Find out how to put together a planning permit application to carry out any commercial or industrial development, including minor building and works.

Undertaking any kind of development or building works in an area zoned Commercial or Industrial, differs from residential areas, and is subject to special regulations outlined in the Kingston Planning Scheme. The purpose of the regulations are to ensure that development is appropriate for the area.

This guide describes what information you need to provide Council when applying for a planning permit for:

- Development – such as building a new shop or warehouse, or to alter an existing building; as well as
- Minor building and works - such as external fixtures, outbuildings, installation of an ATM, windows and roller doors.

Council requires certain information in order to properly assess your application against the planning controls contained in the Kingston Planning Scheme. To ensure that your application can be processed efficiently, it is important that all the relevant information is included – this guide will help you do this.
All development applications and most minor building and works applications will be required to go through the standard planning assessment process, which may include referral to internal and external authorities and advertising to adjoining properties. Information about how to prepare your application is provided further in this guide.

However, some forms of minor building and works may be eligible for the VicSmart process.

**VicSmart**
VicSmart is a streamlined process for straightforward planning permit applications. It sets specific information requirements, assessment processes and decision guidelines so these types of applications can be processed quickly.

If your application is to construct a building or carry out works with an estimated cost of less than $50,000, and the land is in a Commercial 1, 2 or Industrial 1, 2 or 3 Zone, you may be eligible for VicSmart, provided that the land is not:

- Within 30m of land (not a road) which is in a Residential Zone
- Used for a purpose designated ‘Uses with Adverse Amenity Potential’ (Clause 52.10 of the Kingston Planning Scheme).

If you are unsure whether your application qualifies, please discuss with the Planning Team.

Information about the VicSmart process and how to prepare your application is available from Council’s Planning Team or by visiting Kingston.vic.gov.au/planning/VicSmart. A range of guides, checklists and forms are available.

If you do not qualify for VicSmart, your application will follow the standard planning assessment process.
What does your application need to include?

**Certificate of Title**

A Certificate of Title is the formal legal record of a piece of land. It contains basic information such as current ownership details and a ‘plan of subdivision’ - a plan of the property that may also shows adjoining properties and roads.

Please provide an up-to-date Certificate of Title and plan of subdivision with your application. The Certificate of Title must be clear, legible, complete and issued within the last three (3) months.

If the land is covered by a Restrictive Covenant or Section 173 Agreement, a copy will also need to be provided. This will be registered on the Certificate of Title (see example).

A Restrictive Covenant is a private agreement between land owners which may restrict the way land may be used and/or developed.

A Section 173 Agreement is a legal contract between a land owner and the Council which may restrict the way land may be used and/or developed, or require the land owner to undertake specific works.

If you need an up-to-date copy of the Certificate of Title, you can purchase a copy from:

- **Landata**
  landata.vic.gov.au

- **Council**
  Electronic
  Complete the request form available on our website kingston.vic.gov.au/planning
  and email to planningapplications@kingston.vic.gov.au
  In Person
  Planning Enquiry Counter
  Level 1, 1230 Nepean Hwy
  Cheltenham
  Operating hours
  8:30am–5:00pm (Mon–Fri)
  Telephone: (03) 9581 4131
**Existing Site and Floor Plan**

An Existing Site Plan is a clear drawing that shows your site and all bordering sites, including the location of buildings and their uses. It is drawn as if looking down from above. At a minimum, it should show the two properties either side of the site and properties across the rear of the site.

Please submit an Existing Site Plan with your application.

**tip**

If you require assistance drawing these plans, you can hire an architect or a draftsperson. You can easily find one by searching online or in your local directory.
The Existing Site Plan must be drawn to a scale of 1:100 or 1:200 and show:

- The boundaries and dimensions of the site
- The location of any easements (refer to the Certificate of Title to confirm if any apply)
- Levels of the site to Australian Height Datum and the difference in levels between the site and surrounding properties
- The location and layout of the existing building(s) on the site including the location of all driveways, car parking and loading areas, external windows, doors, outdoor areas, the distance between walls and boundaries, the location and height of walls built on the boundary of the site and the front setback distance
- The use of the neighbouring buildings and their street numbering
- The location and layout of buildings on neighbouring properties including the location of all driveways, car parking and loading areas, external windows, doors, outdoor areas, the distance between walls and boundaries, the location and height of walls built on the boundary of the site and the front setback distance
- The land’s orientation to north

Existing Elevation Plan

Existing Elevation Plans are clear drawings that show the length, width and height of the existing building(s) on a block. They are drawn as if looking from the front or side to show the height.

Please submit an Existing Elevation Plans with your application.

Plans must be provided for each elevation of the existing building (i.e. north, south, east and west), even if the addition is only going to affect one part of the existing building.

Existing Elevation Plans must be drawn to a scale of 1:100 and show:

- The length, width and height of the existing building(s)
- The overall height of the building(s) above the natural ground level
- A streetscape elevation showing adjoining buildings and existing facade
- The colours and materials of the existing building(s)
**Proposed Site and Floor Plan**

A Proposed Site and Floor Plan is a clear drawing that shows the location of the proposed buildings and works and any other structures on the site. It should also show the buildings of properties immediately adjoining your site. It is drawn as if looking down from above.

Please submit a Proposed Site and Floor Plan with your application.
The Proposed Site and Floor Plan must be drawn to a scale of 1:100 and show:

- The boundaries and dimensions of the site
- The location of the proposed building or additions (including the distance between the external walls and the property boundaries), and the use and finished floor level of each room
- The location and dimensions of all outdoor spaces, including all car parking spaces, driveways and loading areas
- The location of existing buildings on the surrounding properties, including the distance between walls and boundaries, the location and height of walls built on the boundary of the site, the front setback distance and outdoor spaces including all car parking spaces, driveways and loading areas
- The land's orientation to the north
Proposed Elevation Plan

A Proposed Elevation Plan is a clear drawing that shows the height and location of the proposed signage, other structures on the site and how it will fit into the streetscape. It is drawn as if looking from the front or side to show the height.

Please submit a Proposed Elevation Plan with your application.
A Written Submission helps Council get a good understanding of your proposal and is an opportunity for you to explain the merits of your application. Please provide a Written Submission explaining your proposal in detail and why you believe your proposal is appropriate for the area.

Provide as much information as possible, however as a minimum the submission should address the relevant Zone and Policy included in the Kingston Planning Scheme:

- Clause 21.06 – Retail and Commercial Land Use
- Clause 21.07 – Industrial Land Use
- Clause 52.05 – Advertising Signage (if relevant)
- Clause 52.06 – Car parking (if relevant)
- Clause 52.07 – Loading and Unloading of Vehicles (if relevant)
- Clause 52.27 – Licensed Premises (if relevant)
- Clause 52.34 – Bicycle Facilities (if relevant)

Council will assess an application against the Zone and Local Policies. Each Policy contains objectives and strategies against which you should explain how your application complies. Your written submission should also provide justification if the objectives and strategies are not met.

The Proposed Elevation Plan must be drawn to a scale of 1:100 and show:

- The length, width and height of the retained and proposed building/s
- The overall height of the building/s above the natural ground level
- The proposed streetscape elevation
- The land’s orientation to the north
- Colours and materials
Colours, materials, finishes and other specifications

Please provide details of the colours, materials, finishes and other specifications of the proposed development, buildings or works.

This information can be included on the Proposed Elevation Plan in the form of notations or can simply be written on a separate sheet. You are encouraged to include samples and product brochures if appropriate.

Digital Photographs

Photographs help Council get a better understanding of your land/building and the surrounding area.

Please provide at least one photograph that shows where you would like to carry out your development or works.

It is also helpful to provide some context to the application by including photographs of the area surrounding the proposed location of the development and/or works.

To help us process your application efficiently please provide a copy of all plans and reports in electronic format, via CD, USB drive or by email to planningapplications@kingston.vic.gov.au (please include the address in the subject line).
Other permits/regulations you may need to consider

If you obtain a permit from Council to develop or undertake minor building and works, before you commence, you may also need to consider:

- **Building permit** – depending on the size and location of your proposal you may need a building permit. A building permit gives permission for how the construction is undertaken. More details can be found in the ‘Building’ section of our website.

- **Hoardng Permit** – required if you need to block the road or footpath in order to undertake your works. More information can be found in the ‘Roads and Traffic Management’ section of our website.

- **Footpath Activities Permit** – required if you wish to conduct activity/business on the footpath (for example outdoor seating). More information can be found in the ‘Local Laws’ section of our website.

- **Asset Protection Permit** - required for building or works conducted near any public assets such as drainage, footpaths, roads etc to ensure they do not get damaged in the process. More details can be found in the ‘Roads and Traffic Management’ section of our website.

- **Vehicle Crossing Permit** – required when constructing a new, or amending existing, vehicle crossing (driveways that cross the footpath). More details can be found in the ‘Roads and Traffic Management’ section of our website.

Further Information

A range of information is available on our website and a suite of other guides and checklists that may be useful. For further assistance, please contact our Planning Team:

**Online:** kingston.vic.gov.au/planning

**In person:** Planning Enquiry Counter
Level 1, 1230 Nepean Hwy
Cheltenham
Operating hours:
8:30am–5:00pm (Mon–Fri)

**Telephone:** (03) 9581 4131

**Email:** info@kingston.vic.gov.au

**Translation service:** 131 450
Developing, building or works in Commercial and Industrial Zones

How to Apply

To apply via hard copy to Council simply follow these five steps:

1. Discuss your proposal with Council. Get initial feedback on your proposal, ensure you are aware of all planning requirements and include all necessary information in your application through a pre-application meeting.

2. Prepare your application. Follow this guide to make sure you include all the information required, such as plans and a written submission, including electronic versions so that your application can be processed efficiently. Refer to the checklist provided.

3. Complete an ‘Application for Planning Permit’ Form. These are available at our Planning Enquiry Counter or on Council’s website kingston.vic.gov.au/planning.

4. Determine the fee that applies. Fees vary depending on the type of application and need to be paid when your completed application is lodged. Refer to the fee schedule available at the Planning Enquiry Counter, on our website kingston.vic.gov.au/planning, or by contacting us on (03) 9581 4131.

5. Lodge your completed application. Submit your completed application, including the ‘Application for a Planning Permit’ form and the checklist included in this guide, and pay the required fee. You can do so via:

   **Mail:** City Development, City of Kingston
   PO Box 1000
   Mentone VIC 3194

   **In Person:** Planning Enquiry Counter
   Level 1, 1230 Nepean Hwy,
   Cheltenham VIC 3192

**Checklist**

One of the best ways you can help speed up the planning permit process is to make sure that your application includes all the information required. This checklist outlines everything you need to include with your application. Please complete it and submit with your application.

- [ ] Completed Application Form
- [ ] Fee (credit card, cheque or money order)
- [ ] Certificate of Title (issued within the last 3 months)
- [ ] Existing Site Plan
- [ ] Existing Elevation Plan
- [ ] Proposed Site and Floor Plan
- [ ] Proposed Elevation Plan
- [ ] Written Submission against relevant Local Policies
- [ ] Colours, materials, finishes and other specifications
- [ ] Photographs (at least 1 digital copy)
- [ ] An electronic version of all plans and documents
- [ ] One full set of plans printed in A1