

# Application for: Home Based Kitchen Permit

Food Act 1984



*Lifestyle Capital of Victoria*

## Information for Food Businesses

The *Food Act 1984* regulates the sale of food for human consumption. If your business sells food you must either register with, or notify, the Council in which the premises is located.

The information below explains whether you will need to **register** or **notify** Council.

There are five classes of food premises, class 1, class 2, class 3, class 3A and class 4. The classification system means that regulatory requirements are better matched to the level of risk associated with the food handling activities at different types of premises. Class 1 has the highest and class 4 the lowest level of legal requirements. In summary, the classes are:

- |                 |   |
|-----------------|---|
| <b>Class 1</b>  | Premises that serve ready to eat potentially hazardous food to vulnerable groups: <ul style="list-style-type: none"><li>• Hospitals, child care centres and aged care services.</li></ul>   |
| <b>Class 2</b>  | Premises that handle or make potentially hazardous unpackaged food: <ul style="list-style-type: none"><li>• Restaurant, take away, kiosk, school canteen, caterer, manufacturer, coffee and dessert, deli and supermarket.</li></ul>  |
| <b>Class 3</b>  | Premises that handle unpackaged low risk food, potentially hazardous pre-packaged foods or the warehousing or distribution of packaged foods: <ul style="list-style-type: none"><li>• Warehouse distributor, school canteen, cake decorating, convenience store, manufacturers, greengrocer and supermarket.</li></ul>  |
| <b>Class 3A</b> | Premises at which one of the following food handling activities occurs: <ul style="list-style-type: none"><li>• Home Based Kitchens that make foods using a hot fill process such as chutney, relish, salsa sauce or any similar food; or</li><li>• Accommodation getaway premises which prepare and/or cook potentially hazardous food to guests of accommodation businesses for immediate consumption.</li></ul>  |
| <b>Class 4</b>  | Premises that only sell pre-packaged low risk food and certain low risk activities including: <ul style="list-style-type: none"><li>• A simple sausage sizzle (sausages, bread, sauce and onion only) by a not-for-profit body.</li><li>• The handling of low risk food or cut fruit/vegetables and the serving of that food to children at an education and care services facility.</li><li>• The serving of tea, coffee, alcohol or other low risk foods.</li></ul> |

**Classes 1, 2, 3 & 3A** premises must register with council and complete this application.

**Class 4** premises must complete a **notification form** (separate form) and forward to Council.

## Home Based Food Business

Home based food businesses are those that operate from a residential dwelling. All requirements of the Food Standards Code and the Food Act must be complied with.

All applications are reviewed on an individual basis against Councils home based kitchen guidelines. However, the following activities are considered inappropriate from a domestic kitchen:

- Catering services, including the preparation of platters and sandwiches containing high risk ingredients; and
- Wholesale production of food to supply retail outlets.

Online sales are permitted where food is being sold to individual customers and the volume does not pose a food safety risk.

Due to risks to food safety, businesses intending to operate outside of the home based kitchen guidelines will be required to operate from a commercial grade kitchen. Additional permits and approvals may also be required for these business.

To operate a home based business from a domestic kitchen the business must have the following:

- Adequately separate business activities from regular domestic food handling. This can be achieved by providing separate equipment and utensils to be used for food handling associated with the business.
- Adequate hand washing facilities in the immediate area of food preparation. This sink must be for the exclusive use of hand washing and cannot be used for any other purpose when the business is operating.
- Have a separate food storage area away from domestic food storage. This includes a space for all dry, cold and frozen foods, equipment and packaging.

## Temporary & Mobile Food Premises

All food premises are required to have a registration before selling food which includes temporary and mobile premises.

Temporary food premises are:

- Stalls, tents or marquees from which food is sold or handled for sale, such as at a market or festival.
- Halls, or other like buildings, which you don't own or lease, but use occasionally and from which you sell food or handle it for sale.

Mobile food premises are vehicles such as vans, trailers or carts from which food is sold.

Stretrader is the state-wide online registration and notification system for temporary and mobile food premises. When lodging a Stretrader application, you will be allocated to your 'principal' Council in the following order:

1. the location at which you **routinely** prepare the food that is sold from the premises;
2. the location at which you **routinely** store the food that is to be sold from the premises;
3. the location at which you store the equipment or garage the vehicle; then
4. the location of your business or home address.

**Please note – your Streatrader registration or notification cannot be approved until such time that your fixed home based kitchen application has been approved.**

Once your registrations have been granted, you are required to lodge a Statement of Trade (SOT) with the local Council of the area in you intend to operate. Lodging a SOT is a legal requirement under the Food Act and must be received at least one clear business day prior to trading. For example, if you intend to trade on a Saturday, then you would need to lodge the SOT prior to the close of business on the immediately preceding Thursday.

## Permit Requirements

Council's Environmental Health Unit only assesses the application for registration under the Food Act. Applicants must ensure that they seek out all additional approvals required. If you are constructing a new food premises or altering an existing food premises, it is advised to contact Council on 1300 322 322 regarding statutory planning, building, and compliance and safety requirements.

### Statutory Planning

- Advice on whether a planning permit is required for the proposed use and to obtain information on the home occupation requirements. A planning permit may also be required for business signage.

### Building Services Unit

- Advice from a registered building surveyor to ascertain whether a building permit is required for any fit out/structural changes to a building and for public/staff toilet requirements.

### Compliance and Safety Unit

- A kerbside trading permit is required if a business is seeking to place any items on the footpath including the display of goods, a-frame signage, outdoor dining or other items.

### South East Water – phone 131 694

- Home based kitchens utilising their domestic kitchen (excluding those with a separate purpose built kitchen) are defined as Minor Trade Waste. As such, are considered to have entered into a default Trade Waste Consent with South East Water.
- Minor Trade Waste customers can discharge to the sewerage system without applying for a Trade Waste Consent. This permission is subject to the installation pre-treatment systems and other requirements where needed. These installations are the responsibility of the customer.
- For further information please see South East Water's website - <https://southeastwater.com.au/business/trade-waste/applications/>

## The Initial Registration Process

1. It is **strongly recommended** that all proposed food businesses submit floor plans of the food business to be assessed for approval by Council's Environmental Health Unit. To ensure that the premises complies with the Food Act and Food Standards Code 3.2.2 and 3.2.3, approval should be sought prior to works commencing.

Failure to submit plans or commencing construction prior to plan approval may result in required alterations to meet compliance with the Food Standards Code.

2. Complete and submit the application form, attach a copy of detailed floor plans of all food handling areas and provide the requested documents and information. For home based kitchens, photos may also be helpful for the Officer to access the current condition of the domestic kitchen.
3. An Environmental Health Officer (EHO) will assess your plans and provide written advice on any required amendments or construction conditions. If amendments are required, you may be required to re-submit your plans. When the plans are satisfactory, Council will notify you in writing.
4. Once your plans have been approved, you may commence construction or structural alterations of the food premises.
5. A final inspection of the food premises must be conducted before any food can be prepared for sale. All final inspections must be booked at least one week prior to the proposed opening date. An application to register with an invoice for the applicable fee will be issued to you at this time. Fees are to be paid prior to the final inspection.

## Registration Fees – 2022/2023

### Home Based Kitchen

Food Act Fixed Premises	Initial Registration	Annual Registration
Class 2B (Small/Medium <15 staff)	\$1128	\$714
Class 3A	\$1026	\$612
Class 3B (Small/Medium <15 staff)	\$632	\$321

### Streatrader Fees

Food Act Temporary and Mobile Premises Streatrader	Fee
Class 2 Mobile Premises	\$456
Class 3 Mobile Premises	\$331
Class 2 Temporary Premises	\$187
Class 3 Temporary Premises	\$135
Class 2 Vending Machine	\$414
Class 3 Vending Machine	\$311

## Food Safety Programs

A food safety program is a document that identifies food safety hazards for the handling of food and details the way each hazard will be controlled.

Different classes of food businesses have varying requirements around the type of Food Safety Program they are required to implement and follow. Most Food Safety Programs require the completion of written records to help monitor food safety and hygiene.

The Environmental Health Officer will advise on the most suitable Food Safety program for your business prior to the business opening for trade.

For Class 2 food businesses please open the following link:

<https://www.health.vic.gov.au/food-safety/food-safety-program-templates-class-2>

Class 3 and 3A food businesses must maintain minimum records which can be accessed at:

<https://www.health.vic.gov.au/publications/food-safety-guide-for-food-businesses-class-3>

## Food Safety Supervisors

A Food Safety Supervisor is someone that supervises and trains food handling staff, maintains the Food Safety Program, and makes sure a food business uses the best food safety practices.

Under Section 19C of the Food Act, class 1, 2 and 3A food premises are required to have a Food Safety Supervisor. A Food Safety Supervisor is an individual who has:

- the ability to recognise, prevent and alleviate the hazards associated with the handling of food;
- completed the appropriate food safety competency standard for the type of premises; and
- the ability and authority to supervise other people handling food at the premises.

For further information on Food Safety Supervisors and the required minimum competencies for each food sector, please refer to the Department of Health website - <https://www.health.vic.gov.au/food-safety/food-safety-supervisors>

**Please note - Council cannot provide advice on training courses or Registered Training Organisations.**

You must submit a copy of your Food Safety Supervisors statement of attainment to Council before registration can be granted.


## Labelling Requirements

If you package food it must be labelled in accordance with Food Standard 1.2.1 - Labelling and Other Information Requirements. Labels should be validated by a National Association of Testing Authorities (NATA) approved laboratory.

Home based kitchens are not suitable for the purpose of producing food items that make dietary claims, for example Vegan or allergen free. Designated separate premises will be required to undertake such activities.

Food Standards Code Labelling Guidelines can be found at:

<https://www.foodstandards.gov.au/industry/labelling/Pages/default.aspx>



A copy of the approved certificate from the NATA laboratory is to be provided to Council before registration can be granted.

## Certificate of Registration

Once all required items are complete registration will be granted and you will be issued with a certificate of registration. This certificate must be kept at the premises at all times.

## Privacy Statement

The personal information requested on this form is being collected by Council for the food premises permit application. This information will be used solely by Council for that primary purpose or directly related purposes and will not otherwise be disclosed without your consent or as required or permitted by law. You may apply to Council for access and/or amendment of the information.



# Application for: Home Based Kitchen Permit

Food Act 1984

Lifestyle Capital of Victoria

Please complete and return this application form to:

To: Email: [info@frankston.vic.gov.au](mailto:info@frankston.vic.gov.au)

Environmental Health Unit  
Frankston City Council  
30 Davey Street  
Frankston 3199 Phone: (03) 9784 1915

***Please note this form is a legal document and all sections must be completed prior to submission or could result in processing delays. Council aims to assess applications within 10 business days.***

Applicant details		
Name:		
Postal Address:		
Phone:	Bus.:	Mob:
Email:		
Date:	Applicant Signature:	
Applicants Involvement: Proprietor <input type="checkbox"/> Builder <input type="checkbox"/> Architect <input type="checkbox"/> Other <input type="checkbox"/>		
Food Business details		
Proprietor (sole trader or Pty Ltd):		
Note: A Trust is not a legal entity for the purpose of the Food Act. The proprietor for a Trust is the Trustee/s		
Proprietor Residential Address:		
Proprietor Postal Address(if different from above):		
ABN No.:	Food Safety Supervisor (Class 2 & 3A):	
Contact Name:	Business Phone:	
Email:	Mob:	
Premises Details		
Trading name of premises:		
Street/Postal Address:		

Suburb:		Post Code:	
Number of Full time staff:			
Number of Casual Staff (2 x Casual is considered 1 F/T):			
<b>Required Documents</b>			
<b>Detailed premises floor plans showing:</b> <ul style="list-style-type: none"> <li>- Hand wash basin/s</li> <li>- Equipment wash up area and sinks</li> <li>- Dishwasher (if available)</li> <li>- Equipment storage and drying area</li> <li>- Cooking equipment</li> </ul>		<ul style="list-style-type: none"> <li>- Preparation sink</li> <li>- Chemical storage</li> <li>- Rear/outside storage area</li> <li>- Exhaust canopies</li> <li>- Staff/customer toilets</li> <li>- All other equipment used</li> </ul>	
Is the kitchen also shared for domestic purposes? YES/NO If yes, please describe proposed kitchen space:			
Are you proposing to use any outbuildings, garages or sheds? YES/NO If yes, please describe proposed use:			
<b>Premises schedule of finishes:</b> Walls are made of/sealed with _____ Floor surface/s are _____ Lights installed in food preparation areas are _____ Bench top surface is _____ Coving size in food preparation area is _____ Ceiling finishes _____			
<b>Food Handling Activities</b>			
<b>Will your business be conducting the following activities: (please tick)</b>			
Handling, preparing or storage of potentially hazardous foods? (This includes meat dishes, rice dishes, salads, dumplings and dairy products)		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Selling cakes or other dessert dishes that have any custard, cream or swiss meringue?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Selling chutney, pickles, or other fermented foods?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Using a hot fill processes? (Heat treated food which is filled and sealed hot into packaging)		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Storing any pre-packaged potentially hazardous foods? (Frozen products)		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Selling shelf-stable food (This includes cakes, jams)?		Yes <input type="checkbox"/>	No <input type="checkbox"/>



Are you making any allergen free claims? If so please describe:

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Are any of the following high risk food handling activities to be undertaken? Please tick if applicable:

- |                                       |  |  |
|---------------------------------------|--|--|
| <input type="checkbox"/> Sous Vide    | <input type="checkbox"/> Sushi             | <input type="checkbox"/> Raw Egg Foods       |
| <input type="checkbox"/> Fermentation | <input type="checkbox"/> Off-site catering | <input type="checkbox"/> Vacuum sealed foods |

Other (Any other please describe) \_\_\_\_\_  
\_\_\_\_\_

**Application checklist – please tick the following boxes prior to submitting form**

Completed application form	<input type="checkbox"/>
Completed proprietor section – note Trusts are not accepted <b>Please note – if left blank or incorrectly completed will result in processing delays.</b>	<input type="checkbox"/>
If proprietor is a company, an associated ABN to the proprietor has been provided.	<input type="checkbox"/>
Detailed floor plans or photos	<input type="checkbox"/>
Draft menu	<input type="checkbox"/>
Food Safety Supervisor statement of attainment (if applicable)	<input type="checkbox"/>
Trade Waste Consent from South East Water (if applicable)	<input type="checkbox"/>