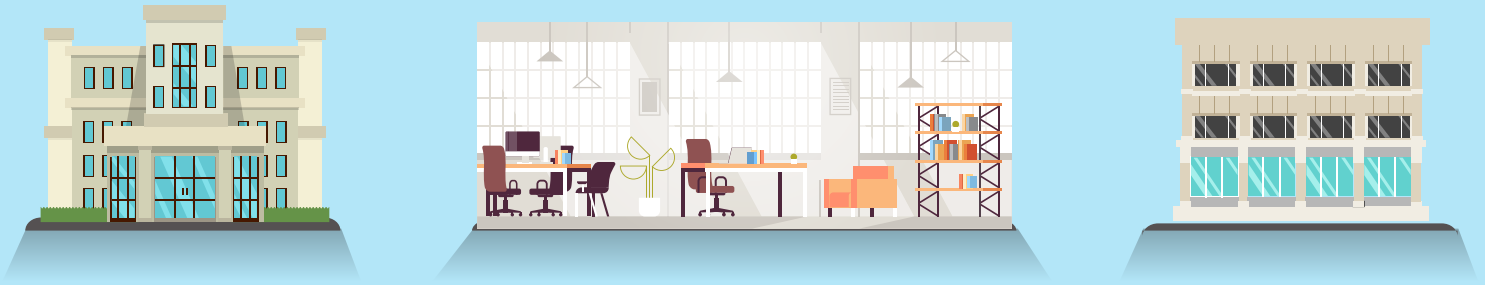


Rules for exempt and complying development



Change of use to an office or business premises as exempt or complying development

This document answers frequently asked questions about establishing an office or business premises and explains the planning provisions set out in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (State Policy).

CHANGE OF USE TO AN OFFICE OR BUSINESS PREMISES AS EXEMPT DEVELOPMENT

What is exempt development?

Exempt development is development that has minimal environmental impact. It includes any development that people may carry out without needing development consent. Exempt development must meet the relevant provisions of the Building Code of Australia. If there are no such provisions, the development must be structurally adequate. If development relates to an existing building, the work cannot breach the Building Code of Australia.

You can find more information about exempt development on our Exempt and complying development – frequently asked questions document.

Things to consider



Water supply or sewerage services – approval from water utility, relevant council, or both



COUNCIL APPROVAL OR PERMIT FOR THE FOLLOWING:

- [pruning or removing a tree](#)
- stormwater drainage connection under [Section 68 of the Local Government Act 1993](#)
- signage projecting over a footway or public road under [Section 138 of the Roads Act 1993](#)

Restrictions



Refer to the State Policy for any land-based exclusions or local variations that may apply to the land

Setting up an office or business premises

Rules for exempt and complying development

Do I need approval to use an existing shop as an office to run my business?

The State Policy allows you to use an existing public administration building, office premises, business premises or shop as an office without having to get development consent from council.

Does the previous use of the premises need to be lawful?

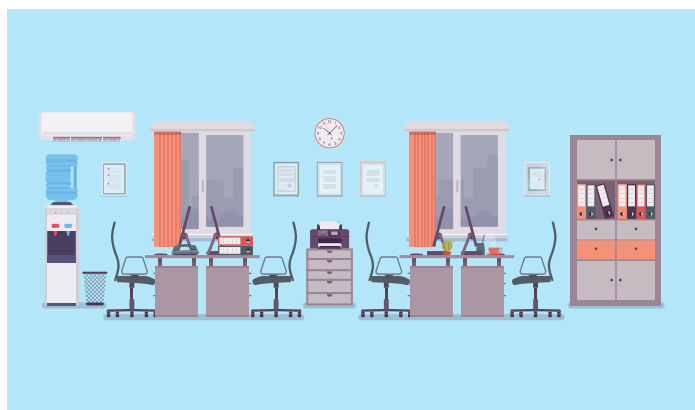
Yes, the previous use needs to be lawful. A consent authority must have previously issued a development consent or complying development certificate. You can get a copy of the previous approval from your local council.

Councils can release certain information relating to a development file, such as development consents, construction certificates, occupation certificates, plans and reports, subject to copyright restrictions. The public can review these documents for free, and you can get copies for a reasonable photocopying fee.

Can changes to my office or business premises result in a change to Building Code of Australia classification?

The new use for the premises must not result in a [change of building classification](#) under the Building Code of Australia.

The exceptions are if the change of use is from a Class 5 building to a Class 6 building, or from a Class 6 building to a Class 5 building. Plus, the building must meet all the relevant provisions of that code for the new use.



Are there places where I cannot operate an office or business premises?

You cannot operate your office from a manufactured home, moveable dwelling or associated structure, temporary structure, tent, swimming pool, ship or vessel.

How can I find out whether council permits an office or business premises?

Your local council's planning controls identify how people can use land and establish the land uses that are permissible with or without consent in a given location. Each local council has a local environmental plan that includes land-use tables for each zone. To find out whether your local council's planning controls permit offices and business premises, speak to the customer-service staff at the council office.

Did you know?



Signage for your business may not require approval. Please refer to the [Advertising and Signage](#) page on the NSW Planning Portal for more information on installing signs as exempt development.

What else do I need to know before opening my new office or business premises?

The new office or business premises must not include building alterations other than those outlined as exempt development in the State Policy. Increasing the gross floor area of any building that houses an office or business premises is prohibited.

Setting up an office or business premises

Rules for exempt and complying development

CHANGE OF USE TO AN OFFICE OR BUSINESS PREMISES AS COMPLYING DEVELOPMENT

If you are establishing a new office or business premises where you cannot meet the exempt development provisions, read the following information.

What is complying development?

Complying development is development that goes through a fast-track planning and building approval process and that councils or private certifiers assess. It is development that is specified in a complying development code and meets the specified standards for that development. It can occur in both metropolitan and rural areas.

You can find more information about complying development on our Exempt and complying development – frequently asked questions fact sheet.

What type of use does council allow for my business to be complying development?

Any of the following uses can change to an office or business premises as complying development:

- Business premises
- Office premises
- Shop
- Food and drink premises
- Kiosk
- Medical centre
- Industrial retail outlet

Offices and business premises must be permissible on the site under the local council's planning controls. To find out whether your local council permits offices and business premises, speak to the customer-service staff at your local council office.



Setting up an office or business premises

Rules for exempt and complying development

Does complying development allow for internal building alterations to the premises?

As long as the alterations do not result in an increase in the building's gross floor area, council can approve internal alterations as complying development. The State Policy permits an increase in the gross floor area if it is necessary for the alterations to comply with the premise's standards.

Also, internal alterations cannot convert areas such as basement, plant rooms, car parking spaces, loading spaces or voids, into workspace as these areas are not included in a building's gross floor area. [Clause 5.2](#) in the State Policy sets out the full list of development standards for internal building alterations.

Can I install a projecting wall sign to premises as complying development?

Complying development allows you to install a building identification sign that projects from the exterior wall of an existing building in a business, industrial or special-purpose zone. This does not apply to a heritage item or draft heritage item or a building in a heritage conservation area or draft heritage conservation area. [Clause 5.14](#) of the State Policy contains the specified standards for projecting wall signs as development.

More information



Contact the Codes Hotline.

Tel: 13 77 88

Email: codes@planning.nsw.gov.au

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You should read this fact sheet in conjunction with our Exempt and complying development – FAQs