



GUIDELINES FOR A HOME BASED FOOD BUSINESS

A food business is any activity involving the sale of food or the handling of food intended for sale. It can include food preparation, food storage or food distribution activity. If the food business wants to operate a food business from a residential premises, the following items need to be considered prior to commencing;

1. PLANNING APPROVAL

Food businesses operating from a residential home is not exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Therefore, any food business operating from a residential home requires planning approval prior to commencing trade. To obtain approval, you would need to submit a Development Application (DA) to Council.

It is important to contact Council to discuss your proposal before commencing any work or prior to trade. They can assist you with preparing an application and providing an application fee quote. You can contact the Council on 02 9843 0555 or email council@thehills.nsw.gov.au or submit a development enquiry online; [Building & Development Enquiry](#) or in person at Council's Administration Building at 3 Columbia Court Norwest

Note: The development consent is granted for the subject property address and is not transferrable. If you move residence, a new development application would be required to be lodged.

What do I need to include in my development application?

- A completed Development Application form
- All owners consent in writing
- A site plan, showing parking
- A floor plan showing the rooms of the dwelling and

the areas to be used for the business either food preparation, storage

- A detailed floor plan showing the kitchen set up with separate sinks (double bowl sink may be appropriate), dishwasher, fridge (potentially a separate fridge depending on the food), cupboards showing separate use for the for the business
- A statement outlining the type of food business in detail including the type of food being prepared (menu and ingredients list), proposed volume/ quantity of food to be prepared weekly, where you intend to sell the food products (e.g. market stall, retail shop etc.), the proposed days and hours of operation, number of people working in the business, waste disposal, deliveries to and from the property.

Note: Please be aware that only small-scale food production would be permitted at a residence.

2. FOOD PREMISES FIT-OUT AND CONSTRUCTION REQUIREMENTS

Can I use my domestic kitchen for a home based food business?

Normal domestic kitchens generally do not comply with many of the fit out standards of a commercial kitchen. However, Council may allow a food business to operate in the domestic kitchen of a residential home (subject to planning approval) in the following circumstances:

- The preparation of low risk, non-potentially hazardous foods i.e. cake, cupcakes, biscuits, slices or similar (please refer to the definitions on the last page of this document).
- Providing meals in conjunction with a bed & breakfast or a family day care business.

As such, the use of a domestic kitchen in a residential home for a home based business for the preparation of high risk foods, potentially hazardous foods and/ or for the purposes of catering or food manufacturing/ wholesale is not suitable and would not be supported by Council. For these food business types, a commercial kitchen that complies with the Australian Standard 4674-2004 Design, construction and fit-out of food premises located outside a residential zone would be required.

Minimum construction and fit-out requirements for the use of a domestic kitchen for the preparation of low risk foods

- a. All equipment, fixtures and fittings shall be finished with a material that is easy to clean and constructed appropriately so that it is not likely to harbour vermin.
- b. Solid construction walls not required. Walls are to be light in colour to facilitate cleaning.
- c. Ceiling is to be light in colour to facilitate cleaning. Ceiling is to be smooth and easily cleaned.
- d. Suitable floor material that can be easily cleaned (e.g. tiles or sealed hardwood or similar)
- e. The kitchen is able to be isolated from animals and children when in use.
- f. A dedicated hand basin is required. It may be possible to dedicate one side of a double bowl sink if kitchen is also supplied with a dishwasher. The sink dedicated for hand washing is to remain clear of encumbrances and available to use at all times the kitchen is being used for business use. The basin must be provided with warm running water. A supply of liquid hand soap and single use paper towels are to be provided at the hand wash basin.
- g. A dishwasher is to be provided to facilitate with the cleaning and sanitising of all equipment and utensils that are used as a part of the food business. The dishwasher must achieve a temperature of at least 65°C (generally, the 'low' or 'economy' cycle does not meet this requirement). If you are unsure about whether your domestic dishwasher can achieve this temperature you should refer to the operating manual or contact the manufacturer.
- h. A fridge/ freezer (if required) that is separate from the household fridge is to be provided. The fridge shall be of an appropriate size to enable the storage of all food that is associated with the final product of the food business. A digital thermometer is required to be obtained and used to check the temperature of the fridge.
- i. Shelf / cupboard designated for dry storage / final product storage that is separate from domestic items.
- j. A commercial grade 'food safe sanitiser' is to be provided to be used on food preparation surfaces.

Note: Council may impose other conditions as it considers necessary.

3. FOOD SAFETY REQUIREMENTS

Like all food businesses, the home food business must be able to demonstrate that compliance can be achieved with Australia New Zealand Food Standards Code and in particular;

- 3.2.2 Food safety practices and general requirements
- 3.2.3 Food premises and equipment
- Part 1.2 Labelling and other information requirements

The Food Safety Standards is available from; <http://www.foodstandards.gov.au/code/Pages/default.aspx>

4. FOOD SAFETY SUPERVISOR REQUIREMENTS

The Food Act 2003 requires certain food businesses that process or sell food at the retail level to appoint a food safety supervisor. The food safety supervisor must undertake training to attain specific units of competency from an approved Training Organisation under the Vocational Education Training System.

For further information food safety supervisor training requirements and approved training providers; <http://www.foodauthority.nsw.gov.au/rp/fss-food-safety-supervisors>

5. FOOD BUSINESS REGISTRATION, INSPECTION AND FEES

All food businesses must be registered with Council prior to trading. To register with Council, please complete the 'Food Business Registration' form which is available from Council's website; <https://www.thehills.nsw.gov.au/Council/Application-Form-Directory/Food-Businesses>

Council Environmental Health Officers (EHOs) are entitled to visit and inspect domestic premises involved in a food business. We charge an inspection fee as per our fees and charges for an inspection. Routine inspections may be undertaken once a financial year or on receipt of a complaint.

DEFINITIONS

Food business

A food business means a business, enterprise or activity that involves:

- (a) the handling of food intended for sale, or
- (b) the sale of food,

regardless of whether 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.

Food handling

Handling of food includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

Food manufacturing

Food manufacturing business is any entity that manufactures, processes, packs or holds foods for consumption and does not provide food directly to the consumer.

Food wholesale

A food wholesaler is any business entity that sells food products to other businesses i.e. on-selling to retail stores.

Potentially Hazardous Foods

Potentially Hazardous Food (PHF) are foods that are high in protein or have been identified as supporting food poisoning bacteria.

Examples of PHF include but not limited to; raw or cooked meat and poultry, seafood, dairy products, small goods (such as ham, chicken loaf and devon), egg, foods containing egg (such as custard, quiche, batter, mousse, tofu), cooked rice, fresh and cooked pasta, soy bean products, salads, sandwiches, pizzas, unpasteurised juices and cut fruit and vegetables.

Low Risk Foods

Low risk food products are considered not potential hazardous when in their final form (ie. the final product is not required to be kept below 5oC or above 60oC. It is unlikely that the food handler would introduce microbial or chemical hazards to the 'low risk foods' they handle or sell.

Examples of this include; baked goods such as cakes and cupcakes, cake and cupcake decoration, slices, bread, pastry, biscuits, cookies, macaroons, dried fruit, hard cheeses, preserves, confectionary or similar.

Medium Risk Foods

Medium risk food is food that may contain pathogenic microorganisms but will not normally support the growth due to food characteristics. Food handlers are unlikely to introduce microbial or chemical hazards to the foods they sell or handle.

Examples of this include; cut fruits and vegetables.

High Risk Foods

High risk food products are considered potentially hazardous when in their final form (ie. the final product is required to be kept below 5oC or above 60oC).

Handling of 'high risk foods' can mean that it is highly likely the food handler could introduce microbial or chemical hazards to the foods they sell or handle. There is the potential for inadequate / incorrect temperature control, food is pre-prepared, transported and / or reheated before serving.

Examples of this include: meat products, raw egg products (mayonnaise, hollandaise, tiramisu, and fried ice cream), sushi / sashimi, tofu, fresh filled pasta, meat pies, sandwiches, deli meats and any PHF which is proposed to be cooked by sous vide.