

Change in Use and Home Activity

Information Sheet 03

What is a change in the use of land?

A change in the use of land typically relates to the establishment of business activities of retail, commercial or industrial nature. If the proposed use is different to the current use of the premises, you will need to check with Council to determine if development approval is required and to ensure the type of use proposed is permitted within that zone.

For example, if you are converting an existing office into a new shop, you will need development approval prior to undertaking any works.

How would I know if development approval is required?

If you are starting a new business or moving to existing premises, it is important that you are aware of Council's requirements. Following the receipt of an enquiry about an existing site or building, Council is able to confirm the existing use of the site, any conditions that may continue to apply, and whether a change in the use of land will occur.

If you are moving into an existing building as a continuation of the existing use of the land, you should inform Council so that the continuation of the existing use can be acknowledged. Council will inform you of any conditions that may apply to the continued operation of the site, which may prevent problems in the future.

Would any other approvals be required if continuing the existing use?

Development approval may be required for other activities associated with starting a new business, or making changes to an existing business. Council approval is usually required if you:

- Make structural changes to the building, either internally or externally.
- Construct an outbuilding or structure on the site.
- Establish new signs or change the size or lighting of existing signage.

What else should be considered?

Fire Regulations and Disabled Access

In the event that a change in the use of the property also changes the classification of the building under the Building Code, additional building work may be required to take place to satisfy current fire regulations and/or access requirements for people with disabilities.

Off-Street Car Parking

Off-street parking is sometimes critical to the success of a new business venture, while assisting in minimising the impacts of on-street parking on surrounding residents and businesses. The number of car parking spaces required for a new land use depends on the nature of the proposed use and the zoning of the land.

Off-street car parking requirements are described in Council's Development Plan. In cases where there is difficulty achieving the minimum number of spaces required by Council, concessions may be made in special circumstances, such as if retaining a local heritage place or if a contribution is made to the Off-Street Car Parking Development Fund.

Notification of Adjoining Properties

If an application to Council is required, it may be necessary for Council to contact the adjoining property owners to seek their feedback on the proposal. The extent of notification depends on the nature of use proposed and the zone in which it is located. In some cases, Council will also need to advertise the application in the local newspaper.

Contaminated Land

Previous industrial or commercial land uses can be the cause of land contamination and may render a site unsafe for another use (such as residential). A land contamination report may be required in the case where a new land use proposal is made. If a site is contaminated, the land may need to be remediated to ensure the site is safe for the new proposed use.



Can I run a business from home?

It is possible to run a business from your home, as long as it complies with the definition of a “home activity” (as described below). If your business activity does not fit within these guidelines, then a Council approval is likely to be required for a change in the use of the land.

What is a home activity?

The term “home activity” means the use of a dwelling (or residential land) by a person who is a resident on the site and that:

- Does not detrimentally affect the amenity of the locality or any part of the locality; **and**
- Does not require or involve any of the following:
 - Assistance by more than one person who is not a resident on the site;
 - The use (whether temporarily or permanently) of a floor area exceeding 30 square metres;
 - The imposition on the services provided by any public utility organisation of any demand or load greater than which is ordinarily imposed by other users of the services in the locality;
 - The display of goods in a window or about the dwelling or its curtilage;
 - The use of a vehicle with a weight exceeding 3 tonnes tare.

What does “detrimentally affect the locality” mean?

Some types of activities can have an impact on neighbours, whether next door or further down the street. These impacts may be experienced as:

- An increase in traffic movements and reduction in on-street parking associated with clients, customers or delivery vehicles;
- An unreasonable amount of noise, odours or dust coming from the property, whether briefly or for extended periods of time.
- A substantial change to the appearance of the property, such as through excessive on-site parking or the establishment of advertising displays.

Do I need Council approval?

If you are thinking of starting a home-based business, you should write to Council first to confirm that your business would not require an approval. If you do not need an approval, then you can start operating once confirmed.

If an approval would be required, Council will advise you of how to apply for an approval. If your home-based business expands to the point that it is no longer a “Home Activity,” then a Council approval would be required.

Generally, only residential development is considered appropriate within a Residential Zone. Non-residential development is generally not permitted and should be located within other, less sensitive zones that are better suited to the activity.

Do I need any other approvals?

Some types of home-based businesses need approval from the Eastern Health Authority (EHA). These include any businesses involving the storage, preparation or sale of food, and any activity involving beauty therapy, hairdressing or acupuncture. For more information, contact the EHA on 8132 3600.

Can I have signs advertising my home business?

Any advertising display established on a residential site would typically require Council approval. A single sign up to 0.2 square metres in size can be established on site without Council approval, but the content of that sign must be limited so as to only identify the address of the property. No signage is permitted on the footpath.

If the sign identifies the home-based business in any way, then a Council approval would be required prior to establishing the sign. The proposed sign may be considered to “detrimentally affect the amenity of the locality,” which may mean that approval for the business activity would then also be required.

For further information:

City of Prospect Development Services

128 Prospect Road | PO Box 171, Prospect SA 5082

Phone 08 8269 5355

Fax 08 8269 5834

Email admin@prospect.sa.gov.au