



Setting up a Food under the Food Act 2014 Premises



ROTORUA
LAKES COUNCIL

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How to use this guide



This icon is used when you need to take extra care. The instructions with this icon will help you to understand whether you need to complete a particular section, or remind you not to miss out important details.



Sometimes we may ask you to send us documents, we don't need original documents but copies must be legible. We will make it clear by using this icon when you need to send us a document

How to complete the attached application form

Use this guide to help you apply for a food premises registration and fill in the forms.

READ ALL INSTRUCTIONS CAREFULLY

Fill in this form yourself. If you cannot fill in this form yourself because you have a disability or a language difficulty, someone else can fill in the form for you.

Check you have answered all the questions on the forms that relate to you. We can only process your application if you complete the form accurately and all required information is included. If you miss out any details we may need to contact you and there may be a delay in processing your application.

What you need to complete an application

- ➔ Application form
- ➔ Scope of Operations of Food Business form
- ➔ A copy of the Certificate of Incorporation (if applying in a company name)
- ➔ Multi-Site Business Details form where there is more than one site
- ➔ A copy of the layout and construction plans for each business
- ➔ A copy of the confirmation letter from your verification agency (for National Programmes only)

How to contact us



Compliance Solutions

Food premises, mobile shops, market stall and liquor/alcohol licencing

Rotorua Lakes Council
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046, New Zealand
P: 07 348 4199
W: www.rotorualakescouncil.nz
E: info@rotorualc.nz



Food businesses

If you are opening a cafe, restaurant, takeaway or similar food business in a fixed location, in a mobile shop or from a stall, you will likely need to register your business with Council or with the Ministry for Primary Industries (MPI)

Who needs a registration

As a general guide, any cafe, restaurant, takeaway, dairy, mobile shop, market stall or similar food business that prepares, packs, stores and handles food needs to be registered and operate under either a Food Control Plan or a National Programme.

Examples of food premises that require a registration include (but are not limited to):

- Restaurants, cafes & takeaway premises
- Fruit and vegetable shops
- Bakeries
- Grocery shops and dairies
- Mobile shops
- Market stalls
- Early childcare education services

For more information on the type of registration you may need, use the “where do I fit tool” from Ministry for Primary Industries at: <https://www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/>



Taking over an existing food business

Before you purchase an existing food business that is currently registered under the Food Hygiene Regulations 1974, Template Food Control Plan or National Programme you must contact council and speak to a licensing officer.

Food Control Plans and National Programmes are non-transferable and 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 alternations to an existing food premise such as plumbing works, installing new ventilation hoods etc. you must also speak to a building inspector as structural works may require a building consent.

Researching the food business

When buying a food business that is already operating, it is recommended you obtain a Land Information Memorandum (LIM) from council before the sale is finalised or contracts are signed.

If you want written advice about the business, including any breaches of legislation, it is recommended you contact an independent company to complete this for you. Council does not offer a pre-purchase inspection service.

Home based food business

The new law allows certain food businesses to work from home kitchens however 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 and 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 you need a resource consent or building consent to undertake the proposed food activities. For further information phone 07 348 4199 and talk to a duty planner and building inspector.

Use the Ministry for Primary Industries "where do I fit" tool to determine which risk based measure (Food Control Plan or National Programme) would apply to your proposed food activity.

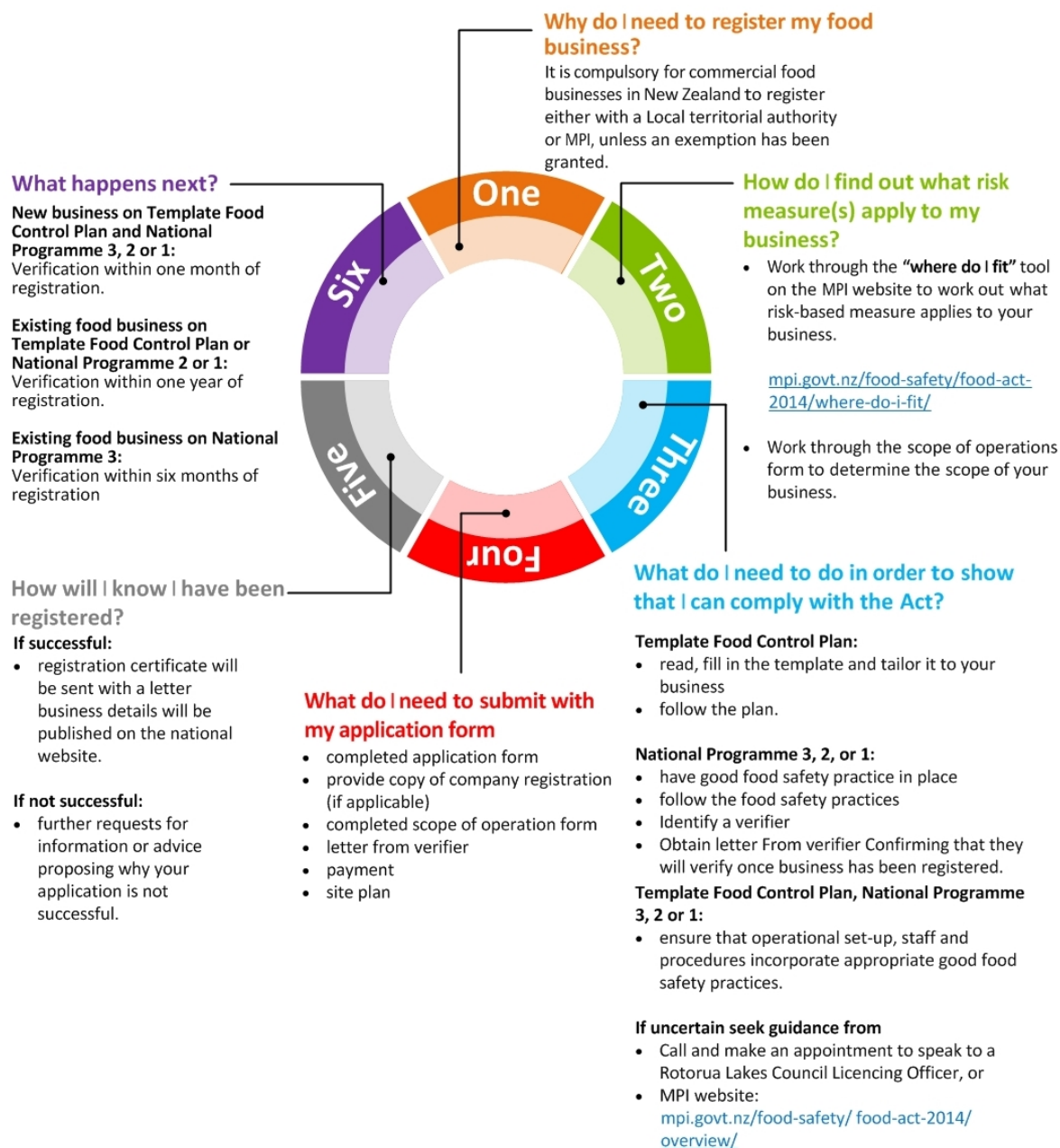
As with any local food business operating from a commercial premises, your licensing officer or your chosen verifier will need to visit your home regularly to check that you are following your Food Control Plan or operating in accordance with your National Programme. Once registered, your home-based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

Fees

Fees that may apply can be found by visiting council's website. If you have any questions as to the applicable fees, please call us on 07 348 4199.

www.rotorualakescouncil.nz and search for food licensing

Guidelines for registering a food business



Your food business application

Your application must meet the requirements of the *Food Act 2014* and *Food Regulations 2015*. If your application does not meet this criteria, assessment may not be able to start or your application could be refused and returned to you.

Where do I fit?

Depending on the scope of your food business you will likely need to operate under either a Food Control Plan or a National Programme. 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 2 types of plans:

Template Food Control Plans– you can build your plan from templates supplied by the Ministry for Primary Industries. These plans are registered with council.

Custom Food Control Plans– you develop your own plan. These plans are registered with Ministry for Primary Industries.

National Programmes

There are 3 levels of National Programmes, which are based on the food safety risk of the activities a business does:

NP3 (Level 3) – higher risk.

NP2 (Level 2) – medium risk

NP1 (Level 1) – lower risk

National Programme is registered with council however do not verify (check) them. Because of this a third party verifier will need to verify (check) compliance for National Programmes.

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

<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 the “food premises design” section for the requirements.

What to include in your application



- ☐ Application form
- ☐ Scope of Operations of Food Business form
- ☐ A copy of the Certificate of Incorporation (if applying in a company name)
- ☐ Multi-Site Business Details form where there is more than one site
- ☐ A copy of the layout and construction plans for each address
- ☐ A copy of the confirmation letter from your verification agency (for National Programmes only)

To lodge this application, you must include all of the above documents

Note: Failure to supply all the required documents will result in the application being returned.

Food Control Plan assessment

Once the required documentation has been submitted to council for assessment, a licensing officer will assess your proposed food premises plans in conjunction with your Food Control Plan application to make sure the design is suitable.

Acceptable solutions for the design and construction of food premises are detailed in the ‘food premises design’ section.

Incomplete applications



If a food premises application is not properly made at the time of lodgement, it may be held by council until it is considered to be properly made. If held, assessment will not begin until all the outstanding information has been supplied to council.

In order for an application to be properly assessed and decided, council may require additional information from you. In this case a request for further information may be issued and your application placed on hold, causing delays. This may require you to submit amended plans or additional information. If after 3 months the information has not been supplied, your design application and/or food business registration application lapse and considered withdrawn. Withdrawn applications can be resubmitted to council and a new application fee will apply.

Other licenses and approvals you may need

Liquor / alcohol licences

If you intend to sell and supply alcohol, you need a relevant alcohol licence. Go to our website www.rotorualakescouncil.nz or contact us on 07 348 4199 and talk to a duty licensing officer.

Resource consents

Your proposed food business location must comply with the District Plan or may require resource consent. 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 Plan, you can seek confirmation of this from council or apply for a certificate of compliance. For more information on the District Plan, resource consents and certificates of compliance, go to our website or phone 07 348 4199 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 07 348 4199 and talk to a duty builder.

You must ensure all relevant building consent 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.

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 council for assessment for a code of compliance certificate or a certificate for public use. For more information visit our website or phone 07 348 4199 to talk to a building inspector.

Licensing officers will no longer be conducting opening inspections for new builds or renovated food business. Council licensing officers will be verifying your registered Food Control Plans and third party verifiers will be verifying (checking) compliance for National Programmes.

Changing contact details

You can email or phone council to change the postal address or contact details for your registration. Quote the location of your business and the registration number of your registration.

Moving location

If you plan to relocate your food business, you will need to apply for a new food premise registration. Follow the application process at the beginning of this document.

More information

For more information, go to our website or phone 07 348 4199 and talk to a licensing officer.

Food premises design



Plans and drawings

Plans submitted as part of an application can be prepared by an architect, draftsman, builder or shopfitter. You can prepare your own plans as long as all the requirements are met.

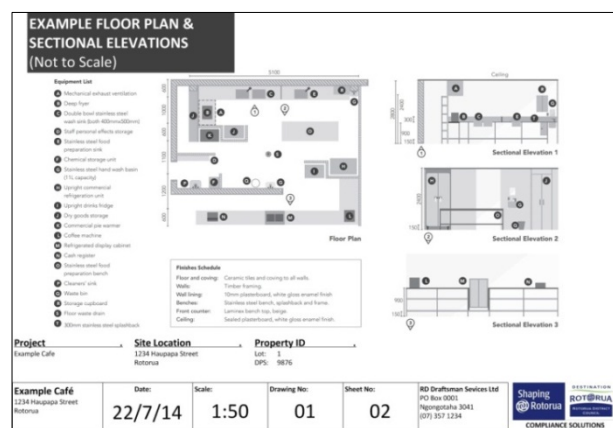
Plans are required to be fully legible at A3 or A4 size and to the relevant scale. Hand drawn plans that are neat, legible and to scale are acceptable and should be drafted using a pen and ruler.

All plans must include:

- name, address and contact details of the architect, draftsman, builder or shopfitter
- drawing scale and date when plans were drafted
- name of food business operator
- address of the premises
- proposed trading name

Plan of drawing	Scale	Details to be included
Site plan	1:200 (maximum 1:50)	<ul style="list-style-type: none"> • where the food premises is located in the street and/or building complex • grease trap (if required) • staff toilet facilities.
Floor plan	1:50	<ul style="list-style-type: none"> • layout of the food premises • location, make and model of all the equipment, fixtures and drainage facilities • list of fixtures and equipment • finishes schedule which details the materials that will be used for floors and coving, walls, ceilings and benches.
Sectional elevations	1:50	<ul style="list-style-type: none"> • side views of food preparation and storage areas that shows all fittings and equipment • ceiling heights • wall and floor clearances of benches, equipment and fixtures.
Mechanical exhaust ventilation (Plans are required only if you are installing mechanical exhaust ventilation)	1:50	<ul style="list-style-type: none"> • location in kitchen • dimensions • discharge point • angles of filters.

Example plans



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

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 then 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 the 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

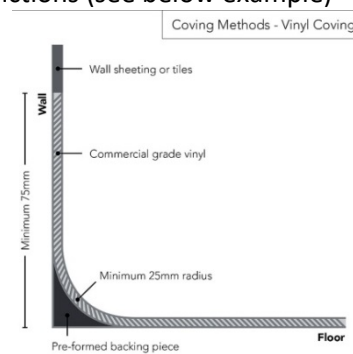
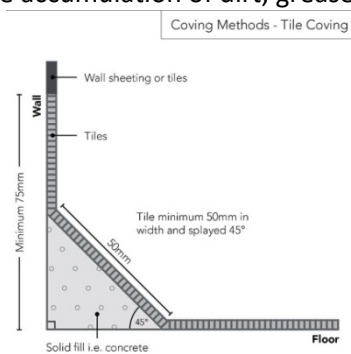
Floors must be designed and constructed in a way that is appropriate for the activities conducted on place of food business. This also applies for walk in cool rooms and freezer.

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 (see below example)



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

The 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 convertor

For more information on grease traps, visit our website or phone 07 348 4199 to talk to a pollution control officer.

Lighting

Food premises 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 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 is to be situated at the buildings highest point. Premise that are undergoing a fit out are required to meet the Building Code. For more information visit our website or phone 07 348 4199 to talk to a building control officer.

The system is to comply with noise levels set out in legacy 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, fittings and equipment must be designed, constructed, located and installed so that:

- there is no likelihood that they will cause food contamination
- 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
- 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, fitting 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.

- Coolrooms and refrigerators should maintain a temperature of less than 5°C
- Freezer rooms and freezers should maintain a temperature of less than -18°C
- Warmers, bain-maries, should maintain food temperature above 60°C

Changing facilities / staff personal items / cleaning items

Food premise 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 rooms
- 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. Open for storage are:

- 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 toilets facilities for staff, and it also requires the provision of toilet facilities for customers. 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. For further information visit our website or phone 07 348 4199 to speak to a building control officer.

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 it 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 recyclables

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

Application 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 Rotorua Lakes Council, then you will be in breach of Building Act 2004.

If you start trading before your notice of registration is approved by the 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 indicate the general flow of events, but may vary in individual circumstances.



Checklist

- ☐ Have you found a location for your proposed food business?
- ☐ You have checked Ministry for Primary Industries “where do I fit” tool?
<https://www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/>
- ☐ Is a resource consent required, and if so has it been applied for?
- ☐ Is a building consent required, and if so has it been applied for?
- ☐ If you are proposing to sell alcohol, has a liquor/alcohol licence been applied for?
- ☐ Plans and specifications have been submitted and approved for assessment by your verifier/council’s Licensing team?
- ☐ All the building work has been completed in accordance with the submitted and approved plans?
- ☐ Has a building inspector undertaken a final inspection? (if applicable)
- ☐ Has the building consent section issued a code of compliance certificate or certificate for public use from the Building Department?
- ☐ Have you registered your Template Food Control Plan? (you will need approval from council) or
- ☐ Have you registered your National Programme? (you will need approval from council) or
- ☐ Have you registered your Custom Food Control Plan with Ministry for Primary Industries?
- ☐ Have you received Notice of Registration from council?
- ☐ For new food businesses, within one month of registration a verification of your Food Control Plan will be carried out by your verifier / licensing officer or
- ☐ For existing food businesses, within one year of registration a verification of your Food Control Plan will be carried out by your verifier / licensing officer or
- ☐ Within one month of registration a verification of your National Programme will be carried out by your chosen verifier

Important contacts



Compliance Solutions

Food premises, liquor licencing, mobile shops & market stalls

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Private Bag 3029
Rotorua Mail Centre
Rotorua 3046, New Zealand
P: 07 348 4199
W: www.rotorualakescouncil.nz
E: info@rotorualc.nz



Consent Solutions (planning & building consents)

Planning consents & building consent information

Rotorua Lakes Council
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046, New Zealand
P: 07 348 4199
W: www.rotorualakescouncil.nz
E: info@rotorualc.nz



Water Planning (trade waste)

Grease trap information

Rotorua Lakes Council
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046, New Zealand
P: 07 348 4199
W: www.rotorualakescouncil.nz
E: info@rotorualc.nz



Ministry for Primary Industries

Food safety plans and general food safety information

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Pastoral House
25 The Terrace
PO Box 2526
Wellington 6140, New Zealand
P: 0800 00 83 33
W: www.foodsafety.govt.nz

