

## Information Sheet:

# What to consider when planning a food business

When opening a business, delays can be costly. To be fully informed about how long it may take until a new business can begin operating legally it is important to consider what approvals are required. This document provides prompts and suggestions to assist in preparing to launch a food business however it is not a definitive list.

In many cases there is an existing tenancy that an operator wishes to purchase or lease. When considering if an existing building is right for a business, consider the following:

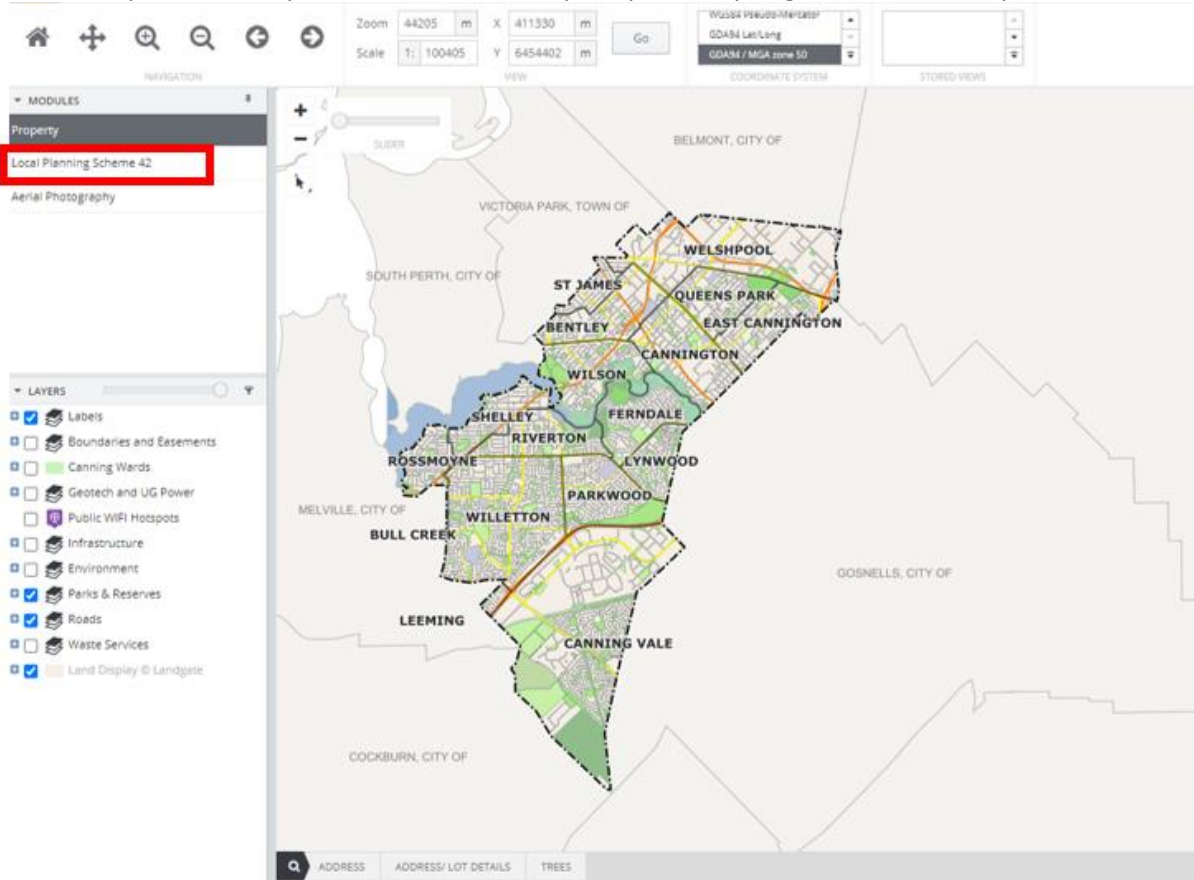
- What type of business currently operates / has most recently operated from the premises?
- Is the proposed business the same type as the current / previous business at the premises?
- Did that business have approval to operate?
- Are any existing approvals still valid / are new approvals required?
- Is the land zoned to allow for a food business to operate?
- Are there any conditions to operating from this premises set either by the Local Government Approvals or the landlord / strata that may impact how the business operates (e.g. restricted hours of operation, or noise limitations)?
- Is there sufficient parking available to operate the type of food business proposed (e.g. takeaway, dine in, dark kitchen, wholesale production, retail sales)?
- Are there waste (rubbish) storage facilities on the site?
- Is the site adjacent to residential properties?
- How is waste water managed on the site (is it connected to the Water Corporation sewer or is there an onsite waste water system that will limit volumes of waste water that can be produced)?
- Are there trade waste permits required? What are the existing arrangements for waste removal at the site?
- Is a commercial vehicle proposed to be parked at a residential property?

Where the proposal requires the construction of a new building consider these additional factors:

- Is the land zoned to allow for a food business to operate?
- What approvals will be required to construct and operate?
- Are there any land contamination issues with the site?
- Does the site need to be connected to the sewer?

## How to check the zoning of a property

Search 'maps' on the City's [website](#). Follow the prompts until you get to the Intramaps viewer:



Select the Local Planning Scheme 42 on the left-hand side. Type in the address of the property in the Address field at the bottom of the page. The zoning information will appear under the 'zoning scheme (LPS42)' tab on the right-hand side of the screen:



If you need further assistance to understand what types of food businesses can operate within a given zone we encourage you to call the City's Contact Centre on 1300 422 664 and speak to the Duty Planning Officer.

### How to access previous approvals for a property

An archive search is the best way to access previous decisions for a particular property. When making applications the landowner must provide consent either by signing the form or providing a letter of authorisation. Archive searches are separated for Building and Planning records and each search has an associated fee. For more information about how to make an archive search visit the City's [website](#).

### What approvals are required?

If a site is vacant then both a Development Application (Planning) and Building Permit (BP) are required. In addition to these approvals there are food licencing and Environmental Health requirements that you must comply with.

It is best to ensure that the premises fit out will comply with the Australian New Zealand Food Standards code at the building permit stage. It is the responsibility of the applicant to ensure that the food premises design meets the required standards of the *Food Act 2008*, *Food Regulations 2009* and the Australian New Zealand Food Standards Code.

If the fit out does not comply you may be liable for resolving any structural compliance issued that prevents the *Food Act 2008* Registration Certificate being released by the City's Health Services and this could delay commencement of operation. To achieve this in practical terms, you are encouraged to refer to the design principles outlined in AS 4674-2004 Construction and Fit out of Food Premises, as well as the City's [Guideline for Construction](#) document.

If a building is already constructed then as long as the use of the building is not changing a building permit and Food Business Registration may be all that is required. Please consult with either the Building or Health Department for further assistance.

Generally, if the use or classification of an existing tenancy or building is remaining the same and the plumbing, access and egress are remaining the same then a Development Application and Building Permit are not required. An occupancy certificate will however be required as well as Food Notification and Business Registration.

### How long does it generally take to get approval?

Planning applications, once accepted for assessment, can take up to 60 calendar days to process. If the proposal needs to be advertised the statutory timeframe allowable is increased to 90 calendar days. Building permits can take up to 10 working days for certified proposals and 25 working days for uncertified.

These timeframes may be extended where a request for further information is made. If the assessing officer at the City determines that the submitted application is incomplete or incorrect, additional information or clarification will be sought.

### What happens if an application is unsuccessful?

If the proposed business is able to be supported the City's staff will request information or the proposal to be modified to assist in making a determination. If an applicant is not able to modify their application to answer these questions then the proposal may be refused. A refusal notice will be issued which contains the formal reasoning for refusal.

For Planning applications that are refused there is an avenue to appeal the decision to the State Administrative Tribunal.

## How much does it cost to apply?

Each application process has an associated fee:

Application type	Variables based on what is proposed	Fee amount (23/24 FY)
Planning Records Search (archival search)		\$132
Archival search – Building		\$126.50
Development Application – Home Occupation		\$222
Development Application - Use	Application to change the use of an existing building / tenancy	\$295
Development Application -Works	Application for a new build – dependent on estimated cost of development – refer to <a href="#">full schedule of fees</a> for more detail	Minimum fee \$147
Advertising of a Development Application	Where a proposal is advertised additional fees apply. Variable dependent on scale of advertising required	\$275 - \$495
Building Permit (Certified)	Dependent on the classification and extent (value) of the building work – refer to <a href="#">full details of fee schedule</a> for more detail	Minimum fee \$110
Building Permit (Uncertified)	Dependent on the classification and extent (value) of the building work – refer to <a href="#">full details of fee schedule</a> for more detail	Minimum fee \$110
Occupancy Permit	Type of permit dependent on timeframe and building classification	\$110
Food Business Notification (new fit out assessment)		\$250
Food Business Notification (existing premises no fit-out change/assessment)		\$85
Food Business Annual Registration – High Risk		\$440
Food Business Annual Registration – Medium Risk		\$415
Food Business Annual Registration – Low Risk		\$197
Food Business Annual Registration – Family Day Care/school canteen/sporting group kiosks		\$135
Food Business Annual Registration – Child Care Centre		\$415
Liquor Act Section 39 certification (community sporting club)		\$112.20
Liquor Act Section 39 certification (commercial)		\$247.50

*\*Please be aware that the above only covers a summary of City of Canning fees. A full list of fees and charges and their variables can be found on the City's website. Further charges may apply from other organisations.*

### Are there penalties for businesses that begin operation without approval?

Yes, fines can be imposed by the City should it be found that a business is operating without the required approvals. Where proposals can be supported the City's staff will work with operators to try and bring operations into compliance so that they can gain approval.

Additional penalty fees apply for retrospective applications.

### Can all the approvals be applied for concurrently or do they have to be made in order?

Each application requires different information to be submitted. Due to the strict statutory timeframes under the Building Act the City does not begin processing Building Permits if a Development Application is required.

## ADDITIONAL INFORMATION

### Can a food business be run out of a residential dwelling?

Low risk food businesses can be operated from a dwelling if the scale of the business complies with the definition of a Home Occupation or Home Based Business. Definitions can be found in the City's Local Planning Scheme No. 42 available on the City's [website](#).

The Western Australian Department of Health's policy on food businesses that operate from premises that are used principally as a private dwelling is that approval for exemptions contained within the code should only be granted for food businesses that have been classified as 'low risk'.

The City follows this position. Domestic home kitchens do not meet the requirements in the code. Additionally, home environments can pose additional food safety and hygiene considerations due to joint domestic activities in the home as well (pets, children, roommates, separation of domestic vs business activities). Therefore, only a low-risk food business can be considered from a premises that is used principally as a private dwelling (your home).

The Code defines low risk food as follows: **Low risk food** = food that is unlikely to contain pathogenic microorganisms and will not normally support their growth due to food characteristics. These foods generally do not require refrigeration.

Examples are grains and cereals, bread, carbonated beverages, sugar-based confectionery, fats and oils. Low risk activities includes the production of:

- jams, marmalades
- flour based products such as biscuits, shortbread, scones, buns, muffins and cakes which do not contain potentially hazardous foods such as cream
- nougats, fudges, meringues, Turkish delights
- repackaging spices and spice mixes including dry curry powders if ingredients are purchased from an approved food business
- pickled onions
- herb vinegars with a pH of less than 4.5
- chutneys, relishes and sauces that are heat treated by boiling or cooking
- food activities such as cake decorating, repacking of bulk packaged low risk confectionery products.

Note: Low risk activities may become high risk if food recipes require food additives to be used.

### What if the sale of alcohol is proposed?

In addition to the approvals listed above, the sale of alcohol is prohibited in Western Australia without an appropriate Liquor Licence. The licence type required depends on the type of business that you are



looking to operate. There are several different types of licence available, these include Occasional, Producer, Restaurant, Small bar and Special Facility licences. For more detail on the types of licences, and how to apply please visit the Department of Local Government, Sport and Cultural Industries [website](#).

### Can patrons be allowed to smoke on site?

In Western Australia it is illegal to smoke in enclosed public spaces. This includes clubs, pubs and restaurants. Outdoor smoking must be done within designated smoking zones. There are restrictions on how large an area can be deemed a smoking zone and there are additional signage requirements that must be followed.

The [Tobacco Products Control Regulations 2006](#) made under the [Tobacco Products Control Act 2006](#) prohibit smoking in all enclosed public places including those on licensed premises. A public place is an **enclosed public place** if it has a ceiling or roof and is greater than 50 per cent enclosed by walls, or other vertical structures or coverings.

The surface area of walls, or other vertical structures or coverings located under a ceiling or roof as well as those located at or within 1 metre from the perimeter of a ceiling or roof are to be used to determine if a public place is greater than 50 per cent enclosed.

The surface areas of windows, doors and other closable openings must also be included when calculating the percentage of vertical surfaces surrounding a place, regardless of whether they are open or closed. If a public place does not have a roof or ceiling then it is not an enclosed public place.

There are additional requirements to be followed with regards to the sale and consumption of Shisha in public places (which includes restaurants). A licence is required to sell tobacco or tobacco products in Australia. A licence can be issued for 3 types of sale and 1 licence is required for each type of sale conducted on the premises.

The types of sales are:

- retail
- indirect
- wholesale.

For more details and how to apply please see department of health website: [Tobacco control \(health.wa.gov.au\)](#)

To find out more about [smoking zones](#) and the regulations around [Shisha sale and consumption](#) please visit the Government of Western Australia Department of Health [website](#).

### HOW TO FIND OUT MORE

Please refer to the City's website under "[Business information and resources](#)" for more information about food business registration and training requirements.

Alternatively, please contact the City's Duty Planning, Building or Environmental Health Officers by calling 1300 422 664 between 8:15am and 4:30pm Monday to Friday. Alternatively, written requests can be made to the City [here](#).

#### Disclaimer

*This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The City of Canning encourages you to seek professional advice before acting on any information contained in this document. Please contact the City of Canning if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.*

December 2023, D22/82157