

Interior alterations to pubs, clubs and small bars

This information sheet explains what interior alterations to pubs, clubs and small bars without the need for any planning approval (exempt development) and as complying 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.

Exempt development is minor building work that does not need planning or building approval. [Information sheet 1.1](#)³ provides more information about exempt development.

Complying development is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)⁴ provides more information about complying development.

Note: As identified in Information Sheets 1.1 and 1.2 exempt and complying development cannot be carried out on certain land.

Definitions

A **Pub** is a licensed premise under the *Liquor Act 2007*, the principal purpose of which is the retail sale or liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment provided on the premise.

A **small bar** means a premise which has a small bar licence under the *Liquor Act 2007*.

A **registered club** means a club that holds a club licence under the *Liquor Act 2007*.

What types of works can be done without any planning approval?

Types of exempt development that can be done in a registered club, pub, or small bar are the replacement or renovation of:

- a doorway, wall, ceiling or floor lining, deteriorated frame member, including stairs and stairwells
- a bathroom, built-in fixtures such as a bathroom vanity or cupboards, an existing sanitary fixture, a grease trap
- shelving, racking if not higher than 2.7m, work stations or counters
- the installation of new or replacement insulation material in the ceiling, wall of a building, and
- minor non-structural external alterations such as repainting, replacement of windows or doors.

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

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

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

⁴ www.planning.nsw.gov.au/exemptandcomplyingoverview

Other exempt development that can be done by clubs, pubs and small bars are:

- the installation of access ramps
- flagpoles or bollards
- fences for business zones
- advertising and signage, and
- temporary structures such as gazebos.

What are the standards for exempt development?

The development must not:

- be an alteration to a food preparation area in a food and drink premises
- be a change to the configuration of a room, such as removing an existing wall or partition, or
- reduce window size in relation to light and ventilation or reduce the size of doorways.

The existing building must have an approval and the building use must be permitted in the zone.

Works must be structurally adequate and installed in accordance with the manufacturer's specifications, where applicable.

The change of use and first use provisions under the policy cannot be used to change any premise to a registered club, a pub or a small bar.

What types of works can be done as complying development?

The policy allows for the following types of development to make improvements to a club, pubs and small bar premises, including:

- internal alterations, reconfiguration and changing of the interior of the premises, such as removing walls or inserting new walls and doorways, changing corridor and lounge areas and hotel rooms
- minor change of use of the premises such as changing part of a club or hotel's lounge or dining area to a shop or to a restaurant kitchen and changing the size of hotel bedrooms or suites

- installation of mechanical ventilation systems, shop fronts and awnings, skylights and roof windows
- installation of certain business identification signs including projecting wall signs, free standing pylon and directory board signs, and
- development that is ancillary to the principle use of the site including earthworks such as retaining walls and structural support, driveways, hardstands, paving and fences.

Development standards for the above development types are located in the Commercial and Industrial Alterations Code of the policy.

What development standards apply?

The development standards applicable to these works are:

- the development must not contravene existing conditions of approval relating to noise, car parking, vehicular movement, traffic generation, loading, waste management and landscaping
- car parking is to comply with council's car parking requirements, or council's s94 car parking contribution plan can be utilised
- alterations must not increase the total floor area of the building, except where the alteration is required for compliance with access to premises standards; *Disability (Access to Premises – Buildings) Standards for 2010*, for example increasing the area of the building entrance to accommodate an access ramp and larger automatic doors
- alteration or change of use must not increase the amount of usable floor area of the building, for example by extending the premises into the basement, plant rooms, car parking, loading space or a void space
- any new or alteration to an existing food or drink premises must comply with Australian Standard 4674 – 2004, Design, construction and fit out of food premises, and the *Food Act 2003*, and a separate restaurant or cafe cannot be increased in capacity beyond 50 seats, and
- hours of operation must be in accordance with the current approval, or where none are

specified, the hours of operation specified in the policy will apply: 7am to 7pm on any day.

What conditions apply to complying development?

All development must comply with the prescribed conditions contained in the EP&A Regulation 2000, and the standard conditions located in Schedule 8 of the policy. For details refer to Information Sheet 1.5. The following conditions also apply under this policy:

- All work must comply with the Building Code of Australia (BCA), and must ensure that new work does not prevent the existing building complying with the BCA. Certain work requires compliance with the additional requirements where the alteration, change of use or first use involves an area greater than 500m² for commercial or 1000m² for industrial premises.
- Certain development may generate a requirement for s94 or s94A contributions. The development contribution is paid to the council under section 85A (9) of the EP&A Act 1979. The requirement for a contribution to be paid must be imposed as a condition on the CDC.

The PCA must be satisfied that all conditions are met prior to work commencing on site.

What else do I need to consider?

- Works must comply with the Building Code of Australia and be installed in accordance with the manufacturer's specifications.
- Any structures that would be located on public land or on or over a public road (including temporary structures) require separate approval from the relevant council or Roads and Maritime Services under the *Roads Act 1993* and the *Local Government Act 1993*.

If your proposal doesn't meet the required standards for complying development, you may still be able to do the work, but you must get development approval first. In this case, you should contact your local council to discuss your options.

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/