

Retail business

Small business guide 2019





Retail small business information

This guide is designed for small and medium businesses seeking to open retail premises in an existing building in the Tweed Shire. Retail food businesses should refer to the *Food business (retail): small business guide*.

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 and ensuring any construction meets appropriate 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 footpath trading.

Is an approval required?

In some cases the change of use of an existing premises to retail use does not require development consent. For example, the change of use of an approved clothing shop to a homewares shop where no building works are required, may be considered as 'Exempt Development' under the Codes SEPP.

Some changes of use will require approval especially if there is building work associated with the change of use. It is recommended that you contact Council's Duty Planner to discuss the permissibility of your retail business and to determine what approvals may be required.

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 start your business.

The following information will be required by the Duty Planner:

- Shop number and street address
- The nature of your retail business
- Alterations or building work required to start your business
- Whether signage is to be erected for your business

If the development is not an 'Exempt Development' then you will be advised that either a CDC or a DA and CC is required before for you can operate 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.

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:

- Does 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. 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).

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.

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.

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.

Not all 'Change of Use' DAs and CDCs will require contribution payments. Contact Council's Duty Planner to enquire if your proposal will be subject to contribution payments.



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