all walls, floors, ceilings and work areas
2. Pay the applicable Plan Approval Fee to Council (2017/18).
- |   |       |
|---|-------|
| Food business                               | \$210 |
| Food business (>20 staff)                   | \$280 |
| Community group/not for profit organisation | \$180 |
3. An Environmental Health Officer (EHO) will assess your plans and write to you explaining any amendments required or conditions. If amendments are required, the amended plan must be resubmitted (no further fee is required).  
When the plans are satisfactory Council will 'approve' the plans with any conditions.
  4. Commence construction or structural alterations of the food premises (if applicable).

### MANNINGHAM CITY COUNCIL

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5. A final inspection of the premises must be undertaken before any food can be brought onto the premises.

If required, a progress inspection may also be carried out. All final inspections must be booked at least two days prior to the proposed date of operation.

The following items must be completed prior to an Environmental Health Officer conducting the final inspection:

- Hot water must be turned on and in operation at the food premises
  - Liquid soap and paper towel in dispensers must be supplied to all hand wash basins throughout the food premises
  - All trade tools and construction materials must be removed from the food preparation and storage areas
  - All surfaces and equipment must be cleaned and sanitised
  - All refrigerated units must be turned on and operating below 5°C
  - All freezers must be turned on and operating at -18°C or below
  - All hot holding units must be turned on and be operating above 60°C
  - An approved food grade sanitiser must be onsite
  - A probe thermometer accurate to +/- 1.0°C must be onsite
  - Grease trap (if required by Yarra Valley Water) must be located where there is no likelihood of food contamination
  - Any items not completed may require a subsequent final inspection, which may incur further costs to the proprietor of the business.
6. The 'Application to Register the Food Premises or Vehicles' will only be issued once the above items have been completed and the premises has been deemed satisfactory by the Environmental Health Officer.

## The Registration Process

1. Complete the 'Application to Register the Food Premises or Vehicles' provided to you by Council's Environmental Health Officer after the final inspection.
2. Pay the registration fee as stated in the invoice provided to you and determined by your risk classification. The registration is based on the calendar year and expires on 31 December. Fees are reduced by 50 per cent for premises registering after 1 September. Registration fees range from \$175 to \$710, depending on risk classification.

### Class 2 Businesses only

3. Submit to Council of a copy of your nominated Food Safety Supervisors training certificates.
4. Submit to Council a copy of your independent Food Safety Program (if applicable).

Template programs do not need to be submitted.

### Certificate of Registration

Once the above mentioned items are complete, registration will be granted and you will be issued with a 'Certificate of Registration.' This certificate must be kept at the premises at all times

Interpreter service  9840 9355

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