

Home-based business

Small business guide 2019





Home-based small business information

This guide is designed for residents intending to operate a business from their home in the Tweed Shire. This information is not applicable to home occupations (sex services) in the Shire.

Home-based businesses need to comply with the relevant Local Environment Plan and applicable State-based legislation. Tweed Shire Council has a role in ensuring home-based businesses are compatible with the amenity and environment of the local area.

Whilst Council will provide assistance and advice regarding permissibility and compliance, it is the business operator's responsibility to ensure that the operation of their business complies with the relevant regulatory standards. The aim of this guide is to direct business owners to the correct information.

Home-based businesses defined

Home-based businesses are defined within each of the three Local Environment Plans (LEP) that apply to the Tweed Shire. There are three definitions that apply to home-based business:

- home business
- home occupation
- home industry.

These definitions are outlined in the dictionary at the end of the LEPs. A link to each of the LEPs and maps of where each LEP applies can be found on Council's 'Plans, Policies and Controls' web page at www.tweed.nsw.gov.au/PlanningPolicies

It is recommended that you contact Council and speak to the Duty Planner to determine if these definitions apply to your proposed home-based business.

Free planning technical advice service

Council has a free planning technical advice service if you have any queries regarding your home-based business. Some of the questions that the Duty Planner may ask include:

- The location of the home-based business?
- What are the activities carried out in your home in relation to your home-base business?
- Are alterations to your home required to operate your business?
- How many people will be employed by the home-based business?

On some occasions the Duty Planner may ask you to put your request into writing to ensure you are provided with the most accurate information for your particular proposal.

Is development consent required for your home-based business?

For Tweed City Centre LEP 2012 and Tweed LEP 2014:

If your home-based business strictly complies with either of the definitions for home-based businesses, then your business is defined as being 'Exempt Development' under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, also known as the Codes SEPP. Exempt development does not require development consent from Council.

It is the responsibility of the business operator to ensure that their home-based business complies with the relevant definition.

If you are located within the area that LEP 2000 applies or if your proposed home-based business does not meet either of the home-based business definitions, contact Council for further advice regarding the requirements for your proposal.



Building work

Even if your home-based business is exempt and does not require consent, any building work to accommodate the home-based business may need consent. For example the conversion of a garage for a home office will require approval to ensure all alterations comply with the relevant standards and Council policies. Speak to the Duty Planner if you are planning alterations to your home in relation to your business.

Signage

Businesses that comply with either of the definitions for home-based business as defined in the LEP's may display a single business identification signage without development consent. For any such signage to be considered exempt from requiring consent it must comply with the *Advertising and Signage Exempt Development Code* of the Codes SEPP.

Beauty services and tattooing

Home-based businesses that involve skin penetration may require development consent. Skin penetration procedures include activities such as tattooing, body piercing, waxing or any other process by which the skin is penetrated. Contact Council's Duty Planner to enquire if you require development consent for business involving skin penetration.

The *Public Health Act 2010* requires Council to register premises where skin penetration procedures are carried out and to inspect premises to monitor the health standards of operations in such premises. For further information, visit Council's 'Beauty Services and Tattooing' web page at www.tweed.nsw.gov.au/Business/BeautyServicesAndTattooing or contact Council's Environmental Health Unit.

More information regarding health and safety requirements is available on the NSW Health website at www.health.nsw.gov.au/environment/skinpenetration

Home-based food business

The preparation of food in your home for sale at markets, for retail distribution, catering services or not-for-profit organisations is considered a home-based business. However high risk foods including (but not limited to), curries, casseroles, pates, sauces and food containing raw eggs are not suitable for preparation in domestic kitchens. Contact Council's Environmental Health Unit regarding requirements for your proposed business.

Home-based food businesses are required to be registered with Council and are inspected by Council's Environmental Health Officers to ensure compliance with the *Food Act 2003* and Food Safety Standards.

Council provides free on-line food safety training via 'I'm Alert Food Safety' training program. Refer to the food safety training link on Council's website at www.tweed.nsw.gov.au/FoodBusinesses

Home-based child care

For Tweed City Centre LEP 2012 and Tweed LEP 2014:

Home-based child care does not require development consent if the proposal complies with the definition in the LEP and Subdivision 23 of the Codes SEPP. You will need to refer to Council's Mapping web page to see if your home is in a bush-fire zone (www.tweed.nsw.gov.au/Mapping).

For homes within a Bushfire Zone or if you are located within the area covered by LEP 2000 you will require development approval. Call Council's Duty Planner to discuss your proposal.

Learn to swim classes

Providing swimming lessons in your pool at home is not defined as a home-based business. This activity is defined as a 'Recreation Facility (Outdoor)' and requires a development application to Council to seek approval to use your pool for the purpose of providing swimming lessons.



Other regulations and compliance (non-Council)

NSW Food Authority

The business may be required to have a Food Safety Supervisor if it processes and sells ready to eat food, potentially hazardous food (requires temperature control) or food that is not sold in the supplier's original packaging.

Food safety officers from the NSW Food Authority and environmental health officers (EHOs) from Council are entitled to visit and inspect premises involved in a food business. Inspection fees may be charged by either agency.

For more information regarding business notification, food safety supervisor or food safety, refer to the NSW Food Authority website at www.foodauthority.nsw.gov.au

Department of Education

Home-based child care is required to be licenced in accordance with the *Children and Young Persons (Care and Protection) Act 1998*. For more information contact the NSW Early Childhood Education and Care Directorate, Department of Education on 1800 619 113 or go to education.nsw.gov.au/early-childhood-education





Customer service

For all planning, compliance and general enquiries, call our Customer Contact Centre on (02) 6670 2400 or 1300 292 872, between 8.30am and 4.30pm, Monday to Friday.

Written enquiries can be sent to Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484 or emailed to tsc@tweed.nsw.gov.au and will be responded to within 14 days.


Council Office locations

To speak with Planning, Building or Environment Health staff, visit Council Offices between 8.30am and 4.15pm, Monday to Friday at:

Murwillumbah Administration Office
Civic and Cultural Centre
10-14 Tumbulgum Road
Murwillumbah NSW 2484

Tweed Heads Administration Office
Civic and Cultural Centre
Cnr Brett Street and Wharf Street
Tweed Heads NSW 2485

Disclaimer: The advice contained in this guide is general in nature and cannot cover all situations. Seek professional advice from the relevant organisation prior to taking any action.



To find out more, contact Tweed Shire Council:

Phone (02) 6670 2165
Email business@tweed.nsw.gov.au
Visit business.thetweed.com.au