



# Food Businesses Information Guide

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2019

# 1 Starting a New Food Business

## Development approval

Starting a food business or renovating an existing shop?

For all new food premises, and any existing food business that you want to renovate, development consent is required before you start any building work or renovations.

If you are not carrying out any building works or renovations, other works, activities or change of use that may require prior approval then simply [register your business](#).

## Starting a home business

Home-based food businesses are not permitted within Woollahra Municipal Council area.

## Things to consider before leasing a shop as a food business

### Site considerations

- Is the site suitable?
- Is there already a Development Consent in place to use the site as a food business?
- Is the site large enough for all the activities, equipment and facilities that will be required?

Once a suitable site is found, you may need to apply for [development consent](#).

When purchasing an existing food business it is important that you contact us before the sale is finalised to ensure the premises has development consent and to find out the conditions of the consent. There may be certain restrictions on the premises which can affect the way in which you operate the business.

You can contact Council's Food and Health Officer for more information about transferring food business registration on 9391 7000.

### Standard for food premises and equipment

Food premises must comply with [Food Safety Standards 3.2.3](#) of the Food Standards Code.

Fit out of a food premises must comply with AS 4674-2004: Design, construction and fit-out of food premises. As a guide you can refer to the [Food premises design, construction and fit-out guide PDF, 4515.35 KB](#) produced by the Southeast Queensland Food Safety and Public Health Working group. This document interprets AS 4674 and FSANZ 'Food Standards Code' requirements for shops and food premises, construction and set up. For specific fit out and design related enquiries, contact Council's Food and Health Officer.

Depending on the nature of your food business, you may require a grease trap to be installed and a [trade waste permit from Sydney Water](#).

### Food Safety Supervisor

The [Food Act 2003 \(NSW\)](#) requires some hospitality and retail food businesses to appoint at least one trained [Food Safety Supervisor \(FSS\)](#). The FSS program was established to help reduce foodborne illness in NSW. A list of Registered Training Organisations offering the course in both online and face-to face modes can be found through this site also.

A valid Food Safety Supervisor certificate must be displayed on the premises.

## 2 Food Business Registration

It is an offence to operate a food business without consent. When a food business opens up or changes owners in the Woollahra Local Government Area, Council must be notified.

To notify Council of a new food premises or to update details relating to an existing food business, please complete and submit the Food Business Registration Form [here](#).

Registration of food business incurs an annual fee - updated fees and charges can be found on [Council's website](#).

### Temporary Food Stall Registration

If you intend to operate a temporary food stall/market food stall within Woollahra Local Government Area or need to update details relating to an existing temporary food stall, please complete and submit the [Registration and request for Inspection of Temporary Food Premises form](#).

## 3 Outdoor dining

Through Council's policies and place plans, we encourage outdoor and alfresco dining in appropriate locations. The footway restaurant must occupy an area of the footway adjacent to an approved restaurant or other approved premises, where the use of such footway is directly related to the operation of the business, and conducted in accordance with the relevant activity approval and Acts.

[Footway restaurant approval](#)

## 4 Routine Food Inspections

Council's Food and Health Officer carries out regular inspections of food businesses in the Woollahra Local Government Area to make sure that they comply with required food safety standards. They check that premises are clean, that food handlers have appropriate skills and that food is safely prepared and stored.

### What happens during an inspection?

Council's Food and Health Officer will:

- Arrive at the premises unannounced and introduce themselves
- Ask to speak to the person in charge
- Conduct the inspection whilst the business is open and handling food for sale
- Carry out the inspection whether the business owner is there or not
- Inspect all areas of the premises associated with the food business
- Ask food handlers questions relating to practices implemented in the business
- Record non-compliances taking notes, using a camera or other recording
- Produce a written report detailing the inspection outcome.

Unsatisfactory inspections are followed up to ensure compliance with food safety laws.

## What is assessed during the inspection?

- Whether you have appointed a trained FSS, have an FSS certificate, and whether food handlers have the skills and knowledge to handle food safely
- Food handling practices for storage, display, temperature control, food processing, and how you reduce the risk of cross-contamination
- Cleaning, sanitising and hand-washing procedures and proximity of facilities
- Pest control measures
- Premises design and construction including water supply, lighting, and whether there are adequate facilities for the activities being carried out
- Food labelling.

For details of your obligations as a food business operator or food handler please access and familiarise yourself with the Food Standards Code – specifically standards [3.2.2](#) and [3.2.3](#). Some business may be required to comply with additional standards

## Food premises inspection fees

Council charges fees to carry out food premises inspections. Council's current fees and charges can be accessed [here](#).

You will receive an invoice from Council after an inspection has been carried out.

## 5 Enforcement Options

Council has a responsibility to enforce food safety laws, and may take regulatory enforcement action for breaches. Action is undertaken under the Food Act 2003 and relevant standards called on in this Act. This action may be taken as a result of an inspection or from investigating a complaint.

### Types of enforcement action

Council Officers have a number of informal and regulatory options for dealing with breaches of the food laws including:

#### Verbal or written warnings

For minor breaches, issued at the discretion of the examining officer.

#### Penalty Infringement Notices (PINs)

PINs that relate to food hygiene matters are publicly displayed on the NSW Food Authority's Register of Penalty Notices.

#### Improvement Notices

A legal document ordering work to be done by a specific date.

#### Prohibition Orders

These can force the food business to close, or stop using a specific piece of equipment, until a further inspection is satisfactory and a Certificate of Clearance has been issued. A Prohibition Order may be issued if an Improvement Notice has not been complied with by the date specified, or to prevent or mitigate a serious danger to public health.

## Seizure Notices

The power to seize food and/or equipment.

## Prosecution

For more serious or ongoing breaches of the [Food Act 2003](#).

## 6 Resources

To help food business operators meet their legal obligations and ensure that the food they produce is safe and meets quality standards, below is a list of useful resources provided by the NSW Food Authority.

Some of these resources are produced by the NSW Food Authority, who work with Council and other key agencies to ensure effective food safety and food quality management throughout NSW.

### Food laws

- [Food Act 2003](#)
- [Food Regulation 2015](#)
- [Food Standards Code](#)

### Further information and Fact sheets

- Cleaning and sanitising
- Food handler health and hygiene
- Hand washing
- Pest control
- Protecting Food from Contamination
- Temperature Control

All of the above and more can be found by visiting [here](#).

For links to Food Business related Fact Sheets in languages other than English click [here](#).