

「THE TWEED」

Food business (retail)

Small business guide 2019





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Food (retail) small business information

This guide is designed for small and medium businesses seeking to open a food business or expand an existing business to sell food in the Tweed Shire. This information is not applicable to mobile food vending in the Shire.

Small business start-ups need to contend with a range of Federal, State and Local government regulatory requirements. Tweed Shire Council has a role in granting approval for businesses to operate at a particular site, ensuring any construction meets the appropriate standards and the application of food and hygiene laws to ensure that food and drinks prepared and sold to the public meet the applicable standards.

It is the business owner'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.

Council's role and assistance services

Under the *Environmental Planning and Assessment Act 1979*, Tweed Shire Council is required to assess the use of buildings and land. Council consent is required for the construction of new buildings, changes in use of existing buildings and building alterations. Some changes in building use and minor repairs and alterations do not require Council approval under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

There are a number of different units within Council that may assess or regulate your business:

- the Development Assessment Unit determines permissibility of use and assesses Development Applications (DA)
- the Building Unit regulates construction and assesses Construction Certificates (CC) and Complying Development Certificates (CDC)
- the Environmental Health Unit regulates health and safety including food safety and footpath dining.

Is an approval required?

If you purchase an existing food business, approval is not required if you operate the business in accordance with the current development consent. Copies of plans and development approvals can be obtained from Council by submitting a conveyancing form (www.tweed.nsw.gov.au/ConveyancingForm). If however you wish to carry out building alterations or change the hours of operation, then you may need to lodge an application to seek approval for any changes.

Typically a DA and a CC or a CDC application is required for a food business depending on the previous approved use of the site and how much building work you are planning. It is recommended you speak to the Duty Planner regarding your proposal.

Free planning technical advice service

Council has a free planning technical advice service to help you determine what approvals may be required to open your business and to explain the development process. Once you have identified a potential site for your business, contact Council's Duty Planner to determine what type of approval is required before you can start your business.

The following information will be required by the Duty Planner:

- Shop number and street address
- Whether a dining area proposed and size
- Alterations or building work required to start your business
- Whether signage is to be erected for your 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.



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Complying Development Certificate

If your proposal meets the applicable specified standards of the Codes SEPP, then a CDC application may be lodged. CDCs can be issued by Council or privately accredited certifiers. A list of building certifiers and consultants can be found on Council's website at www.tweed.nsw.gov.au/GetAdvice

If you are lodging your CDC with Council then there are some requirements that need to be met. More information can be found on Council's website at www.tweed.nsw.gov.au/ComplyingDevelopment

Development Application

If a DA is required then there are some things to consider before submitting the application:

- Whether your proposal comply with car parking requirements
- Proposed trading hours and staff numbers

Further information is available in Council's *Development Application Guide* and at www.tweed.nsw.gov.au/Development

Car parking

Council needs to regulate car parking requirements in the Shire with respect to any new development application. Failure to provide adequate provisions for parking can deter customers from your business and can become a safety issue.

Any DA needs to comply with Section A2 Site Access and Parking or Section B2 Tweed City Centre (if applicable) of the *Development Control Plan 2008* (DCP). Sites with an existing use may have car parking credits that can be applied to your proposal. If you are concerned that your proposal does not comply with the DCP then contact Council's Duty Planner for further advice or alternatively seek the advice of a traffic planning consultant to help you find an alternative solution.

Signage

Some business identification signage does not require development consent if the sign complies with the *Advertising and Signage Exempt Development Code* of the Codes SEPP. Replacement of a previously approved sign does not require consent, however the replacement sign must be the same size, shape and location of the previous sign. Contact Council to enquire if you need to get approval for your signage.

Contribution payments

Contribution payments are applicable when the new use of a site is likely to create a greater demand on water, sewer, road and parking infrastructure than the previous use. These charges are determined during the DA or CDC process. Speak to Council's Duty Planner to enquire if contributions are applicable to your proposal as they can sometimes be a significant cost to new business.

Heritage

There are a number of Heritage Conservation Areas within Tweed Shire. Special consideration is required of any proposed works or building alterations in Heritage Conservation Areas to ensure that the works preserve the heritage character of the site. Even minor alterations and maintenance works requires written authorisation from Council that they are minor in nature and do not require development consent.

To find out if your site is in a Heritage Conservation Area and for more information regarding works within a Heritage Conservation Area, visit Council's Heritage page at www.tweed.nsw.gov.au/Heritage or contact Council's Duty Planner.



Footpath dining

An approval to place tables and chairs on the footpath for the purposes of dining is required by any food business. Charges apply for area used and approvals are assessed in accordance with Council's *Footpath Trading Policy*. For more information refer to Council's 'Footpath Trading' web page at www.tweed.nsw.gov.au/FootpathTrading or contact the Environmental Health Unit.

Health and safety

Cafe's, restaurants and retail food outlets need to notify Council of their business and food activity details. Food handling areas in newly established food business need to have an approved fit out plan and are inspected by Council to ensure compliance with the *Food Act 2003* and *Food Standards Code*.

Contact Council's Environmental Health Unit or visit Council's website for more information at www.tweed.nsw.gov.au/FoodBusinesses

Trade waste

Some food businesses are required to get approval to discharge liquid trade waste into the sewerage system and may need to have a grease trap installed. Contact the Water Unit for more information.

Other regulations and compliance (non-Council)

Liquor licences

The Office of Liquor, Gaming and Racing (OLGR) issues liquor licences. Applications can be completed online. You will need to provide a copy of your consent for the premises to operate as a café/restaurant/bar/take-away. OLGR refers all applications to Council to ensure the correct development approvals are in place.

NSW Food Authority

Retail food businesses are required to have a trained food safety supervisor in their business. For more information on food safety supervisor requirements, food safety compliance and standards, visit the NSW Food Authority website at www.foodauthority.nsw.gov.au/retail/retail-business-types/cafes-restaurants-retail-outlets



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