



HUME CITY COUNCIL CHANGING THE USE OF A BUILDING

When a person or a business wants to change the use of a building; for example, from a family house to a boarding house, a garage to a hairdressing salon, a warehouse to a place of worship, a factory to a gymnasium, an office to a shop, a shop to a bar and music venue; the change of use must not be undertaken without the required permits and approvals being in place.

WHAT PERMITS DO I NEED TO CHANGE THE USE OF A BUILDING?

Planning permit

Changing the use of a building often, requires a planning permit.

Planning schemes do permit some changes of use without a planning permit, provided specific requirements are met. Where a planning permit is required, the proposal will be assessed against the requirements of the relevant planning scheme and, if a planning permit is issued, it may contain conditions that need to be complied with.

To discuss your proposal or to determine if a planning permit is required, you can contact Council's Statutory Planning Department on 03 9205 2200 or contactus@hume.vic.gov.au

Building Permit and Occupancy Permit

The Building Regulations 2018 state that "A person must not change the use of a building... unless the building... complies with the requirements of the Building Regulations applicable to the new use".

This is important because buildings are designed and constructed with specific features applicable to the intended use. For example, rooming houses have fire safety and evacuation features beyond those found in normal family homes. Public assembly buildings e.g. hospitals, schools etc. require more exits and sanitary facilities, require access for people with disabilities and have essential (fire) safety measures.

By way of further example, changing the use of a shed to a dwelling will trigger multiple additional requirements under the Building Regulations, including:

- installation of lighting to assist evacuation
- insulation in the roof and walls
- structural requirements that relate to Dwelling houses
- weather and damp proofing
- freeboard of internal floor above external ground surface levels
- roof and surface water drainage and connection to legal point of discharge
- natural light and ventilation
- fire separation of the building from the boundaries and other buildings.

As such, changing the use of a building will generally require an application to a registered Building Surveyor for a Building Permit. As well as plans and specifications of the proposed new use, the building must be inspected by a Building Surveyor or Building Inspector to determine the compliance of the building with the Building Permit and the Building Regulations.

Following review of the documents submitted with an application for a Building Permit, the Building Surveyor will advise of any additional requirements to allow for a Building Permit to be issued.

Once the Building Permit has been finalised and the building work inspected, a new Occupancy Permit must be issued for the building which confirms the new use and building classification.

Environmental Health registration

In addition to planning and building legislation, buildings with certain uses need to be registered with Council's Environmental Health Department and to comply with relevant legislation.

Such businesses include, but are not limited to: rooming houses, food premises and health and beauty premises.

For further information, contact a private building surveyor or Council's Environmental Health Department on 03 9205 2200 or contactus@hume.vic.gov.au.

WHAT IF I HAVE ALREADY CHANGED THE USE OF A BUILDING WITHOUT THE REQUIRED PERMITS?

If you have already changed the use of a building without the required permits, you should take the appropriate steps to bring the building into compliance. Failure to do so can attract significant penalties.

You should engage expert advice from an Architect, Building Designer or Building Surveyor.

Determine whether or not you will need to obtain a Planning Permit, Building Permit and Occupancy Permit for the new use (see above). Make inquiries with Council's Environmental Health Department. Ensure that you obtain the requisite permits and approvals for the new building use. Carry out the building work necessary to bring the building into compliance with the regulations applicable to the new use. Ensure that the building has the correct Occupancy Permit in place.

RELEVANT LEGISLATION

- Public Health and Wellbeing Act 2008
- Public Health and Wellbeing Regulations 2009
- Building Regulations 2018
- Building Act 1993
- National Construction Code (Building Code of Australia)
- Planning and Environment Act,
- Residential Tenancies Act 1997
- Food Act 1984

For further information, contact a private building surveyor or Council's Building Control Services department on 03 9205 2200 or contactus@hume.vic.gov.au

www.hume.vic.gov.au

