

GUIDE FOR FOOD BUSINESS OPERATORS

This guidance document has been designed to provide advice on legislative and Local Government requirements for the setting up of a food business in the Queenstown Lakes District. It also provides guidance for existing food businesses planning to undertake alterations to their business.

LEGISLATION

All food businesses will be required to comply with legislations listed below:

- > Food Act 2014
- > Food Regulations 2015
- > Food Notices 2015
- > Activities in a Public Place Bylaw 2016
- > Australia New Zealand Food Standard Code (Code)
- > Building Act 2004
- > Resource Management Act 1991
- > Trade Waste Bylaw 2014
- > Queenstown Lakes District Council (QLDC) Food Grading Bylaw 2016

Please be aware that the above list may not include all of the relevant legislation.

COUNCIL REQUIREMENTS

RESOURCE CONSENTS

Your proposed food business location must comply with the district plan rules 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 plan, you can seek confirmation of this from Council. For more information go to our website or telephone QLDC and talk to the duty planner, or request information by email.

Please note, prior to issue of your food business registration certificate, we will need confirmation that you have either;

- A)** Applied for and been issued a resource consent (if required), or
- B)** Your proposed food business location and activity is permitted under the district plan.

Please also note if resource consent is already in place, then it is the responsibility of the person exercising the resource consent to ensure that they are abiding by the consent conditions.

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 go to the QLDC website or contact a QLDC Building Officer.

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 Officer can assist with what is required.

Please note prior to issue of your food registration certificate, we will need confirmation that you have applied for and been issued either a code of compliance certificate (CCC) or certificate of public use (CPU).

TRADE WASTE

It is recommended that you contact the QLDC Trade Waste Officer to seek clarification of what may be required, with regards to the QLDC Trade Waste Bylaw.

ENVIRONMENTAL HEALTH SERVICES

Depending on the scope of your food business you will likely need to operate under one of two 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 www.mpi.govt.nz/food-safety/food-act-2014/where-do-i-fit/

FOOD CONTROL PLAN (FCP)

There are 2 types of plans:

- > Template FCP – you can build your plan from templates supplied by Ministry for Primary Industries (MPI). Template FCP's are required to be registered with Council. You can find all of the template FCP documents and a tool that will help you create your own FCP via the following links:
www.mpi.govt.nz/food-safety/food-act-2014/forms-and-templates/
www.mpi.govt.nz/food-safety/food-act-2014/food-control-plans/steps-to-a-template-food-control-plan/create-your-template-food-control-plan/
- > Custom FCP – you develop your own plan see the following 'Step by Step' process link below.
www.mpi.govt.nz/food-safety/food-act-2014/food-control-plans/steps-to-a-custom-food-control-plan/

Please also be aware that custom FCP's are required to be registered with MPI.

VERIFICATION OF YOUR FOOD BUSINESS

NATIONAL PROGRAMME (NP)

There are 3 levels of NP's, which are based on the food safety risk of the activities a business undertakes:

- > **Level 3** – higher risk
- > **Level 2** – medium risk
- > **Level 1** – lower risk

All levels of NP when based in our district (there are different registration requirements when you have businesses based in more than one district) are required to be registered with Council. QLDC is a recognised verifier for NP's. You are able to opt to have QLDC as your verifier or you can find and nominate your own verifier. You must advise the QLDC of your nominated verifier. *Note* if you choose a third party verifier you will not receive a grade from the QLDC.

All recognised NP verifiers can be found via the following links:

www.foodsafety.govt.nz/register-lists/food-act-2014-recognised-agencies/index.htm
or www.foodsafety.govt.nz/register-lists/food-act-2014-recognised-persons/index.htm

How do I register my FCP or NP?

1. Complete either the FCP registration or NP application form, depending on which risk based measure you fit into (see above). Please also ensure you complete the 'Scope of Operations' information included in both forms. The form is a legal document, therefore please complete it accurately. Both application forms can be downloaded from our website:
www.qldc.govt.nz/services/environmental-health/forms/
2. Pay the fee and submit the completed application form as per the below 'Form submission and payments' procedures.

Once you have confirmed your opening date (date of registration) and your application has been approved, a 'Pending (P)' grade/registration certificate will be emailed to you. You are required to print and display the certificate in a public place, as required by the QLDC Food Grading Bylaw 2016. Once you

have received your 'P' grade certificate you can open for businesses as per your date of registration.

The registration fee for FCP's and NP's is \$125.00. FCP's are valid for 12 months and must be re-registered every 12 months with payment of \$125 paid with each registration. NP's are valid for 2 years and must be re-registered every 2 years with payment of \$125 paid with each registration.

All Food Business fees can be found via the following link:

www.qldc.govt.nz/assets/Uploads/Forms/Environmental-Health/Food-Business-Fees-Information.pdf

ALCOHOL LICENCES

If you intend to sell and supply alcohol, you need a relevant alcohol licence. Visit our website: www.qldc.govt.nz/services/alcohol-licensing/ or call to talk to one of our Alcohol Licensing team.

FCP

After registration of any new food businesses an Environmental Health Officer (EHO) will schedule your first verification within a month.

Please be aware that if Corrective Actions Requests (CAR/s) are found during verification, you will be required to provide details of a Corrective Action Plan including details on how you are going to address each area and you are required to respond to the verifier within the agreed timeframe. A CARs close out visit may also be booked by the EHO. If the CAR/s response is found to not be suitably attended to, a targeted CAR/s completion visit will be performed by the verifier and incur a cost of \$125 per hour.

NP

Your appointed verifier will carry out the verification within the required time frame. Please ensure a copy of your verification report is sent Queenstown Lakes District Council.

TAKING OVER AN EXISTING FOOD BUSINESS OR CHANGES TO YOUR SCOPE OF OPERATION.

FCP's and NP's are non-transferable. Therefore, if you are taking over an existing food business, please be aware that the previous owner/s is required to formally surrender their FCP to Council.

You can formally surrender your FCP by emailing services@qldc.govt.nz with your QLDC identifying number (found on your registration/grading certificate) and the date of surrender.

As the new owner you are required to apply for registration under the appropriate risk based measure, for example, FCP or NP, to register the business in your name.

CHANGES TO YOUR FOOD BUSINESS

If you undertake any of the following changes to your operation you must notify QLDC as your registration authority:

- > Change in owner company name.
- > Changes to your scope of operation.
- > Change of owner.

To notify QLDC of any of the above changes please email indicating the specific changes. Please also be aware, a fee of \$125 per hour will be charged to review and update these changes to your registration.

MOBILE FOOD BUSINESSES

You need to comply with all of the above requirements including the Food Act 2014 requirements.

You should consider what laws and bylaws may affect the business. You may also need to consider contacting the Transport Authority if you are planning to operate near or on a main highway to ensure what you are planning to do is permitted. .

Please be aware, if you plan to operate a pop up stall you must comply with the conditions of the QLDC Activities in Public Places Bylaw 2016. You must register your pop up stall via the registration form in the following link:

www.qldc.govt.nz/services/permits/activities-in-a-public-place/pop-up-stalls/

Please do not use the Activities in Public Places Registration Form if you want to operate a mobile food business in a public place for more than one hour in the same location.

If you cannot comply with the Activities in a Public Place Bylaw 2016 conditions, you have the following options;

1. Find a privately owned location to lease and operate from, or
2. Contact APL Property who manage all QLDC property to apply for a licence to occupy (email: Queenstown@aplproperty.co.nz, phone: 03 440 2144), or
3. To operate on QLDC reserves, you need to complete the Venue & Event Enquiry Form and the venues team will contact you regarding your application.

HOME-BASED BUSINESSES

You still need to comply with all of the above requirements including the Food Act 2014 and trade waste requirements.

You should consider the following during your planning stage:

- > What laws and bylaws affect my business
- > Council rate changes

When operating a home business your rates will change to a mixed rate, with an approximate 25% increase.

- > If you are renting the property do you have the landlord's permission to operate a business from the site

Please be aware that if you are going to start operating a commercial food business from your residential address, a change in use from residential use to mix use is required to be formally documented. Therefore, you are required to inform the QLDC building department of the change, by either emailing services@qldc.govt.nz or in writing to the below postal address. For your information, if a building consent is required please ensure you inform the building department of your change in use from residential to mixed use.

QLDC CONTACT INFORMATION

FORM SUBMISSION AND PAYMENTS

You can submit and pay for your completed new application, transfer or renewal forms by either of the following methods:

1. Email the completed form and pay the fee via online banking to the QLDC bank account 02 0948 0002000 00. For existing registered food businesses, please ensure you add the QLDC identifying number, which can be found on the registration certificate (QLD000##, FP##), in the banking payee reference field to ensure correct allocation of fees. For new food businesses, please add your trading name.
2. You can drop off the application at any of the QLDC offices and pay by cash, cheque, eftpos, MasterCard or Visa.
3. Via the following QLDC website online payments option:
www.qldc.govt.nz/council-online/online-payments/?PaymentType=5

If posting your completed new application, transfer or renewal form, include a cheque for the invoiced fee and post to the below postal address.

POSTAL ADDRESS

Queenstown Lakes District Council
Att: Environmental Health
Private Bag 50072
Queenstown 9348

OFFICE ADDRESSES

Queenstown Office
10 Gorge Road
Phone 03 441 0499

Wanaka Office
47 Ardmore street
Phone 03 443 0024

EMAIL

services@qldc.govt.nz

WEBSITE

www.qldc.govt.nz

