



*Planning and Development Act 2005  
Food Act 2008*

**APPLICATION FOR APPROVAL OF FOOD HANDLING ACTIVITIES IN RESIDENTIAL PREMISES**

<b>Applicant Details</b>		
Name of Applicant:		
Business Trading Name (if applicable):		
Address:		
Telephone (H)	(W)	(M)
Email Address:		
Postal Address:		
Location of proposed home occupation/residential activity		
Details of food to be prepared:		
Number of assistants/persons other than the Applicant expected to be employed or otherwise engaged (if applicable):		
Vehicle registration number (if applicable):		
Proposed hours of operation:		
Proposed days/dates of operation		
Any other information relevant to this application:		

Dated ..... 20 .....

.....  
Signature of Applicant

# APPROVAL

**\*the above application is granted approval subject to the following terms and conditions:**

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.....

**\*the above application is refused.**

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**MANAGER PLANNING**

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**ENVIRONMENTAL HEALTH OFFICER**

\*Strike out whichever is not applicable

## Information Relating to Food being Prepared in Residential Premises

There are a number of food businesses that may operate from residential premises. These include:

- bed and breakfast establishments
- farm-stay accommodation
- food prepared for fundraising events
- food prepared for market stalls and fetes.

### Approval Process

**Planning Services** - Depending on the nature and scale of the food handling operation you may require planning approval. Generally home based businesses are either classified as a home business or a home occupation. For more information on whether a planning approval is required please contact the Shire's Planning Department on 9652 0800.

**Building Services** - If using the existing kitchen without any modifications you will not need a building approval. However if fitting out a new separate facility which has exhaust canopies or installing a coolroom you may be required to obtain a Building Permit. For more information on whether a Building Permit is required please contact the Shire's Building Services on 9652 0800.

**Health Services** - It is the food businesses responsibility to comply with the *Food Act 2008*. Food businesses must be registered with the Shire prior to operating. There are special considerations when assessing these types of food businesses but overall operators are responsible for ensuring all food prepared for sale is safe, suitable and complies with the requirements of the *Food Act 2008* (the Act).

**Requirements of the Food Act 2008** - The Act does not specifically prohibit food preparation in residential premises; it simply requires all food businesses to ensure compliance with the Act. A food business is defined as:

'...a business, enterprise or activity that involves the handling of food for sale or the sale of food, regardless of whether, subject to section 6, the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.'

Therefore people who prepare food for sale within residential premises are deemed to be food businesses for the purposes of the Act.

**Requirements of the Australia New Zealand Food Standards Code** - The Food Act adopts in full the *Australia New Zealand Food Standards Code* (the Code), which is developed and administered by [Food Standards Australia New Zealand](#) (external site). This means that all food businesses must comply with its requirements.

Chapter 3 of the Code contains the design and fit out requirements as well as the processing requirements that all food businesses must meet. Allowance is made within the Code for some exemptions relating to requirements for food premises that are used principally as a private dwelling if the proprietor has the approval in writing of the appropriate enforcement agency (Standard 3.2.2 clause 17(2)).

There are a number of points that need to be taken into consideration, including:

- whether the local town planning scheme will allow the proposed activity within a residential area
- whether the structure of the premises is appropriate for the proposed activities. This is to be determined by the Shire's Environmental Health Officer
- the relative risk of the food preparation activities proposed
- whether the activity is for commercial gain or fundraising/charitable purposes.

**Food Prepared by Volunteers for Fundraising Activities** - This information applies to fundraising activities such as low risk cake stalls, fetes, festivals and the like.

Section 6 of the Act allows for certain food preparation activities of a charitable or community nature to be exempt from provisions of the Food Act. In accordance with this section, the new food regulations prescribe an exemption from registration to food businesses conducted as fundraising events so long as:

- the food business is conducted to raise money solely for purposes that are of a charitable or community nature
- any food handled in the course of conducting the food business:
- is not potentially hazardous food
- after being appropriately cooked, is provided by the food business for immediate consumption.

However, these types of food businesses will still be required to notify the Shire's Health Services of their food preparation activities. It is an offence for a food business not to notify the Shire of their intention to operate, regardless of whether they need to register their business.

**Labelling Requirements** - Where food is packaged it must comply with the labelling requirements as would any other food business. Please refer to Australia New Zealand Food Standards Code part 1.2 for specific labelling requirements. In general the following will apply;

- Name of food
- Name and street address of the manufacturer, packer or vendor
- Date marking expressed as either Use By or Best Before
- Ingredients list, (the label must state the percentage(%) of the key or characterizing ingredients or components in the food product)
- Mandatory warning/advisory statements and declarations e.g. **Allergen Information** (letter size must be of not less than 3mm)
- Nutrition information panel
- Directions for use and storage, e.g. "keep refrigerated"

**Animals** - No domestic animals are to have access to the food preparation area during food processing and handling.

**Children** - it is recommended that children under 5 years and those not employed in the food business be excluded from the preparation area during food processing and handling.

**Smoking** is not allowed in the kitchen.

**More information** - For more information phone the Shire of Dandaragan on 9652 0800.