Guidelines for Starting a Home Business

Types of home food businesses

Certain food businesses may operate from a residential house such as:

- Bed and breakfasts
- Family day care businesses
- Food prepared for fundraising events
- Low risk foods manufacturing e.g. manufacturing jams, cookies, low risk cakes and confectionary
- Preparing food for local markets

The City's Town Planning Scheme makes provision for some types of business to be run from residential properties. Such businesses will only be approved if they comply with all aspects of the scheme. Enquiries concerning this matter should be referred to the City's Planning Department on 9439 0474.

Where food is provided for sale, the food business is required to comply with the Food Act 2008, Food Regulations 2009 and the Australian Food Standards Code. Some low risk activities may be permitted in residential kitchens, however more complex food processing activities will be required to be undertaken an approved purpose-built commercial kitchen or mobile food vehicle.

If you prepare food for sale or sell food in a residential home, you will be required to complete obtain approvals from City's Environmental Health Department through the submission of an application for notification/registration of a residential food business.

Application process and processing timeframes

1. Lodgement of the application

    a. Before you lodge the application, you are should obtain advice from an Environmental Health Officer for your proposal if you are unsure if your activity is considered to be low risk or suitable to be prepared in a residential home kitchen.

    b. After lodgement of the application, you will be sent an invoice for payment of the relevant fees.

2. Assessment of the application

    a. This will generally take 14 business days (if all correct information is provided on the application and all supporting information attached)

b. For products that are not commonly prepared in a residential kitchen, the Environmental Health Officer may need to seek advice from the Food Unit of the Department of Health which may take up to 30 business days.

c. The application will be on hold if pending planning approvals.

3. Advice to proceed after assessment of the application

    a. You will given written advice that the proposal is deemed suitable to continue on the process of registration. An inspection of your kitchen is required when you are ready. You are asked to contact the Environmental Health Officer at least 3 business days before proposed date of inspection.

    b. If your application is not supported, your application may be refused.

4. Inspection is carried out by an Environmental Health Officer

    a. If the kitchen requires further cleaning or fit-out standards are not met, you will be asked to complete the cleaning and to be completed before the certificate is issued. All outstanding fees are required to be paid prior to the approval being issued.

5. Issue certificate of food business registration

    a. If the kitchen standards are satisfactory, you will be issued the certificate of registration. Otherwise, there may be some cleaning or changes to be made before the certificate is issued.

6. Routine inspections and annual renewals

Environmental Health Officers will attend your property on a regular basis to ensure that you are operating the food business in accordance with the Food Standards Code. Generally, an appointment is made. However, if there are concerns about the compliance of your food business standards and/or complaints are received, Officers may check your food business without a scheduled appointment.

You will be required to make payment of an annual surveillance fee to maintain your food business registration.

Type of activities permitted in home kitchens

Acceptable LOW RISK activities include the production of:

- Jams.
- Cakes, biscuits, muffins and flour products which do not contain potentially hazardous food such as fresh cream and/or cheese.
- Cake decorating (excluding decorations which require refrigeration afterwards e.g. ganache, fresh cream, cream cheese).
- Chutneys, relishes and sauces that are heat treated by boiling or cooking (which does not require refrigeration afterwards).
- Breads without internal fillings.
- Whole fruit and vegetable (no cutting and processing permitted and excluding microgreens e.g. alfalfa sprouts)

- Herb vinegars with a pH of less than 4.5.
- Repackaging of bulk packaged low risk food products.
- Pickled onions.
- Food prepared as part of a Bed & Breakfast (B&B) or similar operation (NB: approval to conduct a B&B is a separate requirement).
- Food prepared for a single fundraising event arranged by a community or charitable organisation.

The following medium or high-risk food productions are generally not supported in a residential kitchen (these are products that generally require refrigeration):

- dairy products such as cheese, yoghurt, ice cream, custard
- protein based food including fish, meat, chicken, seafood (this includes processed meats such as smallgoods and dried meats such as beef jerky)
- food that requires temperature control including cakes with high moisture content or with cheese icing, sorbet, sushi, sandwiches, pastries, mustard, pesto, soups, savoury meals and desserts)
- food products where ingredients are not heat treated or where the product pH is greater than 4.6 which would require refrigeration once they are opened (cakes with some sauces, marinades, syrups, and salad dressings)
- food recipes that require the use of food additives
- fermented food (including kombucha tea)
- home-made chocolates
- seeds and spice mixes
- dehydrated chillies
- fruit leather / dry fruit slices
- cooking oil including olive oil
- infused oils where fresh herbs, spices or vegetables are used as part of the finished product.

Determining whether food requires refrigeration (potentially hazardous food)

Potentially Hazardous Food (PHF) must be displayed and stored in a manner that minimises the growth of pathogenic bacteria and bacteria that can form toxins in food, generally by keeping foods at adequate temperature control (in the fridge e.g. 5°C, or below or 60°C or above).

Water Activity (aw) and pH can be used to determine whether the food product is considered to be PHF.

aW is not the water used in a recipe, it relates to the water binding ability of the ingredients used or amount of moisture available in the finished product and its ability to make possible the growth of microorganisms. Staphylococcus aureus can grow at aw 0.83 and produce toxin at 0.88. Water activity is measured on scale from 0 (bone dry) to 1 (pure water) Water Activity, e.g. Fresh Meat 0.99, Jam 0.8, Dried Biscuit – 0.3.

The pH of a food relates to its acidity. Staphylococcus aureus can grow at pH 4.0 and produce toxin at 4.6 and Yersinia enterocolitica and Salmonella spp. both of which can grow at pH 4.2. The spore-forming bacteria of interest is Clostridium botulinum which can grow and produce toxin down to pH 4.6.

Interactions between pH and aw

The tables below (after IFT/FDA, 2001) provide a useful advice on some combinations of pH and water activity which, taken together, will prevent microbial growth or spore outgrowth. If the combination is denoted by a "?" it indicates that the product is potentially unsafe without refrigeration and requires individual product assessment as it is most likely a PHF (medium and high-risk food).

Table A: Heat Treated Product

Product treated to control spores and protected from recontamination

Water activity	pH <4.2	4.2-4.6	>4.6-5.0	>5.0-5.6	>5.6
<0.85					
>0.85-<0.88					
0.88-0.90					
>0.90-0.92					
>0.92-0.95					?
>0.95			?	?	?

Table B: Product is not heat treated

Product not treated to control spores or treated but not protected from recontamination

Water activity	pH <4.2	4.2-4.6	>4.6-5.0	>5.0-5.6	>5.6
<0.85					
>0.85-<0.88					
0.88-0.90				?	?
>0.90-0.92			?	?	?
>0.92-0.95		?	?	?	?
>0.95		?	?	?	?

	Non-TCS
?	Query area - Possible TCS - Individual product assessment required

Determining the suitability of your home kitchen

The level of risk of the food businesses' activities should be considered in the design and construction of a food premises, i.e. be 'appropriate' for the purposes of Standard 3.2.3 of the Food Standards Code. The minimum conditions applicable in residential premises for the preparation of food for sale are:

1. Food preparation, handling and storage shall only be carried out in the areas approved by the City as shown on the approved plan.
2. The premises shall be kept in good order and repair and shall be maintained in a clean and hygienic condition at all times.
3. An adequate supply of hot and cold water shall be provided.
4. Adequate sinks (preferably double bowl) shall be provided.
5. Easy access to a hand wash basin shall be maintained during the food handling activity. Paper towels and soap must be provided at the hand basin.
6. Adequate refrigeration (5ºC or below) to be provided and maintained in good order and repair.

7. Provision of a temperature measuring device that is readily accessible and can accurately measure temperature of food to +/- 1ºC.
8. Adequate dry storage shall be provided.
9. Fixtures, fittings and appliances shall be kept clean and hygienic.
10. The premises must be fully sealed to control vermin, and free of vermin. Vermin includes rodents.
11. No domestic animals to have access into the house.
12. Children and those persons not employed in the food business must be excluded from the preparation area during food preparation.
13. Adequate and hygienic rubbish disposal facilities shall be provided and maintained at all times.
14. Vehicles used to transport food must be designed and constructed to protect food. Parts of vehicles used to transport food and food contact surfaces must be designed and constructed so that they are able to be effectively cleaned.

Supporting information to be submitted for assessment

1. A scaled floor plan of the residential kitchen showing all existing fittings, fixtures and finishes.
2. A temporary stall plan (if applicable)
3. Detailed recipe, processes and documentations including:
   - list of all ingredients and their quantity
   - preparation process
   - cooking time (expressed in minutes) for each cooking step in the recipe
   - cooking temperature (expressed in °C degrees) for each cooking step in the recipe
   - storage conditions of raw ingredients and finished product
   - type of packaging materials used
   - place of purchase of ingredients and transport vehicle details
   - proposed method of sale
   - All information related to product shelf life testing or challenge testing (determination of 'best before' or 'use by' date)
   - A copy of NATA-accredited Laboratory Report done on product(s) e.g. shelf life testing, challenge testing, pH and water activity (aW)
   - Other supporting information to show product complies with Food Standards Code including chemical and microbiological properties.
4. Sample of food labels
   - Lot identification – a date mark and supplier's address details can generally satisfy this requirement
   - Name and business address of supplier (PO box is not allowed).
   - Date marking – use by date or best before dates if shelf life less than 2 years.
   - Statement of storage conditions (e.g. best kept in dry and cool location, or kept refrigerated at temperatures of 5˚C or below, or frozen at temperatures of -20˚C or below).
   - Ingredients list (greatest to smallest by ingoing weight). Additives are also to be listed.
   - Nutrition information panel – The Food Standard Australia New Zealand's Nutrition Panel Calculator (NPC) has been developed to provide food manufacturers with the ability to readily calculate the average nutrient content of their food products and to prepare a nutrition information panel as required

under Standard 1.2.8 - Nutrition Information Requirements, of the Australia New Zealand Food Standards Code.
- Percentage labeling (characterizing ingredient/s and component/s).
- Country of origin – see Australian Consumer Law Guide
- Mandatory advisory statements and declaration - specify any food allergens that can cause severe anaphylactic reaction must be listed however small the amount. These are: peanuts, tree nuts (e.g. almonds, cashews, walnuts), shellfish, finfish, milk, eggs, sesame and soybeans. See Anaphylaxis Australia website www.allergyfacts.org.au
- Net weight – see Guide to the Sale of Pre-packaged Goods and National Trade Measurement Law

5. Food safety training certificate - see FoodSafe® Program - enter the City's unique discount code FSKWINA344 to receive the training
6. Food recall plan - see A guide to writing a food recall plan and conducting food recall

Useful tips for food production

- Sugar with a high content preserves food by lowering water activity, only sugar content of between 68%- 72% will prevent mould from growing in the jam.

- Food can only be preserved by salt if the final concentration of salt in the recipe is greater than 10%, so dehydration or addition of acid (e.g. pickles) are required.

- Oil does NOT preserve food, the only function of oil is to prevent oxidation which can lead to discolouration of some food. Acidification is required.

- Only temperature of 121°C, maintained for 15 minutes will kill all microorganisms including spores.
- Iodised salt must be used for making bread. Unless, used for organic breads, wheat flour for making bread must contain:

  a) no less than 2 mg/kg, and no more than 3 mg/kg, of folic acid; and

  b) no less than 6.4 mg/kg thiamin.
- Food Standards 2.3.1, Clause 2 specifies that fruit and vegetables in brine, oil, vinegar or water, other than commercially canned fruit and vegetables, must not have a pH greater than 4.6.

- Food Standards 2.3.2 specifies that the composition of jam is required to show:
  - Each kilogram of jam must be made from no less than 400 grams of the fruit or fruits named in the label.
  - Jam must contain no less than 650 g/kg of water-soluble solids.

Approved laboratories for product and shelf life testing

If you are required to complete an individual product assessment to understand whether you are producing potentially hazardous food and/or the shelf life of your product, the following laboratories are accredited by the Department of Health.

AGRIFOOD TECHNOLOGY
38 Clark Court, Bibra Lake WA 6163
Ph: 9248 2676

ARL
48 Banksia Rd, Welshpool WA 6106
Ph: 6253 4444

Symbio Laboratories
2/4 Mallaig Way, Canning Vale WA 6155
Ph: 1300 703 166

For further information, please contact Environmental Health Services on 9439 0475 or email health@kwinana.wa.gov.au

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