



Commercial home catering activity

Guidelines for operating a commercial home catering activity

This guideline establishes standards for the operation of a commercial home catering activity.

Commercial home catering can take a number of forms and this code is intended for use when the food is handled (prepared) in domestic premises for **consumption away from those premises**.

People intending to establish such an operation should be aware of the possible expense involved in establishing the preparation area, not only to satisfy the requirements of the Food Act 2001 and Food Regulations 2002, but also the requirements of Food Safety Standards 3.1.1, 3.2.2, and 3.2.3 and the National Food Premises Code as a further explanation.

The use of domestic premises for commercial home catering can create potential challenges for the household and business to manage. For example, difficulty may arise when ensuring that household pets and young children are kept out of the area when handling (preparing) food.

Any prospective food business operator should also be aware that State and Council Environmental Health Officers (EHOs) can inspect the premises at any reasonable time.



Definitions

'Food' means 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) includes ingredients or additives.

'Handling' in relation to food, includes making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

'Premises' means any land (whether or not vacant), the whole or any part of a building, tent, stall or other structure (whether of a permanent or temporary nature), a pontoon or a vehicle (other than a food transport vehicle while it is engaged in the transport of food).

'Selling food' Under the Food Act the definition of selling food is broad and includes a number of exchanges as detailed below:

1. barter, offer or attempt to sell; or
2. receive for sale; or
3. have in possession for sale; or
4. display for sale; or
5. cause or permit to be sold or offered for sale; or
6. send, forward or deliver for sale; or
7. dispose of by any method for valuable consideration; or
8. provide under a contract of service; or

Continued overleaf

9. supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work; or
10. dispose of by way of raffle, lottery or other game of chance; or
11. offer as a prize or reward; or
12. give away for the purpose of advertisement or in furtherance of trade or business; or
13. supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment; 14. supply food in the course of providing services to patients or inmates in public institutions, or sell for the purpose of resale.

This includes not for profit, community organisations, fundraising, market stalls, catering and bed and breakfast type activities.

Approval

All premises used in the handling of food, including the use of food vending vehicles or vehicles used for the transportation of food, **must** consult with Council's Environmental Health Team before beginning any commercial food handling activity.

The proposed premises and use must comply with Council's Development Plan and Regulations, particularly with regard to the requirements for 'Home Based Business'. Enquiries should be directed initially to Council's Planning and Development Department.

- Where building work is proposed or required, a Development Application will be required to be lodged with Council and all necessary approvals must be attained for any construction.
- Floor plans are to be provided to Council before the construction and/or fit out of a premises.
- In addition, prospective operators should acquaint themselves with other relevant State legislation that may apply.

Notification

Under the requirements of the Food Act 2001, all businesses undertaking food handling activities or selling food are required to notify their local council (the enforcement agency) of their food business details on the approved food business notification form or online at www.fbn.sa.gov.au/fbn.

Businesses are required to notify of their operations within 14 days of beginning operations; changes in ownership/contact; and when the business ceases to operate. There are penalties associated with a running a food business without first notifying.

Related forms

- *Temporary Food Premises*
- *Food Premises used principally as a Domestic Dwelling*
- *Food Business Notification Form*

Construction

Construction of the area to be used for the handling (preparation) or storage of food must be in accordance with the requirements of the Food Safety Standards 3.2.3 with the National Food premises Code being a further guide.

Continued page 3

A separate room or building must be provided exclusively for use as a commercial kitchen and must be physically separated by a wall or self-closing lockable door, from the rest of the domestic premises/ environment.

Use of domestic kitchens

In most circumstances a commercial grade kitchen will be necessary to comply with the legislation. Council has discretion to allow operation from domestic kitchens if the food activity is non wholesale, small scale and is:

1. low risk and non potentially hazardous foods such as baked, bread products; cake decorating; jams, pickles and relishes (as described in the Food Act) and/or
2. low risk, non potentially hazardous foods for fundraising, and/or,
3. providing meals as part of a bed and breakfast

Equipment

Equipment used should be of commercial design, eg. fan forced refrigeration, provision of thermometers, commercial grade sinks and filtered mechanical ventilation (these matters should be discussed with Council's EHOs, however, this should not exceed the requirements for a home activity under the Development Act).

The size of the kitchen and storage area should be adequate for the intended use, however, this should not exceed the requirements for a home activity under the Development Act.

Hot and cold water must be connected to the required sinks and hand basin. The hot water system should be of sufficient capacity to cope with the intended demand.

Health requirements

Every person in the food preparation or food storage area must comply with requirements of the Food Act 2001, Food Regulations 2002, the Food Safety Standards as listed above and the Public and Environmental Health Act, with particular attention to the following:

- Family members or other persons not directly connected with food preparation are restricted in their access to the area where food is handled or stored.
- No person shall smoke in the food preparation or storage area.
- Normal domestic duties are not permitted in the food preparation or storage area.
- Household pets of all kinds are not to have access to, or be in the food preparation or storage area at any time.

- Decorations, pot plants and curtains, which render various surfaces incapable of being adequately cleaned, must be avoided.
- Garden fertilisers, household insecticides, chemicals and drugs must not be kept in the food preparation or storage area.
- All food manufactured or stored intended for sale must comply with the requirements of the Food Act and Food Regulations and the Food Safety Standards and the National Food Authority Food Standards Code.
- No food intended for home domestic use is to be stored or prepared in the home catering kitchen.

Transportation

The owner/operator must be aware of the legal requirements relating to the transport of food (particularly cooked food) to the point of actual delivery and sale and the temperature control requirements.

Low risk food products

It is not the intent of this code to prevent the preparation of low risk food products such as items of confectionery or cakes for sale at charity functions.

Continued overleaf

However, all safeguards associated with food handling and food hygiene should be adhered to during the handling and packaging.

Private dinner parties

Food of a high risk nature (eg cooked meats, processed meats, poultry, dairy products, cooked rice and seafood) should be prepared on the premises where the food is to be consumed.

Outside events

When food is prepared at the point of sale, such as an outdoor function, the preparation area must comply with Council's Guidelines for the Hygienic Operation of Temporary Food Premises.

Penalties

Substantial penalties apply for non-compliance with the provisions of the Food Act 2001 and Food Regulations 2002, and the Food Safety Standards and for operating a commercial home catering function without Council approval.

Assistance and advice

For assistance and advice in setting up your Commercial Home Catering Activity, contact the City of West Torrens Environmental Health Team on 8416 6333.

Additional information on your legislative requirements and safe food handling can be found at the following web pages:

- www.foodstandards.gov.au
 - www.health.sa.gov.au/PEHS
-