

Food Premises Home Business Factsheet

What is a Home Business?

A home business is a business, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling. The business must not involve any of the following:

- (a) The employment of more than two persons other than the residents.
- (b) Interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.
- (c) The exposure to view, from adjacent premises or from a public place, of unsightly matter.
- (d) The exhibition of signage, other than a business identification sign.
- (e) The retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing.

Home businesses do not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

What is a Food Premises Home Business?

A food premises home business involves:

- (a) The sale of food, or
- (b) The making of food for sale at other locations, e.g. markets, etc.

regardless of whether the business is of a commercial, charitable or community nature and whether or not it involves the handling or sale of food on only one occasion.

Do I Need Approval From Council to Operate a Home Business?

Some home businesses require development consent from Council before they can operate. The two available pathways are outlined below:

1. Complying Development

Complying developments do not require development consent from Council but instead require a Complying Development Certificate to be issued by either Council or a [registered certifier](#). However, to be complying development the home business must fully comply with requirements set by the NSW State government. The requirements are detailed in:

- (a) Clauses [1.17](#), [1.17A](#), [1.18](#), [1.19](#) and [1.19A](#) of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).



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- (b) [Part 4A, Subdivision 2](#) of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

Please note that if the home business necessitates other works, e.g. alterations and additions to the dwelling, those works will require development consent unless they are either exempt or complying development.

Additional information is available on Council's [Check](#) webpage.

2. All Other Home Businesses that are not Complying Development

All home businesses that do not meet the requirements to be complying development require development consent from Council. This requires a development application (DA) to be lodged with and approved by Council. A list of the information required to be submitted with a home business DA is provided in Appendix A at the end of this factsheet. Additional information on DAs is available on Council's [Development](#) webpage.

Home Business Design and Construction

Food premises home businesses must comply with specific design and construction requirements. A list of these requirements is provided in Appendix B at the end of this factsheet.

Notifying Council Before Operating a Home Business

For approved home businesses, you must notify Council by submitting Council's [Notification of Food Premises](#) form before you begin operating the business.

Home Business Inspections by Council

Council will undertake both pre-commencement and ongoing inspections to ensure compliance with statutory requirements.

Sydney Water Trade Waste Agreements

A trade waste agreement with Sydney Water may be required before a grease trap can be installed in a residential zone. However, Sydney Water may not enter into such an agreement in a residential zone which may limit the possible cooking activities in food premises home businesses.

Useful Weblinks

NSW Food Authority	Local Government Act 1993
Food Standards Australia New Zealand	Standards Australia

Where Can I Find More Information?

For further information contact Council on (02) 4654 7777.

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Appendix A - Information to be Submitted with a Home Business Development Application

Information	Requirements
Floor Plan	A plan that shows the floor layout of the dwelling, room names, dimensions and areas and the location of the proposed business area. The plan must be to an appropriate scale to ensure legibility.
Statement of Environmental Effects (SEE)	<p>Refer to Council's 'How to Prepare a Statement of Environment Effects Factsheet'. The SEE must also address the following requirements:</p> <ul style="list-style-type: none"> (a) What type of home business is proposed? (b) What is the full extent of activities/services proposed or products being manufactured? (c) What are the proposed hours of operation? (d) How many staff are proposed? (e) How many staff will reside at the premises? (f) How many vehicles will be visiting the premises per hour/day/week? (g) Is there adequate space in the driveway for visitors' vehicles, without compromising space for residents' vehicles? (h) Is there any business identification signage proposed? If so, provide details of its location, size and content (i) Is the existing domestic waste service sufficient to cater for the dwelling and the business? (j) How will clinical waste (if any) be disposed of? (k) Provide a clear description of all fit out works required in order to comply with the applicable National Construction Code, food and/or health legislation.
Waste Management Plan	A statement that describes how construction and operational waste will be managed.



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Appendix B - Design and Construction Requirements for Food Premises Home Businesses

Food Premises Home Businesses	Achieved?
Separate food preparation and storage areas must be provided for all food for sale operations in a separate area to the dwelling's residential kitchen	<input type="checkbox"/>
Stand alone portable sinks cannot be used	<input type="checkbox"/>
Compliance with: <ul style="list-style-type: none">• The Food Act 2003.• The Food Regulation 2015.• Australia New Zealand Food Standards Code - Standard 3.2.2 - Food Safety Practices and General Requirements.• Australia New Zealand Food Standards Code - Standard 3.2.3 - Food Premises and Equipment.• Australian Standard 4674-2004 - Design, construction and fit-out of food premises.	<input type="checkbox"/>