

How to change the use of a building

This information sheet explains the requirements for changing the use of a building to another use as exempt development.

Important note

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW. Applicants should refer to the [relevant planning controls](#)¹ before beginning work, or seek professional advice on how the planning controls apply to their property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State wide exempt and complying development policy (the policy). View the policy at the [Exempt and Complying Development Policy website](#)².

What is exempt development?

Many types of home renovations and minor building projects don't need approval from a council or private certifier. This is called exempt development.

As long as the building project meets specific standards and land requirements (as defined in the State wide exempt and complying development policy), no planning or building approval is needed.

The first step when planning the building project is to check whether it meets the relevant development standards of the policy.

A number of information sheets are available at the [exempt and complying development policy website](#)³. They provide general information about different types of exempt development.

Note: As identified in Information Sheet 1.1 exempt development cannot be carried out on certain land.

¹ <https://maps.planningportal.nsw.gov.au/Terms>

² www.planning.nsw.gov.au/exemptandcomplying

³ www.planning.nsw.gov.au/exemptandcomplying

Exempt development

Change of use of a building

The exempt development code now covers the following types of 'change of use' of a building: kiosks, landscape, plant nurseries, garden centres, hardware, building supplies and vehicle sales or hire premises, general industry, packaging industry, wholesale supplies and self-storage premises.

These types have been grouped into three categories that show when the use of a building can be changed.

Category one: commercial offices, business and retail premises can be changed to other commercial offices, business and retail premises.

Category two: large format retail premises (such as hardware and building supplies and warehouse and distribution centres supplies) can be changed to other large format retail premises.

Category three: industrial uses such as light industry and wholesale supplies can be changed to other industrial uses including packaging industry, wholesale supplies and self-storage units.

Refer to clause 2.20A of the policy for details.

NOTE: A change from one type of retail shop to another type of retail shop is not a change of use, but a change of tenant.

Development standards for change of use of a building

To change the use of a building or premise as exempt development, the development must meet the standards explained in this information sheet.

The following standards also apply:

- The existing premises and building must have planning approval and the proposed building use must be permitted in the zone.
- Building and construction requirements of the Building Code of Australia (BCA) must be complied with, to ensure that the development is structurally adequate, and where relevant, installed in accordance with the manufacturer's specifications.

Some types of exempt development cannot be undertaken within areas subject to local exclusions or variations. These are listed in Schedule 2 and 4 of the policy.

Exempt development standards for change of use of a building

The following development standards apply for change of use as exempt development:

- The new use must be permitted in the land use zone under the local environmental plan and cannot be an existing use that is no longer permitted in the zone.
- New uses cannot exceed area limitations in certain zones specified in the policy and the council's LEP, (for example, office space in an industrial building).
- The change of use cannot increase the gross floor area by converting any area not currently included in the gross floor area. This includes basements, plant rooms, car parking, loading space or a void.
- The new use must not contravene existing conditions of approval (for example, noise, car parking, vehicular movement, traffic generation, loading, waste management and landscaping).
- Hours of operation must be in accordance with the current approval or the hours specified in the policy. If no current hours of operation have been approved, the hours of operation are 7am to 7pm on any day.

Other development standards for change of use of a building

The following development standards also apply to a change of use:

- You cannot change the class of building under the Building Code of Australia.
- The new use must not be any of the following: food and drink premises, a funeral chapel, a funeral home, retail premises where firearms are sold, a market, premises where skin penetration procedures are carried out, a restricted premise, a road side stall, a sex service premise, a pub or small bar.
- Under clause 2.20C, when changing the use to a place of public worship, the new use must not increase or create significant adverse environment impacts such as a large increase in noise, waste products or create additional traffic for the location.

Minor building work can be undertaken in conjunction with the change of use, if the work is considered exempt development.

For example: for the change of use from a shop to an office, the minor internal work would cover the installation of work stations, recarpeting the floor, repainting the premises, changing light fittings and upgrading existing sanitary fittings.

For a full list of the work that can be undertaken as exempt development, refer to Part 2 of the policy.

NOTE: Additional types of change of use can be undertaken as complying development, which require approval of the council or private certifier. Refer to [Information sheet 5.2⁴](#) for more details.

What else do I need to consider?

If your proposal does not meet the standards for exempt development, you may still be able to do the work, as either complying development or development approval. You should contact your local council to discuss your options.

⁴ <http://dnn.planning.nsw.gov.au/Explore/PlanningViewer.aspx>

Further Information

For more information visit the [Exempt and Complying Development Policy website](#)⁵ or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](#)⁶.

Electronic Housing Code

The Electronic Housing Code website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas which are using the Electronic Housing Code. Visit the [Electronic Housing Code website](#)⁷ to find out if it is used by your local council or for more details.

⁵ www.planning.nsw.gov.au/exemptandcomplying

⁶ codes@planning.nsw.gov.au

⁷ www.electronichousingcode.com.au/