

# OPENING YOUR OWN FOOD BUSINESS

*what you need to know*



Congratulations! You have taken the first step to knowing what is involved in opening your own food business. It may seem daunting but don't despair. Council will help you every step of the way.

Melbourne is proud to be the food capital of Australia and with so many fantastic food options in Kingston, it's no wonder you are interested in becoming part of the scene.

If it's your first time setting up a food business or even if you are an experienced business person, there is important information you need to know.

There are many types of food businesses from cafes, to catering, market stalls and even repackaging facilities. The following will provide an overview on the facts regarding starting your own food business.

Our Environmental Health Department can also help you understand the regulatory requirements for opening a café. But remember there is much more to running a business than the permits required – this includes tax matters, registering for an ABN, business planning and workplace safety. You can find further information at [www.kingston.vic.gov.au/business](http://www.kingston.vic.gov.au/business) or contact our Economic Development team on 9581 4735.

It is important to think about all aspects involved in establishing your new food business before you start creating plans and submitting applications. Forward planning will save you a lot of time and money.

*This applies to  
any business selling food*



## Things to consider

### DO I NEED A PLANNING PERMIT?

You may need a Planning Permit for establishing a new use (for example changing from a bookshop to a café) or for construction work (for example constructing or removing walls or windows). The Planning Permit process is set out by State Legislation and is managed by Local Government. Depending on your requirements, the process could be lengthy, so allow time for approvals.

Find out more about the planning permit process at [www.kingston.vic.gov.au/planningprocess](http://www.kingston.vic.gov.au/planningprocess)

Before making any major commitments, ask Council staff the following critical questions:

- Is there an existing Planning Permit for a café at this site? If so, what are the conditions on that permit? If not, do I need one?
- What do I need to include in a Planning Permit application?
- What sort of timeframe is likely for a decision on whether the permit is granted?
- What sorts of conditions (e.g. operating hours, patron numbers) are likely to be included in the conditions of any permit if it is issued?

### DO I NEED A BUILDING PERMIT?

If you are planning renovations or remodelling work for your food business you may require a building permit. The Building Permit will have structural requirements (for example beams and pillars) and could include the number of toilets your site requires. For more information see [www.kingston.vic.gov.au/buildingpermit](http://www.kingston.vic.gov.au/buildingpermit)

You may also require an Asset Protection Permit from the Council. This protects you if your works inadvertently result in damage to Council assets, including roads and footpaths. For more information see [www.kingston.vic.gov.au/assetprotection](http://www.kingston.vic.gov.au/assetprotection)

The building industry has been deregulated which means you apply and obtain a Building Permit from a private building surveyor – not Council. If you need a Planning Permit **and** a Building Permit you **must** ensure they contain the same details. For example – if you apply for a planning permit allowing room for 30 people but on your building permit you state room for 50 people, you will need to reapply for a planning permit. To find a qualified building surveyor in your area visit [www.aibs.com.au](http://www.aibs.com.au).

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GIFT STORE



# step by step: WHAT YOU NEED TO KNOW

Every food business must be registered with Council under the *Food Act 1984*. This State legislative requirement is managed through Local Government.

## 1 Discuss with Council

Once you develop a business idea, call our Environmental Health team to discuss what options are available to you - 1300 653 365.

## 2 Prepare an application

Do you require a Planning Permit?  
Y  N

Do you require a Building Permit?  
Y  N

Will you require a Footpath Trading Permit?  
Y  N

We encourage you to submit your plans detailing the fit out of your food business, although it is not a legal requirement it will ensure your business meets the legislative requirements and potentially save time and money.  
[kingston.vic.gov.au/foodbusiness](http://kingston.vic.gov.au/foodbusiness)

The fit out of your premises must meet the minimum standards specified in the *Australia New Zealand Food Standards Code* [foodstandards.gov.au](http://foodstandards.gov.au). For example, separate sinks for washing dishes and washing hands are required. Because the specified requirements affect the design and investment in your business, it is important you know what works you will need to undertake before you sign a lease or apply for your building permit. For further information download Kingston's Guidelines to the requirements at [kingston.vic.gov.au/foodbusiness](http://kingston.vic.gov.au/foodbusiness)

## Mobile and temporary food businesses

If you plan to operate a mobile food van or a temporary stall within the City of Kingston you will be required to apply using the FoodTrader website [foodtrader.vic.gov.au](http://foodtrader.vic.gov.au). This can also be used to lodge a statement of trade.

If you plan to operate on Council land, you may be required to obtain a permit from Council's Property Services Department on 9581 4389.

Please contact Council's Environmental Health Services on 1300 653 365 if you require any further guidance.

## 3 Application assessment

Once an application is received for a new food premises and Environmental Health Officer will assess your application and provide a written response within 14 days.

## 4 Provide additional information

When your application has been assessed by an Environmental Health Officer, you may be requested to provide further details of the intended fit out or of the food handling activities to be conducted by the business.

## 5 Obtain approval

Following clarification, you will be issued with an approval letter. Certain conditions may be specified in this letter and it is at this stage works can begin. We advise you request a progress inspection during the construction phase. Speak to our Environmental Health team for further information call 1300 653 365.

## 6 Contact us to request your final inspection

An Environmental Health Officer must conduct a final inspection of your premises.

## 7 Application to Register

If at the final inspection your business complies with all relevant legislation and regulations you will be provided with an 'Application to Register'. This needs to be completed with the business details and returned to Council with the applicable fee. The fee depends on the food handling activities and the scale of the operation.

As part of the registration process you will need to develop and implement a Food Safety Program. You may also need to submit details of the Food Safety Supervisor for the business. (*This is the person who is trained in food safety and food handling*). The Food Safety Program template and information can be accessed at [www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety).

## 8 Food Safety Assessment

An Environmental Health Officer will conduct a 'spot check' of your business once you are fully operational. This helps to detect any non-compliance with the requirements as soon as possible. Our Environmental Health Officers are a useful resource to new business and are available to help you understand your food safety obligations.



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## Things to consider

### DO I NEED A LIQUOR LICENCE?

If you are planning to serve alcohol then you must obtain a liquor licence from the **Victorian Commission for Gambling and Liquor Regulation**. They will refer your application to Council for comment. In some cases Council may comment that you may also need to apply for a Planning Permit from Council for the sale of alcohol. This is to ensure that licensed premises are situated in appropriate locations, and to ensure that the impact of the licensed premises on the surrounding area is considered. For a comprehensive guide on the sale of alcohol in Kingston go to [kingston.vic.gov.au/liquorlicense](http://kingston.vic.gov.au/liquorlicense).

### WILL I USE STREET FRONTAGE?

Many cafés and restaurants in Kingston have tables and chairs, umbrellas, heaters, or pull-down awnings at the front of their building. Outdoor seating creates a lively and vibrant environment but it can also create access issues for pedestrians, people with prams, and wheelchair and mobility scooter users.

To utilise street frontage you need to obtain a Footpath Activities Permit from Council [kingston.vic.gov.au/footpathtrading](http://kingston.vic.gov.au/footpathtrading). If you plan to provide tables and chairs outside your café you will need to include these numbers in the 'head count' in your planning permit.

It's important to obtain an Asset Protection Permit from Council should you undertake any works to the footpath including installing a latch to secure an awning. This ensures Council does not have to fund footpath works if damage occurs for any reason. For further information on asset protection permits please call our Property Services Department on 9581 4389 or logon to [www.kingston.vic.gov.au/assetprotection](http://www.kingston.vic.gov.au/assetprotection) for further information.

## GET IT RIGHT THE FIRST TIME

The requirements set out in State Legislation and Council's Local Laws have been developed to ensure that all residents can enjoy a safe living and working community.

We welcome new businesses in Kingston and will help you every step of the way to attain your dream of a food business.

We understand a café is not just about serving coffee....it's about being part of a community. Take the time to get things right the first time and you will be on your way to realising your dream.

*Did you know Council's Environmental Health Department also registers these other types of businesses? Call 1300 653 365 for more information.*



## WHO TO CONTACT

### Environmental Health Department

☎ 1300 653 365  
✉ [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)

### Planning Department

☎ 9581 4131  
✉ [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)

### Building Department

☎ 9581 4131  
✉ [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)

### Property Services Department

☎ 9581 4389  
✉ [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)

### Economic Development Department

☎ 9581 4735  
✉ [business@kingston.vic.gov.au](mailto:business@kingston.vic.gov.au)

## WHERE TO GO

### Submit an application

🌐 [kingston.vic.gov.au/foodactapplication](http://kingston.vic.gov.au/foodactapplication)

### Register a mobile or temporary business, lodge a statement of trade

🌐 [foodtrader.vic.gov.au](http://foodtrader.vic.gov.au)

### Apply for a Building Permit

Private building surveyor  
🌐 [aibs.com.au](http://aibs.com.au)

### Apply for a Footpath Activities Permit

🌐 [kingston.vic.gov.au/footpathtrading](http://kingston.vic.gov.au/footpathtrading)

### To find out more about Food Safety Programs

🌐 [health.vic.gov.au/foodsafety/bus/programs](http://health.vic.gov.au/foodsafety/bus/programs)

### Mobile and temporary business use of Council land

☎ 9581 4389  
✉ [business@kingston.vic.gov.au](mailto:business@kingston.vic.gov.au)

### Apply for a Planning Permit

☎ 9581 4131  
✉ [info@kingston.vic.gov.au](mailto:info@kingston.vic.gov.au)

☎ 1300 653 356  
🌐 [kingston.vic.gov.au](http://kingston.vic.gov.au)  
📘 CityOfKingston  
🐦 KingstonCC

Kingston's Language Line

🗣️ 131 450  
TIS National



City of  
**KINGSTON**