

Did you know that there are legislation's and codes which you must conform to when starting/operating a food shop?

Food Act 2003  
Food Standards Code  
Food Regulation (2004)  
Local Government Act 1993  
Smoke Free Environment Act 2000  
DCP 19 Waste Avoidance and Resource Recovery  
Australian Standards  
Waverley Council's Policy for fit out and construction of food premises

Where do you get information about the relevant legislation's and codes?

Food Act 2003: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

Food Standards Code: [www.foodstandards.gov.au/the\\_code/foodsafetystandardsaustraliaonly](http://www.foodstandards.gov.au/the_code/foodsafetystandardsaustraliaonly)

Food Regulation (2004):  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

Smoke Free Environment Act 2000:  
[www.health.nsw.gov.au/health-public-affairs/smokefree](http://www.health.nsw.gov.au/health-public-affairs/smokefree)

DCP 19 Waste Avoidance & Resource Recovery: [www.waverley.nsw.gov.au](http://www.waverley.nsw.gov.au)

Australian Standards: [www.standards.org.au](http://www.standards.org.au)

What are the penalties for non-compliance with legislation's and codes?

Recent changes to State Government food laws enable Council officers to issue a Penalty Infringement Notice (PIN- on the spot fines) for an offence under these laws. Waverley Council's Environmental Health Officers are currently issuing these fines when an offence is detected. This is under the Food Act, 2003. Currently the on the spot fine is \$330.

*Emergency Order:* requires the premises to comply with the recommendations suggested by the authorised officer within an elected timeframe.

*Improvement Notice:* requires the premises to comply with recommendations suggested by the authorised officer within an elected timeframe.

*Prohibition Order:* if Council believes, on reasonable grounds that the proprietor of a food business has not complied with an improvement notice within time required by section 58 for compliance or the issue of the order is necessary to prevent or mitigate a serious danger to public health.

*Prosecution:* Maximum penalties for non-compliance with Food legislation in NSW range from \$2,750-\$55,000 for individuals and \$275,000 for corporations and/or imprisonment for a term not exceeding 6 months.

**Is there anyone else I need to notify or register with prior to opening my food business?**

Your business details need to be registered with the New South Wales Food Authority. This can be done on-line at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

## Waverley Council

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# Handy hints -tips for opening a Food Shop



This document is designed to assist you in the general requirements for opening and a food shop, please read this in conjunction with Waverley Council's policy for fit out and construction of food premises.



### **I'm thinking of starting a food business, what approvals do I need from Council?**

Development consent from Council may be required depending upon the nature and extent of the works proposed.

Once development consent is issued, a construction certificate is required to be issued for any building works. It is recommended that you discuss any proposal with Council's Development & Assessment Department to clarify the type of approval required.

### **How do I get approval?**

Should consent be required, a development application can be submitted to Council. The application should include detailed plans of the internal layout of the premises. The cost of the application is based on anticipated value of the building work involved.

### **What types of details need to be provided?**

The plans should indicate the proposed finishes on the walls, floor/s and ceiling together with all fixtures, fittings, washing facilities, toilets, storerooms, refrigeration facilities (including coolroom/s and freezers) and garbage storage facilities, additional plans for mechanical exhaust ventilation or air conditioning systems are also required and approval must be obtained before any work is commenced. The Principal Certifying Authority (PCA) is also required to be nominated. The PCA who can be either Council or an Accredited Certifier is responsible for authorising the occupation/use of premises.

### **Is there any information available which will assist me in drawing the plans?**

You can obtain a copy of the Australian Standard for Design, Construction and fit-out of food premises (AS 4674-2004) or Councils.

### **How long will it take to have the plans approved?**

The length of time to obtain approval will depend on a number of factors associated with Council's assessment of the application; however, you are advised that no work should start until Council has granted development approval and a construction certificate is obtained.

### **Will I be charged a fee?**

Once your application has been approved and works completed you will be charged an inspection fee that is invoiced at the beginning of each financial year. Your premises will be inspected regularly by Waverley Council.

### **Do I have to pass any knowledge tests prior to opening a food business?**

It is a requirement under the Food Safety Standards that all persons undertaking or supervising food handling operation in a food business must have skills and knowledge in food safety and food hygiene matters.



### **I'm thinking of buying an existing food business. How can I be sure there are no outstanding matters that I need to know about?**

It is recommended that any intending purchaser of a food business should ensure that there are no outstanding matters prior to signing a lease.

A letter should be forwarded to Council by your solicitor or yourself seeking information from Council with regard to any outstanding matters relating to the premises.

You should be aware that any work required to be carried out on the premises, if not completed by settlement date, will become the responsibility of the new proprietor. Note also that the Food Act 2003 and Regulations hold the occupier (not the owner) responsible for both cleanliness and construction matters within the premises.

### **Anything else I need to know?**

Contact Sydney Water Trade Waste Section (details below under grease trap)

Make the appropriate arrangements with a private company or Council in regard to the regular removal of commercial/trade waste from the premises.

All operators of food businesses should take appropriate steps to inform themselves of the requirements of the food laws in New South Wales. Copies of the Food Act 2003 and the Food Regulation 2004 can be obtained.

