

Development Fact Sheet 23

Change in Land Use

Under the *Development Act 1993* a change in the use of land constitutes development and therefore requires Development Approval. A change in land use usually relates to retail, commercial, or industrial business activities and constitutes any change made to an existing use of land. It can also include changes of, or to a residential land use.

When is an Application required?

An Application to change a land use is usually required if:

- the site has been previously approved for a land use which is different to yours (eg. an office that you want to use as a shop or a warehouse to be used for manufacturing); or
- the commencement of a use follows a period of non-use. This period of time can be as little as six months, although it is usually longer. It is a good idea to check with the council; or
- the use is additional to the use that has previously been established (eg. a home to a home/office or home/workshop); or
- you have increased staff numbers and customer car parking needs; or
- you wish to convert a dwelling to flats, etc.

Existing Use Rights

A property is deemed to have existing use rights if the land use has been previously authorised under the *Development Act 1993* or if the land use lawfully existed prior to 23 December 1976.

Do other authorities have to be consulted?

The Council may also need to consult with other authorities such as the Department for Planning Transport and Infrastructure (DPTI), the Environment Protection Authority (EPA) or the Department of Environment and Natural Resources (DENR) where issues need to be considered such as access, heritage or noise. Consultation is required if your business includes spray painting, cutting and sanding wood, storing fuel or chemicals. These activities may

cause environmental harm or disturb neighbours, therefore consultation of required.

Change of Building Classification

A change in use under the *Development Act* is not the same as a Change of Building Classification. Therefore building classification does not confer Planning Consent or vice versa. If the proposal requires any internal alterations or additions to the building or if the change to the building constitutes a different building classification then Building Consent will be required. With a change in building classification, Council is required to assess whether there is a requirement to upgrade the existing building structurally or for fire safety and/or facilities for persons with a disability.

Revival of a Land Use

The revival of a land use after a period of discontinuance will be regarded as the continuation of an existing land use unless:

- the intervening period between a discontinuance and revival of the use exceeds two years;
- during the intervening period, the use was superseded by some other use;
- the Council or Development Assessment Commission has, following a period of discontinuance of a land use, issued a declaration in writing to the owner or occupier of the land, that a revival of a land use will be treated as a change in the use of the land

The information provided in this Development Fact Sheet is intended as a general guide only and readers are encouraged to refer to the Norwood Payneham & St Peters (City) Development Plan and to seek professional planning advice if necessary. This information is subject to frequent updates and this version was last updated in June 2016. The latest version can be downloaded via the Council's website at www.npsp.sa.gov.au. For further information, please contact the Council's Urban Planning & Environment Department on 8366 4530