

# Guide for Food Premises Operators



This guideline has been designed to provide advice for food business(es) owners regarding legislative and Local Government requirements for the construction of a food premise within the Christchurch region.

The purpose of this guide is to provide appropriate information on food premises construction and is relevant to new food premise or alterations to existing food business.

## Legislation

Food businesses are currently governed by the following legislation:

- Food Hygiene Regulations 1974 and Food Act 1981 – for existing food businesses until they transition to Food Act 2014.

Post 1 March 2016 all new food businesses (*new build and change of ownership*) will be required to comply with legislations listed below:

- Food Act 2014
- Food Regulations 2015
- Food Notices 2015
- Australia New Zealand Food Standard Code (Code).

## Council Requirements Resource Consents

Your proposed food business location must comply with the District and Regional Plans or resource consent will be required. If resource consent is required, this must be obtained before constructing and operating your business. If you believe your business will comply with the District and Regional Plans, you can seek confirmation of this from Council or apply for a certificate of compliance. For more information on District Plans, Regional Plans, resource consents and certificates of compliance, go to our website or phone 941 8999 and talk to a Duty Planner.

## Building Service

Your food premise must comply with the Building Act 2004. You may also need to obtain a building consent before you start any construction, renovation or 'change of use'. For more information on this, go to our website or contact us on 941 8999 and talk to a Building Inspector.

You must ensure all relevant Building Department approvals are obtained prior to commencing structural work. To enable the prompt and efficient processing of your Building Consent all the relevant plans, specifications, and other paper work should be included. A Council Building Consent Officer can assist with what is required.

You must include a layout plan of your food premises showing the following details:

- All rooms and a description of use, for example, dishwashing area, vegetable preparation area, etc. The position of all the services, appliances and fittings, such as preparation benches, shelving, cupboards, wash-hand basins, dishwashing machine, cooking appliances, refrigerator and freezer units, extract ventilation hoods.
- Number of staff employed - do you have sufficient unobstructed floor space for workers?
- The position of incidental features such as yard area, refuse storage area, grease trap, staff and patrons toilets and staff changing areas.
- Your specifications should cover the construction materials, colours and finishes along with appliances, furnishing and fittings.

**Note: All building structural requirements must comply with the Building Act 2004 and the relevant Building Codes.**

### **Food Safety and Health Licensing**

Depending on the scope of your food business you will likely need to operate under one of the risk based measures, either a Food Control Plan (FCP) or a National Programme (NP). For more information, use the where do I fit tool at <https://www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/>

#### **Food Control Plan**

There are two types of plans:

- Template Food Control Plans (template FCPs) – you can build your plan from templates supplied by Ministry for Primary Industries (MPI). Register with Council.
- Custom Food Control Plans (custom FCPs) – you develop your own plan. Register with MPI.

#### **National Programme**

There are three levels of National Programmes, which are based on the food safety risk of the activities a business does:

- Level 3 – higher risk.
- Level 2 – medium risk.
- Level 1 – lower risk.

Register a National Programme with Council.

For more information regarding Food Control Plans and National Programmes visit:

<http://ccc.govt.nz/food> or <https://www.mpi.govt.nz/food-safety/>

#### **Register a Plan or a Programme**

Once you have determined where your proposed food activity or food business fits, you will need to ensure your design, location and construction of food premise and place of food business fits the requirements of Food Regulations 2015 and Food Notices 2015. Refer to summary section for the requirements.

#### **Alcohol Licences**

If you intend to sell and supply alcohol, you need a relevant alcohol licence. Visit our website: <http://ccc.govt.nz/alcohol> or call us to talk to one of our Alcohol Licensing staff.

## Outdoor Dining

If you intend to have outdoor dining at your place of food business on a public footpath, you need permission. Visit our website: <http://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/policies/streets-roads-and-pavements-policies/footpath-extensions-to-expand-cafes-onto-the-roadway-policy/> or call us to talk to one of our Property and Planning Staff.

## What Happens after I have Obtained my Resource Consent and Building Consent?

Your food premise must be constructed in accordance with the approved plans and in accordance with your building and resource consent (if applicable). Building works must be inspected by a Building Inspector and you must submit all the relevant paper work to Christchurch City Council Building Authority for assessment for a Code of Compliance Certificate (CCC) or a Certificate for Public Use (CPU). For more information visit our website or phone 941 8999 to talk to a Building Inspector.

Environmental Health Officers will no longer be conducting opening inspections for new builds or renovated food businesses. Council Environmental Health Officers will be verifying your registered Food Control Plans and third party verifiers will be verifying (checking) compliance for National Programmes.

## How do I Register my Food Control Plan or National Programme?

Register your Food Control Plan or National Programme by completing food registration application form. This is available from any Council office or may be downloaded from our website: <http://ccc.govt.nz/consents-and-licences/business-licences-and-consents/food/>

The form is a legal document, please complete it accurately. It should be signed, dated and then forwarded to Christchurch City Council.

## Payment and Contact details

**You will be invoiced for the application fees. The application fees** are due within 30 days from the date of **the Council's** invoice. Please ensure payment is made by the due date. Where the Council has issued an invoice for the payment of any fee or charge under **section 205 of the Food Act 2014** and the amount invoiced has not been paid by the stated due date, the Council may commence debt recovery action. The Council reserves the right to charge interest, payable from the date the debt became due, and recover costs incurred in pursuing recovery of the debt on a solicitor client basis as outlined in the Fees and Charges Schedule of the Council's Long Term Plan.

**This is for Registration only - verification is a separate cost.**

An invoice for your Registration fee will be sent at a later date

It is strongly recommended you have your Code of Compliance Certificate or Certificate for Public Use issued prior to submitting an application to register a Food Control Plan or National Programme as it is an offence under the Building Act 2004 to use or permit the use of public premises, which are the subject of a building consent unless a Code of Compliance Certificate or Certificate for Public Use has been issued.

## After Registration

### Food Control Plan

If you are the operator of a new build food business, or new owner of an existing food business that was registered under Food Hygiene Regulations 1974 or operating under the Voluntary Implementation Programme and your risk based measure is Food Control Plan, an Environmental Health Officer will carry out an initial verification within one month of registration.

### National Programmes

If you are the operator of a new build food business or a new owner of an existing food business that was registered under Food Hygiene Regulations 1974 and fall under a National Programme related to your food business, your chosen verifier will carry out the initial verification within one month of registration.

This link will take you to the list of verifiers: <http://www.foodsafety.govt.nz/registers-lists/auditors/index.htm>

## Taking over an Existing Food Business

Before you purchase an existing food business that is registered under the Food Hygiene Regulations 1974, Template Food Control Plan or National Programme you must contact Council and speak to an Environmental Health Officer.

Food Control Plans and National Programmes are non-transferable, therefore, where a new owner takes over an existing food business they will either need to apply for a new Food Control Plan or National Programme depending on the scope of their business.

If you make structural alterations to an existing food premise you must also speak to a Building Inspector as structural works may require a building consent.

## Home-Based Businesses

Preparing food for customers is different to preparing food for yourself and family. The amounts will probably be larger. The time between preparing the food and when it gets eaten might not be so predictable. You might have customers who are allergic to some types of food.

Here are a few things you should think about during your planning stage:

- What laws and bylaws affect my business?
- If you are renting the property do you have the landlord's permission to operate a business from the site?
- Do I know enough to make sure the food I sell is safe and suitable?
- Will I need to apply for a resource consent from the local council? District Plans usually have rules that enable home occupations and the proposed use of your kitchen may be permitted if it complies with these home occupation rules - plus any other rules that might apply. For example, there are rules for additional buildings or structures (such as cooling units or storage units), hours of operation, noise, traffic, odour, parking, etc. These rules determine what you can do by right and what will require resource consent.
- Will I need to apply for a building consent from the local council?
- Will the kitchen's equipment and storage facilities be appropriate for doing the things I plan to do?
- Is there a place to wash my hands before I start preparing food?
- Is there enough room in the fridge and in the pantry to properly store the amount of food I plan to make?
- How will I keep family food separate from commercial food?
- How will I operate when there are sick family members at home?
- How will I store ingredients containing allergens separate from allergen free food for sale?
- How will I ensure that other activities at home will not compromise when commercial food is being prepared?
- How will I transport the food safely?
- Will everyone working at the business know how to make sure the food they handle is safe for customers?

### Important:

- Check if resource consent or building consent to undertake the proposed food activity are required. For further information phone 941 8999 and talk to a Duty Planner and Building Inspector.
- Use the "where do I fit" tool to determine which risk based measure (Food Control Plan or National Programme) would apply to your proposed food activity.

As with any local food business operating from a commercial premises, your Environmental Health Officer or your chosen verifier will need to visit your home regularly to check that you are following your Food Control Plan or operating in accordance with your National Programme. Once registered, your home-based business details will be placed on the public register of food businesses.

# Summary of Requirements

**Note:** All building structural requirements must comply with the Building Act 2004 and the relevant Building Codes. If you are operating a Food Control Plan or a National Programme than you must meet the requirements of Food Regulations 2015 and Food Notices 2015.

The following is a guide only. Please refer to Food Regulations 2015 and Food Notices 2015 for more details.

## Design Construction and Location

The design, construction and location of the place of food business must:

- Be appropriate for the purpose for which they are used.
- Provide adequate space for the activities conducted in the food business and the fixtures, fittings and equipment used.
- Allow effective cleaning, sanitising and maintenance of food business.
- Keep out dust, dirt, fumes, smoke, pests and other contaminants, and not provide harbourage of pests.

## Size and Layout

The food premise must be designed to ensure that the proposed food activity will operate safely. Consideration should be given to the layout including the following:

- The design of the place enables the movement of staff, visitors and food in a way that prevents or manages the risk of contamination of food or food related accessories.
- Adequate unobstructed floor space for workers is essential as it permits more functional operation and makes for easier cleaning.
- Sufficient bench space for food preparation, cooling and reheating.
- A separation of areas to prevent cross contamination of food, such as cooked and uncooked food, storage of dry goods and delivery areas, kitchen, preparation and storage areas incorporating:
  - food store
  - wash up area
  - cooking and preparation area
  - dry preparation area
  - refrigeration / freezers.
- Adequate toilet facilities for staff and customers in accordance with Building Code and such facilities not opening directly into a food area.
- Separate storage of chemicals / cleaning equipment.
- Waste handling facilities and enclosure for storage and collection of rubbish, waste cooking oil and recyclable materials.
- Fly screens on doors and windows may assist with the control of insects, birds and other food pests.

## Floors

Floors must be designed and constructed in a way that is appropriate for the activities conducted on place of food business. This also applies for walk in cool rooms and freezer.

Floors must be:

- capable of being effectively cleaned
- unable to absorb grease, food particles or water
- free of water ponding
- where practicable be unable to provide harbourage for pests.

Also:

- The angle between walls and floor is recommended to be coved to assist with cleaning to prevent the accumulation of dirt, grease, etc. at the wall / floor junctions.
- Floors that are subject to flooding and wet operations are to be graded and drained to an approved waste outlet.

## Walls and Ceilings

- Designed and constructed in a way that is appropriate for the activities conducted on food premises and walk in cool room and freezer.
- Where it is necessary to protect food from contamination.
- Sealed to prevent the entry of dirt, dust and pests.
- Unable to absorb grease, food particles or water.
- Easily and effectively cleaned.
- Where practicable unable to provide vermin harbourage.

## Water Supply

Food premise must have an adequate supply of potable water at a volume, pressure and temperature that is adequate for the purpose. A non-potable water supply can be used if it is demonstrated there will be no adverse effect on food safety.

The capacity of the water supply to the place of food business is adequate for the operations of the food business.

## Hot Water Supply

A hot water system will be required to achieve the necessary temperatures required to effectively wash and sanitise equipment, fixtures and premise. The hot water supply must be of appropriate temperature, of sufficient capacity and with adequate temperature recovery to cope with the maximum needs of the food business.

## Sewage and Waste Water Disposal

Food premises must have a sewage and waste water disposal system that:

- will effectively dispose of all sewage and waste water
- is constructed and located so that there is no likelihood of the sewage and waste water polluting the water supply or contaminating food
- depending on your food activity you may be required to install a grease trap or grease converter.

## Lighting

Food premise must have adequate lighting that gives sufficient natural or artificial light for all activities including cleaning. It is recommended that light fittings are to be provided with protective plastic covers or sleeves to prevent contamination of food with glass.

## Ventilation

Sufficient to maintain comfortable conditions for persons on the premises by preventing air from becoming excessively heated, by preventing condensation and excess moisture on floors, walls, and ceilings and to remove objectionable odours, fumes and impurities. If natural ventilation is not satisfactory mechanical ventilation is to be provided.

Mechanical extract ventilation is recommended to cover all cooking equipment. The system (depending on the cooking process) may comprise a canopy enclosure, fan of sufficient capacity, grease filters, condensate channels and ducting to remove cooking vapours to the exterior of the premises. It is to discharge in a manner that will not create a nuisance.

To avoid a nuisance situation, the discharge point must be at a point to meet requirements of the relevant standards. Premises that are undergoing a fit out are required to meet the Building Code. Contact Christchurch City Council Building Control for further information.

The system is to comply with noise levels set out in District Plan or Resource Consent.

## Fixtures, Fittings and Equipment

Fixtures, fittings and equipment must be:

- adequate for the production of safe and suitable food
- fit for their intended use.

Fixtures and fittings must be designed, constructed, located and installed, and equipment must be designed, constructed, located and, if necessary, installed so that:

- likelihood that they will cause food contamination is minimised or eliminated
- they are able to be easily and effectively cleaned
- they are free from cracks and crevices
- adjacent floors, walls, ceilings and other surfaces are able to be easily and effectively cleaned
- they do not provide harbourage for pests to the extent that is practicable.

The food contact surfaces of fixtures, fittings and equipment must be:

- smooth, durable and free from cracks and crevices
- able to be easily and effectively cleaned and, if necessary, sanitised if there is a likelihood that they will cause food contamination
- unable to absorb grease, food particles and water if there is a likelihood that they will cause food contamination
- made of material that will not contaminate food
- equipment should be moveable for easy cleaning, where equipment cannot be moved easily, clearance space must be provided so that the area surrounding and beneath can be cleaned without moving it
- shelving must be situated so that the floors and walls can be easily cleaned
- pipes, ducts, fittings and fixtures should be concealed in the wall, floor or ceiling.

All food temperature control equipment must be able to maintain the food product at the appropriate safe temperatures for the required period of time to ensure that the food is safe and does not cause food poisoning.

- Cool rooms and refrigerators should maintain a temperature of less than 5°C.
- Freezer rooms and freezers should maintain a temperature of less than -18°C or as recommended by the manufacturer.
- Warmers and bain-maries should maintain food temperature above 60°C.

## Changing Facilities / Staff Personal Items / Cleaning Items

Food premises must have adequate storage for cleaning materials and staff personal items that cannot be taken into work areas.

Facilities for storing clothing and personal effects belonging to staff can be:

- change room
- lockers or cupboards in a change room
- enclosed cupboards dedicated for the storage of clothing and personal belongings located outside of the food preparation, food processing, food storage and utensil washing areas.

Facilities for storing chemicals, cleaning equipment, pest control chemicals and equipment must be stored in accordance with manufacturer's instructions, and in a way that does not adversely affect the safety or suitability of food.

- Can be stored in room designated for that use.
- Enclosed cupboards dedicated for that use, located away from food preparation, food storage and display areas and not able to contaminate personal effects / clothing.

## Toilet Accommodation

The Building Act 2004 requires the provision of toilet facilities for staff, and it also requires the provision of toilet facilities for customers in restaurants, cafes and bars. Toilets are not to open directly into any areas where open food is handled, displayed or stored. Toilets must be provided in accordance with the Building Code. Contact Christchurch City Council Building Control for further information.

## Wash Hand Basin

Food premise must have an adequate number of hand wash basins with warm running water and supplies for hygienic cleaning, sanitising and drying of hands or another suitable means of cleaning, sanitising and drying hands.

Hand washing facilities should be located where they can be easily accessed by your staff.

## Plumbing / Sinks

Food premise must have adequate facilities and appliances for cleaning and sanitising the premises, facilities, fixtures and appliances.

Consider your food activity and determine how you will eliminate the risk of cross contamination. Please note a wash hand basin is not considered a sink for these purposes and is recommended to be separate so that the food business can adequately meet the goal of hand hygiene as per the risk based measure.

It is recommended that you provide a sink for washing and preparing food, a sink for plate, crockery and cutlery pre-rinse / wash and a cleaner's sink for emptying / filling buckets used to clean large appliances, floors and toilets and for mop rinsing if applicable.

## Dishwashers

Where dishwashers are used they must be operated and serviced according to the manufacturer's instructions.

## Storage of Rubbish and Recyclable Matter

Food premises must have facilities for the storage of garbage and recyclable matter that:

- adequately contain the volume and type of garbage and recyclable matter on the food premises
- enclose the garbage or recyclable matter, if this is necessary to keep pests and animals away from it
- are designed and constructed so that they may be easily and effectively cleaned.



## Food Premises Start-Up Checklist

This checklist is designed to help you through the process of setting up your food business. If you start trading prior to your Code of Compliance Certificate or Certificate for Public Use being issued by Christchurch City Council's Building Authority then you will be in breach of Building Act 2004. If you start trading before your notice of registration is approved by the Food Safety and Health Licensing Team then you will be in breach of Food Act 2014. It is your responsibility to ensure you have all the approvals before you start trading. The sequence of the checklist items indicates the general flow of events, but may vary in individual circumstances.

To Do	Check <input checked="" type="checkbox"/>
Find a location for your proposed food business	
Proposed Food Activity will fit into which Risk Base Measure Food Control Plan or National Programme?	
Check "where do I fit tool" <a href="https://www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/">https://www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/</a>	
Do you need building or resource consent? Please phone 941 8999.	
Check out the building and planning pages on Council's website and apply for consent if you need it - <a href="http://ccc.govt.nz/consents-and-licences/">http://ccc.govt.nz/consents-and-licences/</a>	
Will you be selling alcohol?	
Check the alcohol licensing pages on Council's website and apply for a licence if you intend to sell alcohol - <a href="http://ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/">http://ccc.govt.nz/consents-and-licences/business-licences-and-consents/alcohol/</a>	
Will you have outdoor dining?	
Check the Outdoor Dining page on Council's website and apply for a licence if you intend to have outdoor dining - <a href="http://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/policies/streets-roads-and-pavements-policies/footpath-extensions-to-expand-cafes-onto-the-roadway-policy/">http://ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/policies/streets-roads-and-pavements-policies/footpath-extensions-to-expand-cafes-onto-the-roadway-policy/</a>	
Have you received all approvals from Council?	
Work must be done according to signed plans.	
Have you met all the structural requirements for a food premises?	
Contact Building Inspector for inspection and submit paper work for Code of Compliance Certificate or Certificate for Public Use.	
Received Code of Compliance Certificate or Certificate for Public Use.	
Register Template Food Control Plan (will need approval from Council) or	
Register National Programme (will need approval from Council) or	
Custom Food Control Plan (you will need to have your Plan approved by MPI).	
Receive Notice of Registration from Council and Pre-verification checklist	
Within one month of registration a verification of your Food Control Plan will be carried out by your Environmental Health Officer or	
Within one month of registration a verification of your National Programme will be carried out by your chosen verifier.	