



Kingborough

CHANGE OF USE

There are different types of 'Change of Use'. These include:

- Shop fit-outs
- Tourist Accommodation
- Change of use from one existing use class (for example house) to another (for example a doctor's clinic)
- Partial change of use. This involves adding an additional land use to an existing land use. For example, using part of an existing dwelling for an artist's studio while still retaining the function of a dwelling.

Shops/businesses

- ❖ A change from an individual use to another individual use whether within the same use class or not, requires a permit unless the proposed use does not require a permit under the planning scheme, i.e. Exempt or No Permit Required. In the case of No Permit Required, a 'No Permit Required Certificate' will need to be issued by Council.
- ❖ A Development Application for a Change of Use is required for all new fit-outs in vacant tenancies unless the building has been approved for that type of use. The reason is that in most cases new tenancies have not been 'pre-approved' for a specific use. The tenancy is effectively going from vacant to a new use.
- ❖ Planning approval may also be required where an existing tenancy is being extended by way of an extension. This may invoke additional car parking requirements (as car parking is calculated on the floor area).
- ❖ If a proposed tenancy fit-out seeks approval for signage, a permit may be required under Code E17.0 – Signs Code. Table E17.1 includes a list of signs that may be exempt from requiring a permit where they meet the conditions listed in E17.4 of the Code. Signs within a building or site that cannot be seen from outside the building or site and changes to the graphics of a legally existing sign will not require a permit under the planning scheme.

Change of Use of a Heritage Place

- ❖ An application for a use of a Heritage Place listed in the Historic Heritage Code or a place on the Tasmanian Heritage Register that would otherwise be prohibited is Discretionary under the Kingborough Interim Planning Scheme 2015. An application may be approved if it would facilitate the restoration, conservation and future maintenance of the historic cultural heritage significance of the place. An application submitted for this purpose must adequately demonstrate this requirement.



Changes to an Existing Non-conforming Use

- ❖ Changes of an existing lawfully established use that is prohibited under the Kingborough Interim Planning Scheme 2015 are able to be considered as a Discretionary application for the following reasons:
 - To bring an existing use into greater conformity with the Scheme;
 - To extend or transfer a use and any associated development from one part to another part of that site; or
 - For a minor development to a non-conforming use.

Consideration of issues such as negative impacts on adjoining uses, the amenity of the locality and no substantial intensification of the use the land, building or work will form the basis of the assessment.

Commercial Accommodation

- ❖ Please refer to separate advice sheet.

Submitting an Application

- ❖ It is recommended that an application for a Change of Use for planning approval should be lodged at the same time as the Building Application.
- ❖ If the Change of Use Application is for Tourist Accommodation, please refer to the associated Tourist Accommodation Fact Sheet Checklist (Refer to Commercial Accommodation advice sheet).
- ❖ When lodging a Development Application for Planning approval with the Council for a Change of Use with associated signage you will need to supply Council with the following:
 - A completed Application for Development/Use form.
 - Associated fees.
 - A site plan. The site plan must show the location of the business as well as the proposed location of the sign(s). *NB. Proposed signage must be within the property's boundaries.*
 - A floor plan for the business.
 - A full copy of the title including the title text, plan and schedule of easements. If you do not have a copy, one can be obtained from Service Tasmania or www.thelist.tas.gov.au
 - Details about the proposed sign(s), including, measurements, general look and colour.



- A letter stating the reason for your application, including:
 - Operational times of the business
 - The number of staff
 - Waste management/removal
 - Delivery movements/requirements
 - Equipment required on site
 - Mention if the application is also for associated signage
 - Parking requirements

Additional Information:

- ❖ As each application for a Change of Use is taken on a case by case basis further information may later be requested to assist with the assessment.
- ❖ Should an application be deemed as No Permit Required, a 'No Permit Required Certificate' will be issued in a matter of days. Council has a statutory period of either 28 days for a Permitted application or 42 days for a Discretionary application to assess the application. A two week advertising period may be included in the application timeframe depending on the application type.

