

Changing an existing planning permit

Planning guide and checklist



Find out how to make changes to an existing planning permit and what you need to provide.

Council's Planning Team often receive enquiries about whether people can make changes to their planning permit and/or approved plans. If you have an existing planning permit, you are legally obligated to comply with all the conditions. However, if you would like to make some changes, you can apply for an amendment to your planning permit.

Planning permits consist of two documents: the permit and the approved plan(s). You can propose changes to the permit or the plan(s) or both. For example, you may run a restaurant and wish to change the hours of operation (change to permit), or you may be making an extension to your house and decide to change the design (change to plans). Either way, both cases are referred to as an amendment to the planning permit.

There are two types of amendments that can be made:

1. Section 72 Amendment

A Section 72 Amendment is a formal amendment to the planning permit that follows the same steps as the original application process, including notifying neighbours. You must follow the Section 72 Amendment process if you need to make any change to a permit, for example change what the permit allows, apply for a new planning permission or change a condition. You can seek changes to the associated approved plans through this process also.

2. Secondary Consent

A Secondary Consent application allows changes to the plan(s) only. It is a convenient way to seek approval for modifications to approved plans as it does not need to go through the full planning permit process. However, if your proposed changes are deemed to have potential amenity impacts, introduce new considerations (such as a reduction in car parking) or impact any of the conditions of the existing permit, you will be required to undertake a Section 72 Amendment.

This guide provides information about making an amendment, what is involved and explains some of the key terms and concepts.



The majority of amendments require a Section 72 Amendment process. If you intend to lodge a Secondary Consent application its best to first discuss your proposal with us to confirm this is the appropriate process.

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.

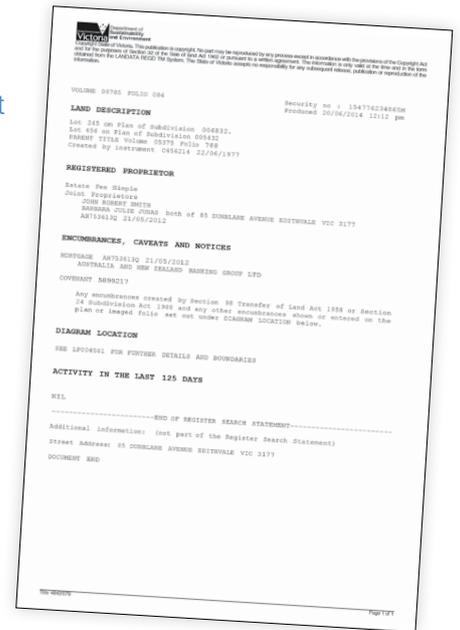
A Section 173 Agreement is a legal contract between a land owner and the council which may restrict the way land may be used or developed.

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

Landata: landata.vic.gov.au

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–5:30pm (Mon–Fri)
Telephone: (03) 9581 4131



✓ 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.

At a minimum the submission should list all of the changes and how these changes remain appropriate and in accordance with the relevant rules and regulations in the Kingston Planning Scheme.

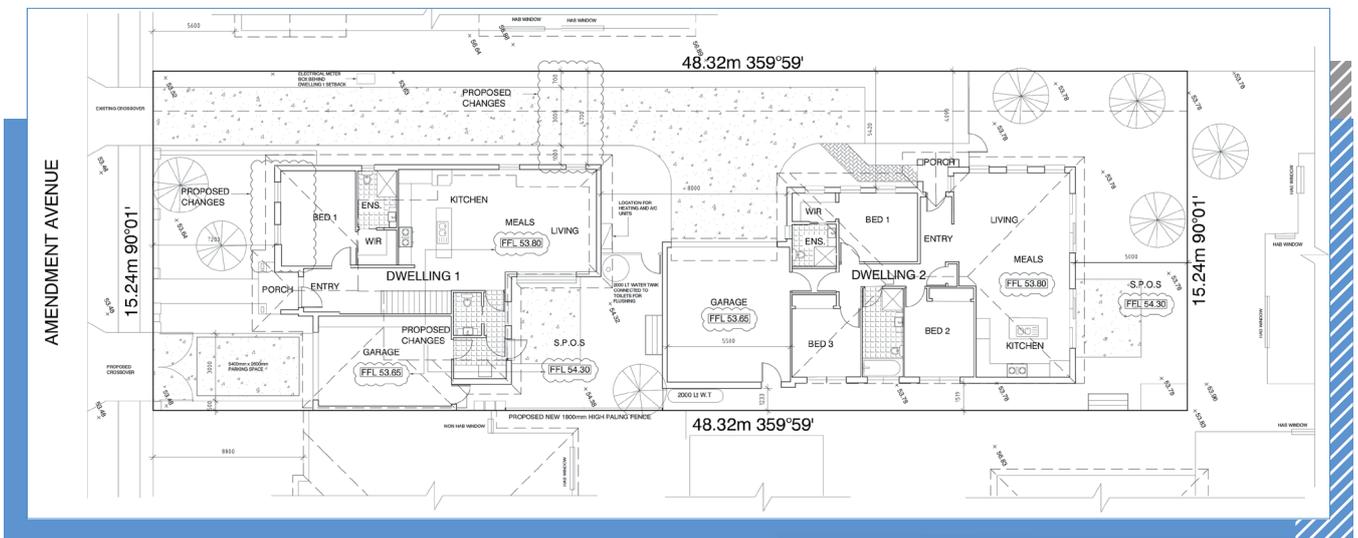
✓ Revised Plans – 3 copies

Any approved plans that are affected by the changes you would like to make need to be revised and included with your application.

Please provide three (3) copies of the Revised Plans in the same layout as those that have already been approved with the proposed amendments clearly marked.

It is important that the type of plan (site plan, floor plan, elevations, landscape plan) and level of detail match the previously approved plans. Changes should also be easily identifiable, either highlighted or circled (refer to the example shown).

Only plans affected by the requested changes need to be revised and provided, however please check all plans carefully as often there are some small details noted on associated plans (for example, the landscape plan) which will need to be updated.



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).

Further information

A range of information is available on our website as well as 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

☎ Telephone: (03) 9581 4131

✉ Email: info@kingston.vic.gov.au

👤 In person: Planning Enquiry Counter
Level 1, 1230 Nepean Hwy
Cheltenham

📄 Translation service:  131 450
TIS National

Operating hours:
8:30am–5:30pm (Mon–Fri)

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 'Amend a Planning Permit' or 'Application to Amend Plans and Documents Only via Secondary Consent' 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 'Amend 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

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If you are new to the planning process, or have a complex application, you may wish to have more than one pre-application meeting.

The fee can be paid by credit card, cheque or money order (payable to 'City of Kingston').

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 'Amend a Planning Permit' form (either Section 72 Amendment or Secondary Consent Amendment)
- Fee (credit card, cheque or money order)
- Certificate of Title (1 copy, issued within the last 3 months)
- Revised Plans if applicable (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.

Council use only

Officer:

Received: Signed: