There are rules and regulations that set out how land and buildings can be used. The purpose of the regulations are to ensure that development and activities carried out are appropriate for the area, for example to prevent a house in a quiet neighbourhood being turned into a car smash repair business.

The Kingston Planning Scheme sets out these rules by applying ‘zones’ to all land in Kingston. Zones determine what uses are allowed, what uses are prohibited and what uses require approval through the planning permit process. In some circumstances ‘overlays’ are also applied to land that outline a special set of rules based on the unique features of that land (for example, it may be susceptible to flooding).

Confusion can arise when people buy or lease a commercial premises but want to start a different type of business and find that the new use requires a planning permit. This guide provides information about how to prepare and submit a planning permit application to change the use of your land.

To ensure that your application can be processed quickly and efficiently, it is important that all the relevant information is included. If you also require planning permission for other related activities, such as renovations, advertising signage or a change to the amount of car parking provided, then it is best you include it all in the one application. These require additional information to be submitted so please refer to the other relevant guidelines and checklists or speak to us for assistance.

Find out what information you need to provide when applying for a planning permit to change how you use your land and/or buildings on that land.
What does your application need to include?

- **Certificate of Title – 1 copy**

  A Certificate of Title is the formal legal record of a piece of land. It contains basic information such as current ownership and a ‘plan of subdivision’, a plan of the property that 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.

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

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

  **Landata:** [landata.vic.gov.au](http://landata.vic.gov.au)
  **Council:** 
  **Electronic -** Complete the request form available on our website [kingston.vic.gov.au/planning](http://kingston.vic.gov.au/planning) and email to [planningapplications@kingston.vic.gov.au](mailto:planningapplications@kingston.vic.gov.au);

  **In Person -** Planning Enquiry Counter
  Level 1, 1230 Nepean Hwy
  Cheltenham
  Operating hours: 8:30am–5:30pm (Mon–Fri)
  Telephone: (03) 9581 4131
If you require assistance drawing these plans, you can hire a draftsperson. You can easily find one by searching online or in your local directory.

The Site Analysis Plan must be drawn to a scale of 1:200 and show:

- The boundaries and dimensions of the site
- The location, use and layout of the existing building(s) on the site, including the location of all external windows, doors, outdoor areas and driveways
- The location and layout of the existing building(s) on adjoining properties, including the location of all external windows, doors, outdoor areas and driveways
- The distance of the site to residential properties and details of doors, windows and outdoor areas
- The existing use(s) of all areas of the site
- Any existing car parking
- Adjoining roads
- The land’s orientation to the north
A Proposed Floor Plan is a clear drawing that shows the location of the building and other structures on the site. It is drawn as if looking down from above the site.

Please submit three (3) copies of the Proposed Floor Plan with your application. For buildings with multiple storeys, separate floor plans are required for each level.

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

- The boundaries and dimensions of the site
- The proposed use(s) of all areas of the site
- The location and layout of the proposed building(s) on the site (the same as existing if there is no development or changes proposed)
- The location of all car parking, driveways and loading bays (if any), including dimensions
- Adjoining roads
- A site summary, including details such as the site area, floor area of buildings, and size of outdoor areas
- The land’s orientation to the north
Written Submission - 1 copy

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 plans 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 list of items below:

▶ Details of how you would like to use the land and the types of activities which will be carried out
▶ Proposed hours of operation
▶ Maximum number of staff at any one time
▶ Maximum number of patrons/customers at any one time
▶ The number of car parking spaces allocated to the proposed use (if any)
▶ The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill, solar access and glare
▶ How land not required for the use will be maintained
▶ The type and quantity of materials and goods to be stored, processed, produced or delivered
▶ Any other requirements of the zone, overlay or particular provisions within the Kingston Planning Scheme

In the case of an industrial or warehouse use:

▶ Details about how the proposal complies with the threshold distances identified in Clause 52.10 (Uses with Adverse Amenity Potential) of the Kingston Planning Scheme

planningschemes.dpcd.vic.gov.au/schemes/kingston

To help us process your application efficiently please provide a copy of all plans and reports in electronic format, via CD, USB or by email to planningapplications@kingston.vic.gov.au (please include the address in the subject line).
There are a range of other permits that may be required depending on how you intend to use your land. It’s a good idea to speak to us about these early to make sure you have all the permits you need before you start making any changes to your land or buildings.

- **Building Permit** – required if you want to do any structural re-modelling to buildings, or the ‘class’ or category of the building’s use/occupancy changes (for example removing an internal load-bearing wall or adding additional rooms or floor space). More details can be found in the ‘Building’ section of our website kingston.vic.gov.au/building

Businesses may also need:

- **Food safety regulations** – depending on the type of business you are running and if you are serving food. More details can be found in the ‘Environmental Health’ section of our website kingston.vic.gov.au/permits-and-waste/environmental-health

- **Footpath Activities Permit** – if you wish to place anything on the footpath such as tables and chairs, umbrellas or signs (the planning permit covers only the use of the footpath but not the placement of any furniture). More details can be found in the ‘Local Laws’ section of our website kingston.vic.gov.au/permits-and-waste/local-laws

- **Health Permit** – depending on the type of use (for example a hairdressing salon or hotel). More details can be found in the ‘Environmental Health’ section of our website kingston.vic.gov.au/permits-and-waste/environmental-health
A range of information is available on our website as well as suite of other guides and checklists that may be useful. For further assistance, please contact our Planning Team:

- **In person:** Planning Enquiry Counter
  Level 1, 1230 Nepean Hwy, Cheltenham
  Operating hours:
  8:30am–5:30pm (Mon–Fri)
- **Telephone:** (03) 9581 4131
- **Email:** info@kingston.vic.gov.au
- **Translation service:** TIS National
Planning guide and checklist for changing the use of your land or premises

To apply simply follow these five steps:

1. **Discuss your plans 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 to help speed up the process. 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 (1 copy, issued within the last 3 months)
- [ ] Site Analysis Plan (3 copies)
- [ ] Proposed Floor Plan (3 copies)
- [ ] Written Submission (1 copy)
- [ ] An electronic version of all plans and documents

Further detail of all items of the checklist can be found in the previous pages of this guide.