



Retail Business

Small Business Guide

January 2016

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Customer Service

For all planning, compliance and general queries, call our customer service number between 8.30am - 4.30pm Monday – Friday on:

(02) 6670 2400 or 1300 292 872

Written enquiries will be provided with a response within 14 days and may be sent to:

tsc@tweed.nsw.gov.au

Council Office Locations

To speak with Planning, Building or Environment Health staff visit the Council Office between 8.30am - 4.15pm Monday - Friday located at the:

**Murwillumbah Civic and Cultural Centre
Tumbulgum Road, Murwillumbah**

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.

Retail Premises Small Business Information

This guide is designed for small and medium businesses seeking to open a retail premises in an existing building in the Tweed Shire. Retail food businesses should refer to the food business information 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 the appropriate standards.

It is the business owner's duty 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 a 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.

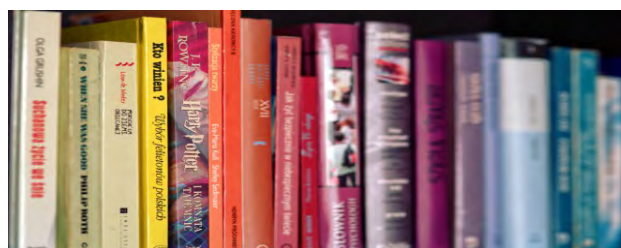
Free planning technical advice service

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 can start your business.

The following information will be required by the Duty Planner:

- Shop number and street address;
- The nature of your retail business;
- What alterations or building work is required to start your business?
- Do you intend to erect signage for your business?

If the development is not 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 (CDC)

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 [Get Advice](#) page.

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 Exempt and Complying web page under Complying Development.

Development Application (DA)

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

- Does your proposal comply with car parking requirements?
- Trading hours and staff numbers.

The [Development Application Guide](#) and Council's [Development Application Process](#) web page provides more detailed information regarding lodging a development application.

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 the 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 or contact Council and speak to a Duty Planner.

Contributions

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



Further Information

Planning Assistance

Often the assistance of specialised consultants is recommended to help applicants prepare applications for assessment by Council. A list of relevant consultants can be found on Council's Get Advice web page:

www.tweed.nsw.gov.au/GetAdvice

Resources

Business.gov.au

A single business and industry information service including business registration, advice and grants.

www.business.gov.au

Small Biz Connect

The Office of the NSW Small Business Commissioner provides a range of business services and initiatives to support small business. Included are links to NSW Government and Australian Government services and peak industry bodies.

www.smallbusiness.nsw.gov.au/supporting-business

Australian Small Business Commissioner

Australian Government Small Business portal provides advice and assistance for all aspects of small business start-ups and operation.

www.asbc.gov.au

Australian Business Licence Information Service

This service identifies State and Australian Government licences, registrations, standards and guidelines applicable to your business. Contact Council to enquire about local permits and approvals.

<https://ablis.business.gov.au>

Business Assistance

NORTEC Small Business Solutions

Based in the Northern Rivers of NSW, NORTEC provides a range of low cost/high value government subsidised small business support solutions. A team of Small Business Advisors provide mobile support for small business via one on one advisory, skills workshops and a mentoring service.

www.nortectld.com.au/small-business

Chambers of Commerce

Supported by the NSW Business Chamber, our local chambers actively support the business community and provide networking opportunities.

Murwillumbah District Business Chamber

www.murwillumbahchamber.com.au

Kingscliff and District Chamber of Commerce

www.kingscliffchamber.com.au

Tweed Heads Chamber of Commerce and Industry

www.tweedchamber.com.au

Links - Council

Business Gateway

<http://www.tweed.nsw.gov.au/BusinessGateway>

Forms

<http://www.tweed.nsw.gov.au/Forms>

Exempt and Complying Development

<http://www.tweed.nsw.gov.au/ComplyingDevelopment>

Development Application Process

<http://www.tweed.nsw.gov.au/Development>

Development Application Guide

http://www.tweed.nsw.gov.au/Documents/Planning/TSC00635_Development_Application_Preparation_Guide.pdf

Tweed Development Control Plan (DCP)

<http://www.tweed.nsw.gov.au/PlanningPolicies#>

Heritage

<http://www.tweed.nsw.gov.au/Heritage#>

Links – Other

State Environmental Planning Policy (Exempt and Complying Development Codes) 2088

<http://www.legislation.nsw.gov.au/maintop/view/info/rce/epi+572+2008+cd+0+N>



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