



## FOOD PREPARATION FROM HOME

Within Tenterfield Shire local government area, a 'home business' which proposes to produce food for commercial purposes requires the prior consent of Council either through a Development Application (DA) or a Complying Development Certificate (CDC). The 2 types of application are very similar, however you must meet certain criteria/standards for a CDC.

A 'home business' is defined as;

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason 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, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

Depending on the standard of the existing residential kitchen, there may be an option to lodge a CDC, provided it meets the following criteria contained in *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008*. If the kitchen cannot meet these standards, you will need to lodge a Development Application and Council's Health and Building Surveyor will assess what upgrades will be required for the kitchen.

### **Subdivision 2 Home businesses**

#### **4A.3 Specified complying development**

A home business that involves the manufacture of food is development specified for this code.

#### **4A.4 Development standards**

The standards specified for that development are that the development must:

- (a) not involve a change of building use, and
- (b) if the development is on land to which a local environmental plan made under section 33A of the Act applies—comply with the applicable standards under clause 5.4 (2) of that plan, and

(c) be carried out in premises that comply with the relevant requirements of AS 4674—2004, Design, construction and fit-out of food premises.

**Note 1.** The [Food Act 2003](#), and the regulations under that Act, may contain additional requirements in relation to premises on which food is manufactured.

**Note 2.** The elements that must comprise this development are specified in the definition of **home business** in the Standard Instrument.

**Note 3.** Under the Building Code of Australia, a change of building use involving a floor area greater than 10% of the floor area of a building would cause the building to contravene the development standard.