



FOOD PREMISES GUIDE

Requirements for operating a FOOD PREMISES

PLAN YOUNG LEAD YOUNG GROW YOUNG LIVE YOUNG

REQUIREMENTS FOR OPERATING A FOOD PREMISES

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Thinking or upgrading, renovating or operating a food business??

This guide has been produced to assist business owners and prospective business owners, providing clear and relevant information about Council's requirements for Food Premises in Young Shire.

Food Safety is an important issue and the correct construction, maintenance and operation of a food business ensures that the community is provided with both safe and suitable food.

A development application or complying development application must be lodged with Council for approval to upgrade, construct, renovate or operate a food business.

The construction and operation of a food premises must comply with the Food Act 2003, Food Regulation 2010, the Australian Standards and the Food Safety Standards.

The Food Safety Standards provide nationally consistent laws, and are based on a preventative approach to food safety. All owners and operators should have an understanding of the Food Safety Standards and the legal requirements.

Council is responsible for monitoring and enforcing these requirements.

pre-lodgement meeting

Council's Environmental Health Officers, Building Surveyors and Planning Staff can provide assistance in interpreting these requirements. Current owners looking to upgrade or refit their premises and prospective owners are encouraged to contact Council staff to arrange for a pre-lodgement meeting prior to submitting any Development Application

Development consent

A development application or complying development application must be lodged with Council for approval to upgrade, construct, renovate or operate a food business.

Food Premises are required to comply with;

- the *Food Act 2003*,
- the *Food Regulation 2010*,
- The *Food Standards Code – Standard 3.2.3 Food Premises and Equipment*,
- *AS4674-2004 Design, construction and fit-out of food premises*, and
- Young Shire Council's *Development Control Plan 2011 (DCP)*.

It is strongly recommended that before completing the application, prospective developers make themselves familiar with the above requirements.

Required documentation for a Development Application

The following information must be submitted with the Development Application.

- r A completed Development Application form
- r Detailed plans, including;
 - Floor Plans, scale 1:100
(showing the layout of the food premises and the locations of all equipment, fixtures and drainage facilities. It should also include what materials will be used for floors, walls, ceilings and equipment - examples available on pages 8-9)
 - Sectional elevations, scale 1:100,
(showing ceiling heights, wall and floor clearances of benches, equipment and fixtures including plumbing works and scullery fixtures, and details of mechanical ventilation including inlets and outlets)
 - Site Plan, to scale, clearly illustrating car parking, waste and storage areas
 - Schedule of finishes
 - door and window openings
 - customer seating area – including number of seats
 - customer and staff toilet detail
 - plumbing detail – connections and floor waste positions.
- r A Statement of Environmental Effects (SEE Guidelines are available in Appendix C of DCP 2011).
- r A completed Application for Connection to Sewer (Form 105) for any works, additions or alterations to Council's sewer.

As part of the application, all the relevant requirements outlined in the Young Shire Council Development Control Plan 2011 (DCP) must be complied with, including but not limited to;

- *Section 2.4 Commercial, Business & Retail development*,
- *Section 2.5 Food Premises*,
- *Section 2.7 Heritage Conservation Area – additional provisions*

The Act & Regulation is available at www.legislation.nsw.gov.au

Copies of the Council's Development Control Plan are available and can be downloaded from Council's website www.young.nsw.gov.au

Copies of the Australian Standard *AS4674-2004* may be purchased from Standards Australia 286 Sussex Street Sydney NSW 2000, Phone 1300 65 46 46.

Food and Safety Standard 3.2.3 can be purchased from Food Standards Australia and New Zealand (FSANZ) Phone 02 6271 2241.

Liquid trade waste Approval

The applicant should also contact Council to lodge an Application to *Discharge Liquid Trade Waste into Council's Sewer*. The application will be assessed by Council to determine classification, requirements for pre-treatment processes and appropriate fees.

Conditions of Consent normally require that a Trade Waste Approval, in accordance with;

- Section 68 of the *Local Government Act 1993*,
- Young Shire Council's *Liquid Tradewaste Policy* , and
- the Department of Primary Industries, *Liquid Trade Waste Management Guidelines, 2007*

be obtained, prior to work commencing on-site and that any liquid trade waste facilities required by the trade waste approval must be installed and inspected prior to occupation.

A number of commercial businesses are exempt from the requirement to apply for an approval for liquid trade waste discharge. These businesses are detailed in Council's *Policy for the Discharge of Liquid Trade Waste into Council's Sewerage System*.

The majority of food premises fall into trade waste Classification A under the Liquid Trade Waste Management Guidelines. The Guidelines allow Council to assume automatic concurrence from the Department of Primary Industries to the application. Other trade waste classifications require specific approval from the DPI and may also require a Liquid Trade Waste Agreement to be established.

Food premises generally fall into two sub-categories: activities that do not generate greasy/oily types of wastes and those that do. Different requirements for pre-treatment, inspections and monitoring exist for these sub-categories. Details of these can be found in Council's policy.

Council's Liquid Trade Waste Policy is available from Council's website at www.young.nsw.gov.au

Use of the public footpath and outdoor dining

Council may also grant permission for the placement of articles within approved areas of the footpath subject to compliance with all applicable criteria in Council's Footpath Policy.

Application to use Council's Footpath must be made every year on the correct form along with the payment of the application fee and submission of the required information.

Copies of *Council's Footpath Policy* and the *Application for Approval to Trade on Council's Footpath or for Outdoor Dining* (Form F-142) are available from customer services.

Advertising and signage

The Young DCP 2011 outlines the requirements for advertising and signage. The erection or signage, sign writing and paintwork may be included in the Development Application for the Food Premises, however if not, a separate Development Application may need to be lodged with Council.

Details to be included with the Development Application for signage include

- Building elevation diagram and proposed sign location
- Proposed structure type and construction materials, including details on how the sign will be attached (bracing details),
- Details including the number, size, colour and lettering of the proposed signs,
- Notification of illumination (if applicable),
- Photographs showing the proposed site, and
- Payment of appropriate fees.

Businesses are also reminded that to undertake any work on Council's road reserve i.e the footpath, an *Works Within the Road Reserve* Application must be lodged and approved before works commence.

NSW Food authority requirements

Notification Requirements

It is a requirement that all food businesses in NSW notify the NSW Food Authority of their activities, although there are some exemptions for not for profit fundraising events and businesses that are required to be licensed by the Authority.

Businesses can notify the NSW Food Authority by submitting details on the www.foodnotify.nsw.gov.au or use the notification form. Please note that there is a fee charged for written notifications.

Note: Notification records are private for each business, so if you buy an existing business you will need to notify the business again with the NSW Food Authority.

Skills & Knowledge Requirements

All supervisors and staff that handle food must have adequate skills and knowledge of food safety and hygiene requirements. This can be done by:

- In house training
- Attending Food Safety & Hygiene seminars
- Having operating policies and procedures in place that clearly outline requirements and responsibilities.

Records of training must be maintained by the business owner.

If you are unsure if you have notified the NSW Food Authority, or if you can't find your reference number, you can contact the NSW Food Authority on 1300 650 124

FOOD SAFETY SUPERVISOR

It is now a requirement that certain food businesses appoint and nominate a Food Safety Supervisor, who has received accredited training.



This person is to be advised to the Food Authority **and** Council.

Council strongly recommends that prospective food business owners check the Food Authority website for a list of approved and accredited RTO's (Registered Training Organisations) and read the NSW Food Authority's *Guideline to Food Safety Supervisor Requirement* prior to enrolling in any course (available at www.foodauthority.nsw.gov.au)

Businesses can notify the NSW Food Authority of the appointment of a Food Safety Supervisor by submitting details on the food notify site or on a written notification form submitted to Council. FSS notification forms are available from Customer Service, Young Shire Council.

www.foodauthority.nsw.gov.au

www.foodnotify.nsw.gov.au

Council Notifications & Inspections

Notification

All food premises in the Shire must be registered with Council prior to opening.

Council maintains a register of all food premises and require that businesses supply current details including the Business Notification Reference Number (NSW Food Authority).

Inspections

Each business will be categorized as High, Medium or Low risk, according to the health risk associated with each premises. This categorization will determine the number of inspections that will be undertaken by Council Officers each year. This inspection frequency may also be varied based on a food businesses performance.

During the inspections Council officers will be checking compliance with the legislative requirements, the Food Safety Standards, the Australian Standards, Skills and Knowledge of the staff and notification requirements.

Fees and Charges

Council's Fees and Charges are listed in Council's Operational Plan. An annual Administration Fee will be charged to each Food Premises and a fee charged for each inspection undertaken (if applicable) .

Enforcement

Council's is committed to ensure a high level of compliance with the *Food Act 2003* and Regulations, and businesses that do not comply can be subject to enforcement action. Council uses a graduated and proportionate response to drive compliance, with actions increasing with severity depending on the circumstances eg. can range from warning letters through to prosecutions.

Improvement Notices

An improvement notice may be issued by Council Officers to the business owner to carry out works specified in the Notice.

An Improvement Notice can be issued when:

- The premises, equipment or a food transport vehicle is in an unclean and unsanitary condition,
- The premises, equipment or a food transport vehicle needs to be repaired or replaced, or
- The Food Safety Standards are not being complied with.

An Improvement Notice must be complied with within 24 hours (or longer if specified in the notice).

Before the end of the period specified in the Improvement Notice, the Council Officer who issued the notice may grant an extension to the period depending on the severity of the case and the impact on public health.

Prohibition Orders

A Prohibition Order can be issued to the business owner if;

- The premises, equipment or food transport vehicle is in an unclean or unsanitary condition or is otherwise unfit for the purpose for which it is designed or intended to be used,
- The premises, equipment or food transport vehicle doesn't comply with the Food Safety Standards or Food Standards Code,
- The business owner has not complied with an Improvement Notice, or
- The order is necessary to prevent or mitigate a serious danger to public health.

When a Prohibition Order is issued;

- no food intended for sale is to be handled on the specified premises or a specified part of the specified premises, or
- no food intended for sale is to be conveyed in a specified vehicle, or
- specified equipment is not to be used in connection with food intended for sale, or
- no food intended for sale is to be handled by a food business in a specified way or purpose, until the owner issued the Prohibition Order has been given a certificate of clearance from Council Officers.

The owner of a food business whose premises is affected by a Prohibition Order, may at any time make a written request for a re-inspection of the premises. Council Officers will undertake an inspection of the premises within 48 hours of this written request.

Contravention of a Prohibition Order may result in a maximum penalty of \$55,000 for individuals and \$275,000 for corporations.

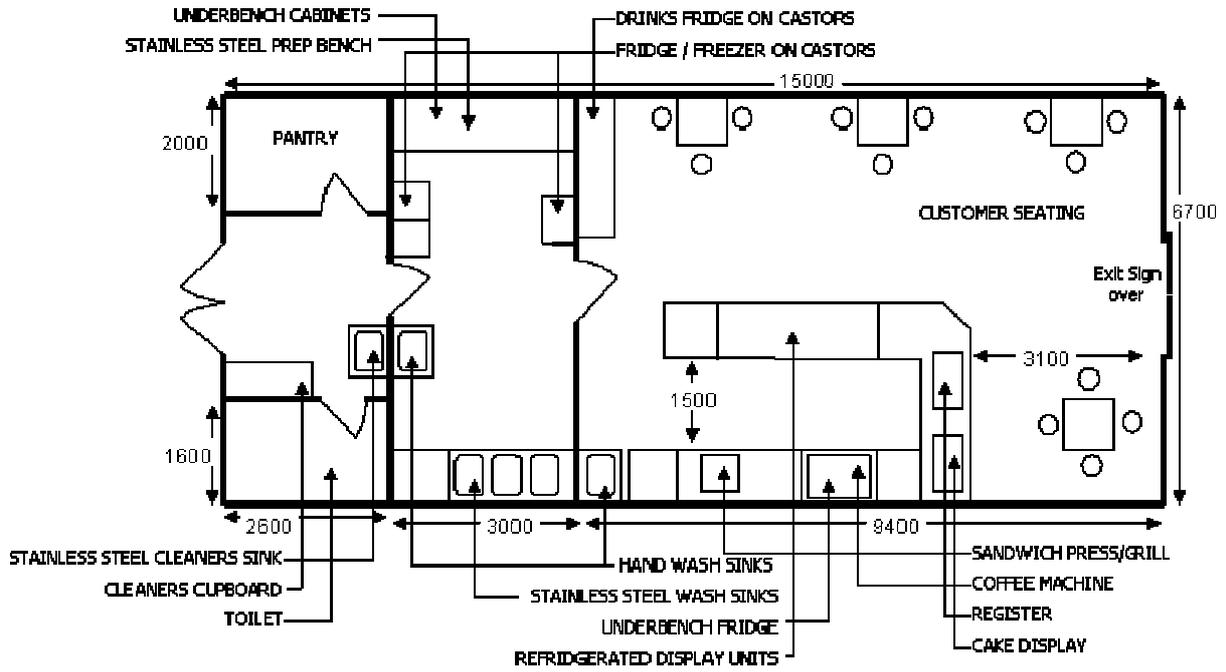
Penalty Infringements & Name & Shame

A Penalty Infringement Notice is an 'on the spot' fine for non compliance with the *Food Act 2003* or the *Food Regulation 2010*.

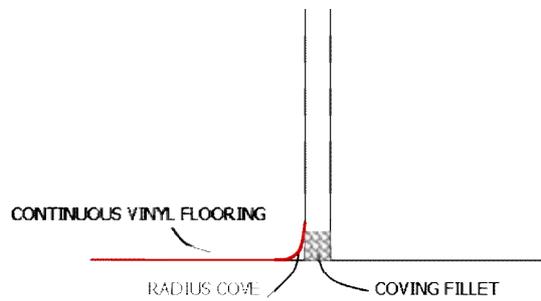
A Penalty Infringement Notice can be issued during the course of an Inspection and may result in penalties from \$110 to \$1320 per offence.

The NSW Food Authority publishes lists of businesses that have breached or are alleged to have breached the *Food Act 2003* or *Food Regulation 2010*, and a register of penalty notices and a register of offences.

EXAMPLE - FLOOR PLAN

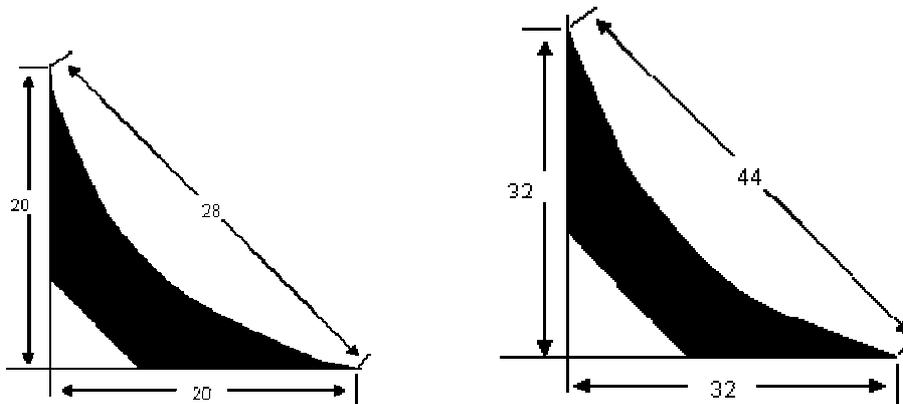


EXAMPLES - COVING



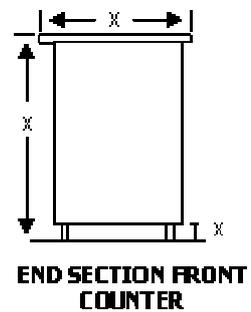
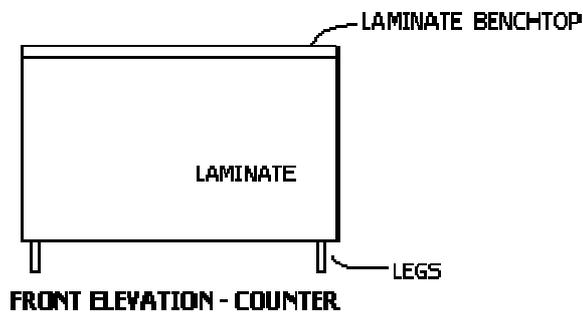
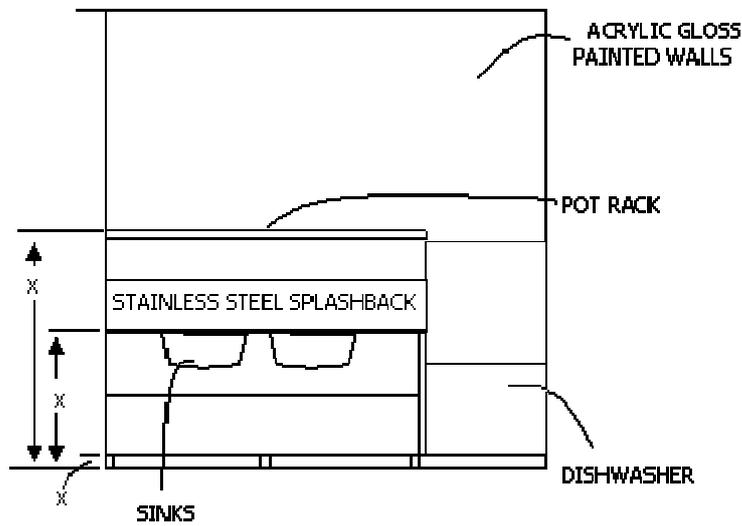
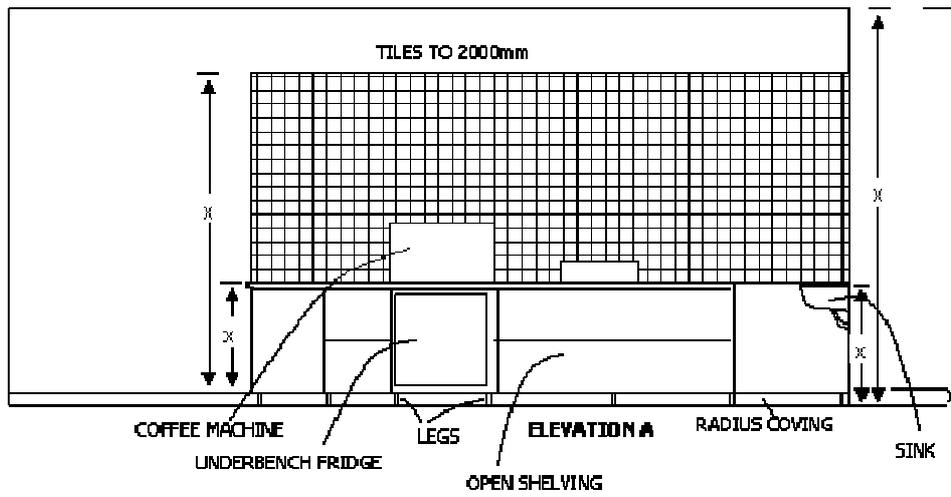
COVING DETAIL

Note: Feather edge skirting is not permitted.



Typical preformed fillet to support vinyl coving
(dimensions in mm)

EXAMPLES - SECTIONAL ELEVATIONS



HELPFUL LINKS

The following websites are a good source of information about food premises and food handling.

NSW Food Authority

www.foodauthority.nsw.gov.au

Australia New Zealand Food Standards

www.foodstandards.gov.au

Food Safety Information Council

www.foodsafety.asn.au

For more information contact:

Planning, Environment & Strategic Services Young Shire Council

P: 02 6380 1203
F: 02 6380 1299
E: mail@young.nsw.gov.au
W: www.young.nsw.gov.au

Mon-Fri 8.30am-5.00pm



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