



Home Based Food Business (Domestic Kitchen) Guidelines

About this Guide

Working from home can offer flexibility and convenience, and can often be a great opportunity to launch a small business. Once you make the decision to start a home based food business, there are several steps you need to take before you can legally start operating.

This guide provides you with the information you need to consider before starting a home based food business, how to apply and what other approvals you may need to ensure you will be operating your food business legally.

What is a Home Based Food Business?

Your business will be considered a home-based food business if you process, manufacture and/or sell food from a residential premises. The meaning of 'sell' is very broad and includes retail sale, providing food as part of child care services, catering, market food stall, food given away for advertising or fundraising purposes, bed & breakfast and more.

It is important to note that a home based business may require development approval, separate to your food business licence approval. As the nature of home based food businesses vary, it is essential that prior to applying for a food business licence you obtain advice as to whether the activity you are proposing to undertake from home requires a development permit. You can arrange to speak with a planning officer by sending an email to the team at townplanner@cairns.qld.gov.au or by phoning the Council on 1300 69 22 47.

Contents

Food Laws	3
Obligations	3
Your role	3
Our role	4
Licensing Requirements	4
When you need a licence	4
When a licence is not needed	5
Other approvals	5
Development Approval	5
Building Works Approval	6
Premises Design	6
How to apply	6
Preparing a food business application	6
The application process	6
Food Safety Supervisor Notification	9
Design and Construction	10
Walls and Ceilings	10
Floors	10
Hand wash basins	10
Dishwashing	10
Benches and cupboards	10
Ventilation	10
Potable Water Supply	10
Storage Facilities	10
Pets in the home	11
Operational Requirements	11
Prevent contamination	11
Safe food temperatures & processing	11
Cleaning and sanitising	11
Food traceability	12
Labelling	12
When food prepared at home is sold at another location	12
Relevant Documents	12

Food Laws

In Queensland, the *Food Act 2006* and the Food Safety Standards set out the legal requirements for preparing safe food for sale. Anyone operating a food business needs to comply with this legislation and, depending on the type of food preparation, may need to hold a food business licence.

Food Act 2006

The main purpose of the *Food Act 2006* is to ensure food for sale is safe and suitable for human consumption. The Act manages food safety based on the level of risk that the food business presents to the community. The higher the level of risk, the higher the level of food safety regulation. The Act requires council to assess and monitor the standard of operations in food premises. This is achieved by providing for the licensing of particular food businesses and regular monitoring whilst in operation.

The Act requires all food businesses to have a nominated food safety supervisor. It also requires some higher risk food businesses to have accredited Food Safety Programs. These requirements are intended to increase knowledge of food safety matters throughout the industry.

The Food Safety Standards

The Food Safety Standards set out in the Australia New Zealand Food Standards Code are designed to ensure food businesses produce food that is safe to eat and is based on a preventative approach to the incidence of food borne illness in Australia.

The Food Safety Standards have been incorporated into the *Food Act 2006* and have been adopted across Australia to provide nationally consistent laws. The Food Safety Standards are made up of 3 parts; Food Safety Programs, Food safety Practices and General Requirements, and Food Premises and Equipment Standards.

Obligations

Your role

Whether you require a licence or not, as a food business operator, you have a responsibility to ensure that any food for sale and/or prepared at your business is safe and suitable for human consumption. This is a legal requirement of the *Food Act 2006*.

If you need a food business licence, you must submit the required application to Council with the relevant application fee. You will not be able to commence operation of the food business until you have received a food business licence from Council.

Our role

Cairns Regional Council has a responsibility to regulate all food businesses to ensure all legislative responsibilities under the *Food Act 2006* and the Food Safety Standards are met. This includes assessment of food business licence applications, monitoring compliance, providing education and advice, and taking enforcement action when needed.

Licensing Requirements

A food business is any business, enterprise or activity that involves the handling of food intended for sale or the sale of food. It does not matter whether the business, enterprise or activity concerned is of a commercial, charitable or community nature and whether it involves the handling or sale of food on one occasion only.

Some food businesses require a food business licence to be able to operate lawfully. The Food Act 2006 defines a licensable food business as a food business that:

- involves the manufacture of food; or
- is carried on by an entity, other than a non-profit organisation, and involves the retail sale of unpackaged food (café/restaurant, take-away food bar); or
- is carried on by a non-profit organisation and involves the sale of meals on at least 12 occasions each year.

When you need a licence

Home-based food businesses that conduct any of the following activities require a food business licence:

- home-based preparation of food for sale at a market or fete
- bed and breakfast accommodation
- home-based catering
- motel kitchens
- cooking demonstrations where the demonstrator supplies the ingredients and the participants consume the prepared food.

Cairns Regional Council will only consider applications for home-based food businesses if the food handling activity carried out is low-risk. The reason for this is that domestic kitchens are not usually designed to the same structural standards of a commercial kitchen. Low-risk foods are foods that do not require refrigeration to prevent the growth of micro-organisms and include baked goods such as cakes, (without fresh cream) biscuits, confectionary and other prescribed foods that are not potentially hazardous*. Applications are assessed taking into consideration the individual risks of the proposal.

* *Potentially Hazardous food means food that has to be kept at or above 60°C or at or below 5°C to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins.*

When a licence is not needed

A food licence is not needed for food prepared in the home on a commercial basis in the following circumstances:

- cooking demonstrations where the participants supply the ingredients, help with the food preparation and then consume it
- preparing and supplying food at a private residence to a person employed at the residence to be consumed by them at that location
- preparing and supplying food at a private residence for a fee (other than a bed and breakfast facility, aged care facility, farmstay premises)
- preparing and supplying food at the home of a person with a disability as part of a home support service for that person.

Domestic kitchens can still be used for one-off fundraising events by charities and other non-profit organisations without requiring a food business licence, however, the requirements of the Food Safety Standards will still need to be met.

If you require further information, please contact Council on 1300 69 22 47.

Other approvals

It is important to note that applying for a food business licence does not automatically give you the approval to run the business from your home as operating a business of any nature from a residential location may require additional approvals.

Development Approval

Under CairnsPlan 2016 a home based business is considered to be an activity conducted in a dwelling where the business is secondary to the primary use of the dwelling as a residence. Home based businesses are small in scale and do not have an adverse impact on adjoining or surrounding residences.

Some types of home based businesses will be considered accepted development, provided specific criteria can be met, and not require a development permit. Others may trigger a higher level of assessment and require a development permit before the use can commence or, in some circumstances, not be permitted at all. Further information can be found in the [CairnsPlan 2016 Home Based businesses factsheet](#).

As each home based food business varies, it is essential that you seek advice from a qualified town planner prior to operating as to whether you are able to undertake the intended food business from your home and whether a development permit will be required. Please contact Council on 1300 69 22 47 to arrange to speak with a Planning Officer about your proposal.

It is important to remember that changes made to your business over time can result in a different planning outcome and therefore you should always seek advice prior to making any changes to ensure you can continue to operate lawfully.

Building Works Approval

Home based businesses are generally undertaken within existing dwelling houses. However, if any alterations or additions are needed, a building approval may be required. It is important that you obtain advice from a qualified building certifier prior to making any changes to determine whether a building approval is required.

Premises Design

As the design of domestic kitchens usually differ from the structural standards that apply to commercial kitchens the nature of food preparation activities may be restricted. Your premises should be designed and fitted out to allow for the safe preparation of food ensuring you have:

- a layout and enough space for people to work without contaminating food (e.g. to keep raw and cooked foods separate and to keep waste away from food)
- conveniently located hand wash basin/s with warm running water, soap and single-use towels – if you use this sink for other things (e.g. washing dishes or a laundry sink) you will need written approval from Council)
- fridges that are big enough and able to keep food at 5°C or colder
- freezers that are high enough and able to keep food frozen hard
- enough storage to protect food and packaging
- floors, walls and benches that can be easily and effectively cleaned
- a supply of potable water and good light and ventilation
- a system to safely store and dispose of waste
- the ability to restrict access of children and/or pets whilst food preparation occurs

How to apply

Preparing a food business application

If you are preparing an application for a home based food business the following information will assist you to get your application right the first time.

Your application must satisfy the requirements of the *Food Act 2006* and Food Safety Standards before a licence can be issued. If your application does not satisfy these requirements, assessment of your application may be delayed and in certain circumstances can lead to refusal of your application.

The application process

To apply for a food business licence, you will need to submit the required application to Council. The following information outlines the application assessment process.

Step 1 – Determine if you need a licence

Determine if your food business requires licensing. Refer to the licensing requirements on page 4 for further information.

Step 2 – Seek advice on other approvals your food business may require

Contact the relevant Council departments and an independent building certifier to discuss if any additional approvals are required.

Step 3 – Suitability of Premises

As part of the assessment process under the *Food Act 2006*, Environmental Health Officers are required to assess the suitability of the premises from where you intend to operate. Home based food businesses need to comply with all of the Food Safety Standards however as the amount of food handling is often limited in these premises, alternative solutions can sometimes be applied.

Home based businesses are assessed on a case-by-case basis relevant to the food preparation activities occurring, as such an Officer may require you to submit an Application for Suitability of Premises Assessment. Should this be necessary you will need to:

- (a) Prepare your plans. In order to assess your suitability of premises application, **a copy** of the following plans (drawn to scale not less than 1:50) must be provided:
 - Floor plans detailing the layout including the location of equipment and waste disposal facilities;
 - Elevations of each food preparation room/area; and
 - Mechanical exhaust ventilation if required and permitted (exhaust systems must comply with AS1668.2). Specifications of all equipment being serviced by the mechanical exhaust ventilation must be included).
- (b) Complete the Application for [Suitability of Premises Assessment \(Fit-out Assessment\) form](#), submit it to Council with the required plans and payment of the [relevant fee](#).

Council will assess your design against the Standards and may provide you with advice on any additional requirements to ensure the fit-out of your premises complies. Council will provide an approval with conditions which must be met prior to finalising the fit-out of your premises and before requesting a final inspection by Council's Environmental Health Officer (EHO).

- (c) Fit-out your home based kitchen in accordance with your approved plans and any conditions imposed by Council.

Step 4 – Complete the Application Form

Complete the [Food Business Licence Application form](#), attach the [relevant fee](#) and return to Council. This application assesses the suitability of the operator and whether they have the required skills and knowledge (including the right training) to safely prepare and sell food to the public.

The applicant for a licence must be a legal entity, i.e. a person or company. A business name or trading name is not a legal entity and cannot be the licence holder.

The applicant should be the person or company intending on operating the food business not the contractor building the food premises.

Step 5 – Assessment of Application

Once your food licence application has been submitted to Council with the appropriate fee it will be assessed by an Environmental Health Officer (EHO). Assessment of your application will involve an assessment of the premises you intend to use. In some cases, modifications may be required and you will need to submit an additional application form to assess the suitability of your premises. Time frames for assessment may vary, however please allow a minimum of 30 days for a full assessment. Further time may be required if the application does not meet the assessment requirements.

Step 5 – Final inspection

Before you start operating please contact Council to arrange for an EHO to carry out the final inspection of your food premises.

Step 6 – Approval

At your final inspection, the (EHO) will advise of any outstanding requirements that need to be attended to prior to opening. Depending on the outcome of the inspection, it may result in:

1. Your application being approved and a Food Business Licence issued;
2. Your application being approved and a Provisional Food Business Licence** issued; or
3. Your application being refused (*Please note that should this occur; you will not be able to commence operating*).

*** A provisional licence can only be issued for a maximum of three (3) months and will only be considered in circumstances where the EHO is satisfied that safe food can be prepared and the outstanding, minor issues can be attended to within the term of the provisional licence. If the outstanding requirements are not met within the term of the provisional licence, it will expire. Continuing to operate beyond this point will then become an offence for which penalties do apply*

You cannot begin to operate until your food business licence has been issued and any separate approvals have been obtained. A copy of your food business licence will be mailed separately and you will be required to display the licence in a prominent position at the premises so that it is easily visible to persons at the premises.

It is important to remember that applying for a food business licence does not eliminate the need to apply for any other relevant approvals, including development approvals, that may be required. These approvals should be obtained prior to applying for a food business licence to avoid unnecessary delays.

After the food business licence has been issued, a compliance inspection of the mobile food business will be conducted within 6 months to ensure the business is operating in compliance with the *Food Act 2006* and the Food Safety Standards.

Your food business licence will remain current until the expiry date noted on your licence which is currently 30 September each year, except in the circumstances where a provisional licence is issued. Food Licences must be renewed annually. You will receive a renewal notice each year prior to the expiry of your licence. It is important that you renew your licence and pay the applicable fee by the due date to ensure that you are able to continue lawfully operating.

Food Safety Supervisor Notification

A food safety supervisor is a person who has undertaken training in safe food handling and/or has sufficient experience in working in the food industry. The licensee of the food business may be the food safety supervisor and a business may have more than one food safety supervisor. The food safety supervisor needs to be reasonably contactable by Council when the business is operating.

Having a food safety supervisor helps ensure that all food handling practices are carried out in a safe way, as they are required to have experience and expertise relevant to the licensable food business and be able to supervise and give directions about food safety to food handlers in the food business.

All licensed food businesses must have an approved food safety supervisor. You are required to advise Council:

- the name and contact details of the food safety supervisor within 30 days of the licence being issued
- the name and contact details of any new food safety supervisors within 14 days of the person becoming a food safety supervisor
- if there are any changes to the contact details of the food safety supervisor, notify Council within 14 days of the change
- if a person ceases to be a food safety supervisor, notify Council within 14 days of the change.

Find out more about [Food Safety Supervisors](#).

Design and Construction

An assessment of the structural requirements for your premises will be conducted by an EHO who will take into consideration the type of food preparation activities.

Walls and Ceilings

- All walls and ceilings in the food preparation and storage area must be smooth, impervious and easily cleaned ensuring they are free from cracks, crevices and other such defects, to prevent the entry and harbourage of pests.

Floors

- Must be smooth, impervious and easy to clean. Materials, such as polished cork and polished floorboards are acceptable when well maintained.

Hand wash basins

- A basin for hand washing should be located in or close to the food preparation area. These basins must have a supply of warm potable water, soap and paper towels.

Dishwashing

- Dishwashing shall be undertaken via a double bowl sink or a dishwasher and a single bowl sink.

Benches and cupboards

- Domestic style benches are acceptable provided they are in good condition and have impervious surfaces.

Ventilation

- In domestic premises, the type and size of cooking appliances is usually not within the scope of the relevant Australian Standard. Domestic mechanical systems are usually sufficient to remove greasy fumes produced by cooking, however, an appropriate system will depend on the type of equipment you will be operating and the amount of cooking being done.

Potable Water Supply

- The premises must have an adequate supply of potable water for all activities that use water that are conducted as part of the food premises as well as other activities from the home.

Storage Facilities

- A dedicated storage area specific for the storage of cooking utensils and food should be provided. This area is to be separate from domestic supplies.

Pets in the home

- The Food Safety Standards prevent live animals in areas where food is handled other than seafood or other fish or shellfish. This requirement also extends to home based food businesses. It is therefore not considered appropriate that a home based food business will have domestic pets inside their home at any time.

Operational Requirements

Prevent contamination

- protect food at all times during storage, processing, transport and display
- thoroughly wash and dry hands before handling food: use warm running water and soap – scrub wrists, palms, backs of hands, between fingers and under nails, and then dry hands using single-use towels
- do not handle food if you are ill
- keep raw foods separate from ready-to-eat foods – e.g. use different cutting boards, store raw food below ready-to-eat food
- protect food from pets, children and visitors, sick people, waste, chemicals, pests and dirt

Safe food temperatures & processing

- potentially hazardous foods (like those containing meat, egg and dairy) need to be kept cold (at 5°C or colder) or kept hot (at 60°C or hotter) during receipt, storage, display (or hot holding) and transport
- prepare food quickly to minimise time out of the fridge (e.g. when making sandwiches)
- cook food to safe temperatures (e.g. 75°C for poultry and minced meat)
- cool cooked food quickly to store in the fridge (e.g. by dividing into smaller portions in the fridge) – within required timeframes
- check temperatures with a food thermometer
- know the critical limits for safety (e.g. acidity, water activity) for processes you use

Cleaning and sanitising

- keep the premises clear of rubbish, food waste, dirt and grease
- keep food contact surfaces like benches, utensils and containers clean and sanitary
- clean before you sanitise. All surfaces and equipment that have contact with food need to be cleaned and sanitised. Queensland Health's [Cleaning and sanitising](#) has more information.
- sanitise using hot water, bleach, a commercial food-safe sanitiser or a dishwasher on longest hottest cycle
- A domestic dishwasher needs to:
 - have a properly functioning temperature activated sanitising cycle that must sense 65.6°C or higher before the machine advances to the next step or
 - if it does not have a sanitising cycle or time-controlled sanitising cycle and forced airflow drying– be operated with inlet water temperature above 68°C

Food traceability

- keep records of your ingredients, suppliers and customers
- if you are a food manufacturer, wholesale supplier or importer, have a written recall plan and follow it if a recall is needed

Labelling

- Food that is packaged for retail sale needs to be correctly labelled. [Queensland Health's Label Buster](#) has more information on labelling requirements.

When food prepared at home is sold at another location

If the food prepared at home is transported to another premises or location, e.g a market stall, and undergoes further handling, processing, preparation, decanting, portioning or serving then an additional food business licence may be required to operate the temporary food stall and the stall will need to be assessed for compliance. For more information on whether you will require a licence for a temporary food stall, see [Council's Guidelines for Temporary Food Premises](#).

Relevant Documents

- [Suitability of Premises Assessment Application form](#)
- [Food Business Licence Application form](#)
- [Food Business – Design, Construct and fit-out guide](#)
- [Food Business Licence and Suitability of Premises Assessment application Fees and Charges](#)