

Commercial and Industrial Alterations

This information sheet explains what alterations can be done to existing commercial and industrial development. It outlines the development standards that development must comply with to be complying development under the Commercial and Industrial Alterations Code.

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.

Complying development is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)³ provides more information about complying development.

Note: As identified in Information Sheet 1.2 complying development cannot be carried out on certain land.

The Commercial and Industrial Alterations Code

The information sheets summarises the types of development that can be done as complying development under the policy. This includes:

- internal alterations to existing buildings,
- change of use and first use of premises,
- minor works to the existing building,
- installation of business identification signs, and
- development that is ancillary to the principle use of the building, including earthworks and driveways.

What development can be done as complying development?

This policy applies to the following types of development:

Internal alterations. This allows for extensive internal renovations, reconfiguration and changing of the interior of the premises for the following developments: commercial offices, business premises, retail shops, industrial buildings, schools, universities, service stations, hospitals, hotels and registered club premises and other non-residential development.

Change of use. These uses are now grouped into types of uses that can be changed to other uses of a similar intensity:

Category one: bulky good premises and large format retail premises (such as hardware, building supplies, warehouses and distribution centres) can be changed to another commercial business, offices, retail and large retail premises and industry.

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

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

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

Category two: commercial premises such as shops, business offices and medical centres can be changed to other commercial offices, business, retail or medical centres.

Category three: industrial warehouse uses can be changed to neighbourhood shops, industry and commercial office uses.

Category four: self- storage units can be changed to neighbourhood shops and industrial and business uses.

Category five: entertainment facilities can be changed to amusement centres, shops, and food and drink premises.

Category six: amusement centres, functions centres and registered clubs can be changed to shops, food and drink premises.

Category seven: a wholesale supplier can be changed to neighbourhood shop, industrial retail outlet or warehouse distribution centre.

For the full list of change of use development types, see clause 5.3 of the policy.

Other types of industrial and commercial complying development?

- New or existing building can now have its **first use** and **first fit out** approved as complying development. For example, a new multi-storey commercial office building approved under a development application (DA) may seek to use a part of the building for offices or retail tenancies, as complying development. Refer to clause 5.5 of the policy,
- Installation of mechanical ventilation systems, shop fronts and awnings, skylights and roof windows,
- Installation of projecting wall signs, free standing pylon and directory board signs,
- Ancillary development including earthworks and retaining walls, driveways, hardstands, paving, fences and garbage bin enclosures and sheds, and

Part 5 of the policy includes development standards for the above development including maximum heights and floor area.

What are the development standards for alterations done as complying development?

The development standards for work under this policy are:

- The new use must be permissible in the zone, and the new use cannot be a pub, a small bar, an entertainment facility or a registered club,
- New uses cannot exceed area limitations in certain zones specified in the policy and a council LEP, (for example, for the size of ancillary offices or industrial retail outlets and shops),
- Changes to an existing building must not increase the total usable floor area of the building (including conversions of basements, plant rooms, car parking, loading space and voids spaces),
- The alteration must not increase the size or the floor area of an entertainment venue within a building (for example, a cinema, theatre, hall or auditorium),
- The development must not contravene existing conditions of approval relating to the existing use of the premises, including noise, car parking, vehicular movement, traffic generation, loading, waste management and landscaping,
- Car parking must comply with council's car parking requirements, or make a contribution under any relevant Section 94 contribution plan,
- Food or drink premises must comply with Australian Standard (AS) 4674 – 2004, Design, construction and fit out of food premises, *Food Act 2003*, and is restricted to 50 seats – except premises connected to an approved food court, and
- Hours of operation must be in accordance with any existing approval. If no hours of operation have been approved, the mandatory hours of operation are located in the Schedule 8 – Conditions applying to complying development under the Commercial and Industrial Alterations Code, Part 4, clause 21- Hours of operation.

What are the requirements for complying development ?

- Where the proposed change of use would result in the increase of water demand or waste water, the applicant must notify the water utility of the proposed development. The applicant must then obtain written notice or advice from the water utility specifying the necessary works to be undertaken. This written advice forms part of the Complying Development Certificate (CDC) documentation.

What conditions apply to complying development?

Development must comply with the prescribed conditions contained in the *Environmental Planning and Assessment Regulation 2000* and the consent conditions in Schedule 8 of the policy.

The principal certifying authority (PCA) must be satisfied that all conditions are met before work begins on site.

What else do I need to consider?

- If you propose to remove or prune any existing trees or vegetation, you should contact your council first to make sure you don't need approval for this.
- 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*.
- All work must comply with the Building Code of Australia (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.
- Some developments 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.

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](#)⁴ or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](#)⁵.

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](#)⁶ to find out if it is used by your local council or for more details.

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

⁵ codes@planning.nsw.gov.au

⁶ www.electronichousingcode.com.au/