

Health (Food Hygiene) Regulations 1993 - Construction of Class 3, 4 and 5

Food Premises and Food Vehicles

Introduction

The following information is an extract from the Health (Food Hygiene) Regulations 1993. It defines the construction requirements for Class 3, Class 4 and Class 5 Food Premises and Food Vehicles.

Certain types of Class 3, Class 4 and Class 5 Food Premises must be licensed by the City of Joondalup prior to operation (eg Takeaways, Tea Rooms, Restaurants). All food vehicles must be licensed prior to operation within the City of Joondalup. All businesses are required to Notify the Local Government before commencing operations. Details of licensing requirements and fees are available separately.

Advice and information on interpretation of the Regulations in relation to specific premises, vehicles or plans is available from Environmental Health Officers in Approval Services. Telephone enquiries may be directed to 9400 4933 during office hours.

Classification

Class 3 Food Premises and Food Vehicles are those in which:

- a. limited food preparation is carried out including heating of food for sale;
- b. most of the food used is in a prepared form and requires only refrigerated or dry storage; or
- c. the nature of the activity demands basic finishes and fixtures.

The businesses listed in the table below include, but are not limited to, the types of businesses which may be conducted in Class 3 food premises and food vehicles.

Description of Class 3 Businesses

Bakery (bread only)	School Canteen
Lunch Bar (sandwich making, heating and serving food)	Health Food Shop (wholesale and packing)
Café and Tea-room (sandwich making, heating and serving food)	Warehouse (cold storage)
Delicatessen/Sandwich Bar (lunches)	Grocery Packaging

Class 4 Food Premises and Food Vehicles are those in which food handling is limited to dispensing without preparation pre-prepared foods or packaged foods.

The businesses listed in the table below include, but are not limited to, the types of businesses which may be conducted in Class 4 food premises and food vehicles.

Description of Class 4 Businesses

Cake Shop (retail only, no cooking)	Supermarket (grocery only)
Delicatessen	Health Food Shop (retail only)
Confectionery, Ice-cream, Drinks (sales only)	Flour Milling

Class 5 Food premises and food vehicles are those in which the food sold is fruit, vegetables or is wholly contained within protective packages which do not require refrigeration or special storage conditions.

The businesses listed in the table below include, but are not limited to, the types of businesses which may be conducted in Class 5 food premises and food vehicles.

Description of Class 4 Businesses

Greengrocer/Fruit and Vegetable Market
Warehouse (dry goods)
Liquor Store

General Requirements for Class 3, Class 4 and Class 5 Food Premises and Food Vehicles

- All food premises and food vehicles must be:
 - designed and constructed to -
 - enable food, equipment, appliances and packing materials to be protected from the weather;
 - enable easy and adequate cleaning;
 - guard against the entry of birds or vermin; and
 - exclude, as far as practicable, dirt, dust, smoke, foul odours and any other contaminant; and
 - of sufficient size to enable the requirements outlined in this leaflet to be met having regard to the purposes for which the food premises are or are intended to be used.
- Food premises and food vehicles must be enclosed with floors, walls and ceilings so that the food premises and food vehicles are separated from any internal or external area likely to be a source of contamination. **(Class 5 food premises and food vehicles are exempt from this requirement.)**
- Where a dining area is included in food premises, the kitchen floor area must be equal to no less than 25% of the total floor area.

Interpretation

In this leaflet, the following meanings apply:

“**depth**” - when used in relation to an appliance, means the horizontal distance from front to back;

“**sealed**” - when used in relation to a joint or connection, means fitted together in such manner as to render it proof against moisture and vermin.

Specific Requirements for Class 3, Class 4 and Class 5 Food Premises and Food Vehicles

1. Structure of Walls

1. The surfaces of walls must be made of materials which are durable and suitable for the nature of the activities conducted in the food premises and food vehicles.
2. Internal wall surfaces must:
 - a. be smooth, durable, resistant to corrosion, non-toxic and impervious to water;
 - b. be free from cracks, crevices and other defects;
 - c. be finished in a light colour;
 - d. not have any skirting, picture rail, architrave, cover strip or other moulding fitted to it; and
 - e. In Class 3 food premises where tiles are used in food preparation areas they must be taken to a height of 600mm above benches, hand basins, sinks and similar work areas. **(Class 4 and Class 5 food premises and food vehicles are exempt from this requirement.)**
3. Where possible, edges must not be formed on a surface as a result of internal wall construction, or if unavoidable must be bevelled at an angle of not less than 45° to the horizontal, or otherwise finished to prevent lodgement of dust, dirt or grease.
4. Junctions at angles between adjoining walls must be coved. **(Class 4 and Class 5 food premises and food vehicles are exempt from this requirement.)**
5. Where preformed materials comprise or form part of the internal surfaces of walls:
 - a. there must not be any voids or crevices;
 - b. non-corrosive metal H-bars and other mouldings may be used provided that the materials, metal H-bars and other mouldings are well fitted together; and
 - c. all joints and edges including those formed with H-bars and other mouldings must be sealed.
6. Door openings, windows, serving hatches and similar fittings in walls must be finished with all edges rounded to smooth surfaces and all joints sealed.
7. Protective fixtures fitted to the edges of an opening referred to in subclause (6) must be integrally installed and sealed.
8. A ledge or window sill on or in a wall located in an area where:
 - a. food is prepared, packed or served must be -
 - i. splayed downwards at an angle which prevents the ledge or window sill from being used as a shelf; and
 - ii. finished with all edges rounded to smooth surfaces;
 - b. food is prepared, and in which splashing or soiling is likely to occur, must be situated at least 300mm above the top of any bench or appliance that is in a position below or adjacent to the ledge or window sill.
9. Preformed light weight construction materials must be made of rigid, foam-filled sandwich boards and comply with subclauses 1 and 2.
10. This clause, other than subclause 1, does not apply to walls in food premises and food vehicles:
 - a. where the food is completely enclosed within and protected from contamination by a processing plant, an appliance or other approved means; or
 - b. used as an area for dining or drinking, or for the delivery or service of food incidental to that use except where the walls are adjacent to a sink, wash hand basin, glass washing appliance, counter, refrigerator or food or water heating appliance.

2. Structure of Floors

1. The surface of floors must be made of materials which are durable and suitable for the nature of activities conducted in the food premises and food vehicles and for incidental purposes.

2. Floor surfaces must be -
 - a. smooth to facilitate cleaning, rigid, durable, slip resistant, resistant to corrosion, non toxic and impervious to water;
 - b. free from cracks, crevices and other defects;
 - c. evenly graded to trapped floor waste outlets connected to a drainage system where cleaning operations or other activities release water or other liquids onto floors; and
 - d. where preformed materials are used, finished so that:
 - i. voids or crevices are not formed;
 - ii. all joints and edges are sealed; and
 - iii. subject to subclause 4, the preformed materials are continued up the walls and other vertical surfaces adjoining the floors for at least 70mm above the floor level.
3. Subject to subclause 4, the junctions between floors and walls or other vertical surfaces must be:
 - a. covered to a radius of at least 9.5mm; and
 - b. firmly supported
4. Subclauses 2 (d) (iii) and 3 do not apply to:
 - a. food premises and food vehicles in which the food is completely enclosed and protected from contamination by a processing plant, an appliance or other approved means; or
 - b. surfaces which are not wet cleaned; and
 - c. Class 4 and Class 5 food premises and food vehicles.
5. This clause, other than subclause 1 does not apply to floors of food premises and food vehicles used as a dining or drinking area or for the delivery or service of food incidental to that use.

3. Structure of Ceilings

1. The surfaces of ceilings in food handling areas must -
 - a. be smooth, durable, resistant to corrosion, non toxic and impervious to water;
 - b. be free from cracks, crevices and other defects and have a sectional profile which does not permit the accumulation of dust, dirt or grease, and is easily cleaned;
 - c. be finished in light colours; and
 - d. not have a cover strip or other moulding fitted to them.
2. In Class 3, Class 4 and Class 5 food premises and food vehicles, the ceilings in food handling areas may be comprised of pre-formed materials in the form of rigid panels well fitted and sealed to suspended corrosive resistant metal T-bars and other mouldings.
3. Where an access panel cannot be avoided in a food preparation area the access panel must be finished flush with the surrounds and sealed.
4. Where food premises contain more than one level, the under surface of a slab and beam concrete floor must:
 - a. be waterproof; and
 - b. have supporting beams shaped to minimise the collection of dirt, dust or grease and to facilitate cleaning.
5. Junctions of walls and ceilings must be sealed.
6. This clause other than subclause 1 does not apply to ceilings in food premises and food vehicles:
 - a. where food is completely enclosed and protected from contamination by a processing plant, an appliance or other approved means;
 - b. where packaging of dry foods is the only activity with the premises;
 - c. where food is wholly enclosed in protective packages;
 - d. where only unprocessed fruit and vegetables are stored; or
 - e. where an area is used for dining or drinking or for the delivery or service of food incidental to that use.

4. Supply of Water

Food premises and food vehicles and all food preparation areas within such premises and vehicles must be provided at all times with an adequate supply of water.

5. Provision of Cleaning Equipment

1. All food premises and food vehicles where eating utensils or drinking utensils are used, must have:
 - a. glass washing machines;
 - b. dish washing machines;
 - c. double bowl sinks
 - d. tubs consisting of 2 compartments;
 - e. draining boards; and
 - f. drying and storage facilities,as required by an Environmental Health Officer.
2. Each glass or dish washing machine that is provided in accordance with subclause 1:
 - a. must be conspicuously branded or marked with its name or trade name, its model identification and the name and address of its manufacturer;
 - b. must be automatic in its washing and rinsing actions;
 - c. must be capable of completely washing in one operation eating utensils and drinking utensils;
 - d. must be equipped with or have incorporated in it a water heater or be supplied with water from a hot water source in either case so as to ensure that water is heated to a temperature sufficient to deliver water at a temperature:
 - i. of not less than 50°C with a chemical sanitizer providing the equivalent bactericidal effect of a solution containing 50 mg/kg of available chlorine; or
 - ii. (ii) of not less than 75°C;
 - e. must be fitted with:
 - i. a thermometer that is clearly visible to the operator and fixed so as to register the temperature of the water at the time washing and rinsing operations are in progress; or
 - ii. an indicator that is clearly visible to the operator which will indicate when the water in the machine has reached the temperature required by paragraph (d);
 - f. must display on the machine or in close proximity to it the operating instructions recommended by the manufacturer concerning the use and strength of sanitizers for that machine; and
 - g. must not include as part of its mechanism a brush.
3. Despite subclause 2 (d) a glass washing machine may be installed in which the final rinse cycle uses cold water provided that:
 - a. when removed from the glass washer the glasses are placed in a refrigerated cabinet; and
 - b. the glass washer is:
 - i. fitted with a hot water booster capable of maintaining a hot detergent wash temperature of not less than 75°C for not less than 15 seconds; or
 - ii. connected to either a 50 litre capacity rapid recovery hot water system by a supply pipe not exceeding 3 metres in length or to a recirculatory hot water supply both of which are capable of maintaining a water temperature of 75°C at all times.
4. One bowl of each double bowl sink or one compartment of each 2 compartment tub provided in accordance with subclause 1 must be supplied with sufficient soap or detergent for effectively washing utensils and the other bowl or compartment must contain hot water maintained at a temperature of not less than either:
 - a. 75°C; or
 - b. not less than 50°C containing a chemical sanitizer providing the equivalent bactericidal effect of a solution containing 50 mg/kg of available chlorine;for the final rinsing of such utensils.

5. Glass-free thermometers, accurate to $\pm 1^{\circ}\text{C}$ must be provided and kept in a position adjacent to the sinks or tubs to permit frequent checks of the water temperature in all cases where the cleaning of utensils is carried out in double bowl sinks or 2 compartment tubs.
6. For the purposes of this clause, a glass or dish washing machine to which this clause applies, other than a machine that has been ordered or acquired before the commencement of these regulations must be:
 - a. capable of washing and rinsing the eating utensils and drinking utensils;
 - b. fitted with a temperature control device constructed and adjusted in such a way that the machine will not operate until the rinsing water meets the requirements of subclause 2(d); and
 - c. designed so that all utensils after rinsing are dried by evaporation.

6. Provision of Food Preparation Sinks

1. Where food is prepared on food premises or in a food vehicle, the appropriate number of sinks must be provided as is necessary for use in connection with that activity and each sink must have an adequate supply of water.
2. A sink referred to in subclause 1 must:
 - a. only be used for the purpose of food preparation; and
 - b. be separate from and in addition to a sink or tub specified in 5 1 above.

7. Lighting Requirements

1. Food premises and food vehicles must:
 - a. be provided at all times with natural or artificial lighting suitable for the activities conducted in the premises; and
 - b. comply with Australian Standard AS 1680-1976 entitled "Interior Lighting and the Visual environment", published by the Standards Association of Australia.
2. Light fittings in food premises and food vehicles must be constructed so that contamination of food with dirt, dust or any other material falling from the light fitting is prevented.
3. Light fittings must be fitted with protective covers to prevent contamination of food with broken glass.

8. Ventilation and Exhaust Equipment

AS 1668.2-1991

1. All kitchens and cooking areas in food premises and food vehicles must be provided with exhaust hoods in compliance with the requirements of Australian Standard AS 1668.2-1991 entitled "The use of mechanical ventilation and air conditioning in buildings, Part 2: Mechanical ventilation for acceptable indoor-air quality", published by the Standards Association of Australia.
2. All filters, hoods and ducts must receive regular cleaning and maintenance, and be kept in a clean condition at all times.

9. Exclusion of Insects

1. All doorways, windows and other openings in food premises and food vehicles must be protected so that as far as practicable flies and other flying insects are excluded.
2. **Subclause 1 does not apply to Class 5 food premises.**

10. Pipes, Ducts, Conduits, Wiring, Etc

1. Where practicable, pipes, ducts, conduits, wirings and similar fittings must be:
 - a. located on the exterior surface; or
 - b. concealed in walls, floors or ceilingsof food premises.

2. Where compliance with subclause 1 is not practicable:
 - a. pipes, ducts, conduits, wiring and similar fittings must be fixed in brackets so that there is a clearance or not less than 16mm between the pipes, ducts, conduits, wirings and similar fittings and adjacent surfaces to facilitate cleaning and inspection;
 - b. in cases to which paragraph (a) of this subclause applies, effective means must be provided to prevent the contamination of food or food contact surfaces by condensate, dirt, dust, grease or leaks emanating from the pipes, ducts, conduits, wirings or similar fittings;
 - c. pipes, ducts, conduits, wirings and similar fittings must not be installed in:
 - i. the junction of a floor and any vertical surface; and
 - ii. spaces beneath fixtures, fittings and appliances so as to obstruct access for easy cleaning;and
 - d. pipes, conduits, ducts, wirings or similar fittings that pass through any surface of the food premises must be sealed or in the case of steam pipes provide adequate space to permit cleaning.
3. Exposed drainage pipes or openings for the inspection or cleaning of the drainage pipes must not be installed in food premises and food vehicles.
4. Where a food conveyor is located in a duct or other space within or between walls:
 - a. the duct or space must be easily accessible to facilitate inspection, cleaning and the control of vermin; and
 - b. the internal surfaces enclosing the duct or space must comply with the requirements specified in **1 “Structure of Walls”**. above.

11. Fixture, Fittings and Appliances

1. Every appliance must be constructed:
 - a. of materials that are impervious to water, durable, non-toxic and resistant to corrosion;
 - b. so that no part of the appliance can contaminate the food;
 - c. so that the appliance is:
 - i. free from cracks and crevices; and
 - ii. easily cleaned;and
 - d. so that vermin are excluded from the appliance.
2. Appliances must be situated so that all adjacent walls, floors, ceilings, fixtures and fittings can be easily cleaned.
3. Work surfaces subject to high levels of liquid spillage, including draining boards, must be made of stainless steel.
4. Notwithstanding subclause 1 (a) the following appliances may be constructed of timber:
 - a. cupboards, cabinets, shelving units and similar equipment, other than working surfaces;
 - b. appliances used for transportation and storage of food, other than unpackaged food in direct contact with timber appliances, which are supplied and stored in premises for food manufacturing and reprocessing but are unable to contaminate the packaged food so transported or stored; and
 - c. appliances for which there is no practicable substitute.
5. Surfaces used for food storage or food preparation or appliances referred to in subclause 4 or surfaces subject to regular cleaning must be covered by an approved surfacing material.
6. An appliance having a mass greater than 16 kg must be:
 - a. sealed to the adjacent surface; or
 - b. mounted on wheels or castors capable of supporting it when loaded,to facilitate easy cleaning.

7. Where an appliance is not sealed to an adjacent wall or other vertical surface, including a vertical surface of any other appliance, it must be:
 - a. located at a distance of at least 150 mm from the vertical surface; and
 - b. sealed to the floor or a plinth constructed in accordance with subclause 10 or mounted on legs or brackets in accordance with subclause 11.
8. An appliance that is located or mounted on a counter, bench, work table or similar surface must be:
 - a. located or mounted so that a clear space adequate for efficient cleaning and in any case not less than 75 mm is maintained between:
 - i. the appliance and the surface; and
 - ii. the appliance and each adjacent wall or other vertical surface;or
 - b. sealed to the surface and to each adjacent wall or other vertical surface.
9. A fixing lug or plate used to secure an appliance to a wall or other vertical surface must be sealed to the wall or vertical surface, and bolts or screws must be flush mounted or countersunk.
10. A plinth referred to in subclause 7 must be:
 - a. built as an integral part of the floor;
 - b. constructed of solid concrete or masonry;
 - c. finished to a smooth level surface;
 - d. of a height at least 100 mm above the floor and finished flush with the vertical surface of an appliance;
 - e. rounded or bull-nosed at exposed edges or corners; and
 - f. coved at its junction with the floor or any wall or other adjacent surface to a radius of at least 9.5 mm.
11. Legs and brackets referred to in subclause 7 (b) must be:
 - a. made of smooth, corrosion resistant material in which -
 - i. the ends of tubular material used are closed and sealed; and
 - ii. brackets with hollow backs are not used;
 - b. constructed as an integral part of the appliance or securely fixed to it so that dirt, dust or grease cannot lodge on it;
 - c. easily cleaned; and
 - d. constructed so that there is a clear space:
 - i. of no less than 150 mm between the floor and the underside of the appliance for efficient cleaning; and
 - ii. a clear space of no less than 75 mm between the adjacent wall or other vertical surface and the legs or brackets, as the case may be, and any brace or other member attached to it.
12. In addition to the requirements of subclause 11 all brackets must be sealed to contact surfaces so that crevices, voids or inaccessible cavities are not formed.
13. Fixtures must not contain a false or separate back or bottom and in particular:
 - a. fixed shelving units must be sealed to or fixed at least 40 mm clear of adjacent walls or other vertical surfaces;
 - b. shelves comprising or forming part of a shelving unit must be at least 150 mm above the floor; and
 - c. the bottom guides of sliding doors must not be greater than 25 mm in length.
14. A motor or compressor that forms part of a refrigerator, frozen food cabinet or similar equipment in food premises must, unless it is an integral part of the equipment be located and mounted so that it cannot contaminate the food.
15. Where it is not practicable to comply with subclause 14 a motor or compressor referred to in that subclause must be located and mounted in compliance with the requirements specified in subclauses 1, 2, 4, 6, 7 and 8 with respect to appliances.

12. Cool Rooms

1. A cool room must be designed and constructed so that:
 - a. all internal angles between walls or other vertical surfaces and floors are covered to a radius of at least 9.5 mm;
 - b. when required by a local authority, the floors are graded to a trapped floor waste;
 - c. condensate from evaporative units in a cool room are collected and discharged to a drainage system located outside the cool room;
 - d. any racks, shelves or similar supports are constructed of corrosion resistant, smooth and easily cleanable non-absorbent materials; and
 - e. all doors are:
 - i. fitted with a rubber or similar seal which effectively prevents the escape of cold air or the entry of warm air when the door is closed, and the seal must be kept clean and in good repair; and
 - ii. capable of being opened from the inside at all times.
2. Despite subclause 1 (d), pallets constructed wholly or partly of timber may be used for the transportation and storage of food where the pallets are handled mechanically.
3. Every cool room must be equipped with a thermometer or thermograph indicating or recording temperature in the warmest part of the room accurate to $\pm^{\circ}\text{C}$ and located so that it is easily readable.

13. Design and Maintenance of Rubbish and Refuse Receptacles

1. Adequate facilities or receptacles must be provided in food premises and food vehicles for the temporary storage of refuse and recyclable materials and the facilities must be:
 - a. cleaned before use;
 - b. kept clean and well maintained;
 - c. deodorised at least weekly or as directed by an environmental health officer; and
 - d. kept free from vermin and insects.
2. Refuse containing putrescible matter in food premises and food vehicles must be stored in receptacles which:
 - a. cannot be entered by vermin or insects; and
 - b. do not create a nuisance.
3. The receptacles referred to in subclause 2 must be kept:
 - a. on an area paved with impervious material situated outside the food premises; or
 - b. in an approved rubbish or refuse enclosure.
4. A paved area referred to in subclause 3 (a) must be graded and drained to the appropriate waste disposal system.
5. Where rubbish or refuse receptacles are used in food preparation areas they must be distinguishable by labelling or otherwise from containers used for food.
6. Rubbish or refuse enclosures must be provided with an adequate supply of water for cleaning purposes.

14. Provision of Grease Traps

A grease trap used in connection with food premises must, where practicable, be located outside the food premises and maintained in a clean and sanitary condition.

Sanitary Conveniences, Hand Washing Facilities and Change Rooms

1. Maintenance and Supply of Hand Washing Facilities

1. Food premises must be provided with sanitary conveniences:
 - a. which are cleaned daily and at all times kept and maintained in a clean and sanitary condition;
 - b. which clearly indicate the sex for which each convenience is intended; and
 - c. which are supplied with a wash hand basin.

2. Provision, Design and Maintenance of Hand Washing Facilities

1. Food premises and food vehicles must be provided with wash hand basins:
 - a. within or adjacent to each toilet facility;
 - b. in the food preparation area; and
 - c. in any part of food premises where the nature of the activities performed is such that hands may contaminate food.
2. Each wash hand basin:
 - a. must be of adequate size;
 - b. must be provided at all times with a piped supply of warm water or of hot water and cold water delivered through a common outlet;
 - c. must be connected to an approved waste disposal system;
 - d. must not be installed under counters, cabinets, consoles or similar fixtures and fittings; and
 - e. at all times be kept:
 - i. in a clean and sanitary condition and a state of good repair and efficient working condition;
 - ii. readily accessible and available for use; and
 - iii. supplied with soap or suitable detergent.
3. A wash hand basin must not be used for any purpose other than the washing of hands.
4. Single use towels, or other approved hand drying facilities, and a waste receptacle, must be provided in close proximity to a wash hand basin.

3. Provisions of Sanitary Conveniences for Public

1. Sanitary conveniences must be provided in food premises for persons using the food premises in accordance with the Building Code of Australia as at 14 June 1993.
2. Access to sanitary conveniences must not be through areas where food is prepared, packed, stored or handled.

4. Sanitary Conveniences - Staff

1. Sanitary conveniences for staff must be provided in all food premises in accordance with the Building Code of Australia as at 14 June 1993.
2. Staff and public sanitary conveniences may be combined except that staff facilities must be segregated and locked, and at no time be available to the public.

Requirements for Food Vehicles Only

1. Food conveyed in a food vehicle must be conveyed in a compartment, van type body, case, cabinet or any other receptacle that is:
 - a. constructed to convey food of the class or description being conveyed;
 - b. fully enclosed and provided with close-fitting doors or lids that are capable of being securely closed;
 - c. effectively sealed off from the driving section of the vehicle;

- d. otherwise fitted, equipped and maintained so as to prevent the food from becoming contaminated; and
 - e. identified as a food vehicle, food case, food cabinet or any food receptacle by having clearly written on each external side in letters having a letter height of not less than 100 mm the words "FOOD TRANSPORT VEHICLE", "FOOD CASE", FOOD CABINET", OR "FOOD RECEPTACLE" or other words clearly indicating that the vehicle, case, cabinet or receptacle is used for the conveyance of food.
2. Subclause 1 does not apply to:
- a. raw sugar, raw grains or seeds intended for further processing;
 - b. whole fresh fruits or vegetables; and
 - c. non-perishable food contained in a package which affords adequate protection from contamination.
3. A food vehicle from which food, other than pre-packed food, whole fresh fruit and whole fresh vegetables, is sold, served or supplied must be:
- a. fitted with at least one sink;
 - b. provided with a wash hand basin; and
 - c. either
 - i. equipped with a holding tank or sufficient capacity to hold all waste water; or
 - ii. connected to an appropriate waste disposal system.
4. A holding tank referred to in subclause 3 (c) (i) must be fitted with an inspection opening large enough to permit cleaning.