

CHANGE OF USE OF COMMERCIAL OR RETAIL PREMISES

If you would like to establish a business in an existing retail and/or commercial premises, the following provides information on the types of matters you should consider before signing a lease or buying these types of premises:

1. Search Council's records on the property to find out about previously approved uses on the site and the conditions attached, i.e., approved operating hours, number of car spaces required etc. This information can help you decide whether you need further development consent from Council, or if you could utilise the Exempt and Complying Development provisions of the Exempt and Complying Development State Environmental Planning Policy (or SEPP). Information on previous approved used on a premises may also be available from the managing agent, particularly if they have been managing the premises for an extended period. To search Council's records, download an Access to Information form from our website at www.canadabay.nsw.gov.au under Forms and Fact Sheets – Information/Access.
2. If you need to lodge a Development Application, check the requirements of the Canada Bay Development Control Plan (DCP), particularly Parts 7 and 9 relating to parking and signage requirements. Check what parking is currently available on the site and what parking may have been required under any previous approvals and then check these against the controls in the DCP. The lack of on site parking and/or loading bay facilities for deliveries is a common issue that arises during the assessment of applications, particularly uses that attract customers that stay on the premises for longer periods of time such as restaurants, medical centres, fitness centres etc, and that may have high demand for deliveries. Therefore, it is wise to carefully consider whether the premises you are interested in leasing or buying has sufficient parking and loading facilities on the site to accommodate your activities.
3. If you need to lodge a Development Application, you should consider the potential noise and amenity impacts of your proposed use such as the seating capacity of the premises if it is a café or restaurant or if the use involves a lot of staff and customers coming to and from the site. How will customers enter and leave the premises? e.g. is the access and any parking area located away from residential properties? Can you easily implement and enforce management procedures that can realistically control noise levels from customers attending/leaving your premises? Is the area well serviced by public transport?
4. The fitting out of a premises for a café, restaurant or other food premises can also have significant cost factors to satisfy hygiene and food preparation/handling standards. Further information on this issue can be found in our Fact Sheet on Design, Construction and Fit-Out of Food Premises on our website at www.canadabay.nsw.gov.au under Forms and Fact Sheets – Environmental Health.
5. Many premises, particularly cafes and restaurants can require additional facilities such as toilets for persons with a disability and a continuous path of travel for such persons throughout the premises, e.g., no steps within the premises in publicly accessible areas and no step/s up/down from the footpath level into the front entrance of the premises. The provision of these facilities can create additional costs when fitting out a premises for use and there are legislative provisions that require a premises to be able to be used by persons with a disability. You should

ensure that any architect, draftsman or planning consultant you may employ to assist you with your application is familiar with the Access provisions of the Building Code of Australia, the Disability Discrimination Act 1992 and the Disability (Access to Premises - Buildings) Standards 2010.

6. Another factor which can add further costs to the fitting out of a premises is the fire safety provisions required under the Building Code of Australia. You should always get a suitably qualified fire safety expert to check the existing fire safety measures within the building to ensure they are in working order and have been regularly checked. You then need to consider what additional fire safety measures may be required? The type and number of these measures can vary for different types of premises. You should talk to the managing agent and/or the owner about the existing fire safety measures and whether they have been regularly checked and certified.
7. Previous development consents for the site may also include signage on the building. If no signs have been approved or the signs that have been approved do not suit your purposes, you will need to include full details of your proposed signage in your Development Application or you could check whether your signs may fall within the Exempt and Complying Development provisions of the Exempt and Complying Development State Environmental Planning Policy (or SEPP).. Please refer to Part 9 of the Canada Bay DCP for further information on our signage controls.

YOU SHOULD REFER TO THE ATTACHED DEVELOPMENT APPLICATION CHECKLIST AND APPENDIX FOR FURTHER INFORMATION ON WHAT DOCUMENTS AND PLANS ARE REQUIRED TO BE LODGED WITH DEVELOPMENT APPLICATIONS FOR CHANGING THE USE OF A COMMERCIAL/RETAIL PREMISES.

SHOULD YOU HAVE FURTHER QUESTIONS OR REQUIRE CLARIFICATION ON THE MATTERS CONTAINED IN THIS FACT SHEET, A DUTY PLANNER IS AVAILABLE AT COUNCIL'S ADMINISTRATION BUILDING WEEKDAYS BETWEEN 8.30AM AND 1PM, MONDAY TO FRIDAY.