New residential planning rules and other changes to planning policy are being introduced in Kingston.

Make a submission directly to the Advisory Committee by 17 April 2014
Details: kingston.vic.gov.au/newresidentialzones or 9581 4713

have your say!
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The two planning changes at a glance

A special process has been developed by the Victorian Planning Minister to bring in the new residential planning zones. This booklet is designed to make it easier to understand and have your say.

A snapshot of the proposed changes

1. **New residential zones**
   The rules that govern housing development have been changed by the State Government. Council has been working with the community to put together this proposal on where the new rules should apply.

2. **Policy changes**
   Other changes will be made to allow Council to implement the new residential zones. These planning policy changes will help to highlight the levels of housing growth proposed, discourage vacant land subdivision and define areas where two storey developments in backyards are discouraged.

This document is only a guide to the planning changes. To read Council’s full proposed Changes, please see the back page for more details.
Change 1 - New housing rules in Kingston

These rules may influence the type of new development that is allowed to occur in your street or neighbourhood. They identify what you can do with your house or land, and cover things such as building height and design. As part of the changes to the planning system, three new residential zones have been developed to identify where housing growth is limited, incremental and encouraged.

All Victorian Councils are at different stages of applying the new residential zones. Kingston Council began this process in June 2013 by asking the community for feedback on how they thought the current rules were working, which zone they felt would be best applied to their area and where they thought housing growth would be appropriate.

Some of the comments provided by the community were:
- Residents value the neighbourhood character in Kingston
- A two storey building height limit is wanted in many established residential areas
- Sustainable housing design should be encouraged
- Increased traffic from development needs to be managed
- Public transport needs to keep up with population growth
- Housing growth should be explored on key strategic sites

Inside this booklet you will see where the zones are proposed in Kingston and read about other important planning changes.
The changes for Kingston involve replacing the current zones with three new residential zones:

**NEIGHBOURHOOD RESIDENTIAL ZONE**
Restricts housing growth and protects neighbourhood character

**GENERAL RESIDENTIAL ZONE**
Preserves neighbourhood character while allowing modest housing growth and diversity

**RESIDENTIAL GROWTH ZONE**
Encourages more diverse housing and land use

The changes may affect the way you can develop your property, so it is important that you review this information carefully and contact us if you have any questions.

The community is invited to make submissions on proposed Amendment C140 directly to Planning Panels Victoria by 17 April 2014 (see page 11 for how to submit).

**About the planning changes**

The residential planning rules were changed by the State Government as a response to the needs of our growing communities and to provide greater clarity about the type of development that people can expect in their area.

Kingston’s population is forecast to grow from 142,426 at the last Census in 2011 to 167,043 in 2031. Our population is presently estimated to be 149,976.

We need to carefully plan for growth to be in locations that have good access to services and transport, while limiting growth in areas with less access to services.

Our municipality has seen growth in recent years. Between the last two Census periods an extra 7,802 people moved to Kingston. Many of these new residents moved to suburbs such as Waterways, Clayton South, Bonbeach, Cheltenham, Mordialloc-Braeside and Parkdale.

Currently, Kingston’s residential areas are largely in the current Residential 3 Zone which limits building height to 9 metres. Council is proposing to put most of the municipality in the new Neighbourhood Residential Zone, with a height limit of 8.6 metres. However, this proposed change will allow for more growth to occur in a managed way in other areas.

Making these changes is a formal process called a Planning Scheme Amendment.

**Understanding the planning system**

The new residential planning zones make up part of a greater set of rules that guide development in the municipality – the Kingston Planning Scheme. A planning scheme sets out the planning rules for the use, development and protection of land within a municipality.

It incorporates state and local policies, zones, overlays and provisions about specific land uses that inform planning decisions.

Every municipality has its own planning scheme. The current Kingston Planning Scheme is available in full at http://planningschemes.dpcd.vic.gov.au. Council’s proposal (proposed amendment C140) seeks to make changes to the Kingston Planning Scheme, which requires the approval of the Planning Minister.

**What is a zone?**

Zones reflect the intended primary use of land, for example residential, industrial, commercial, green wedge and public use. Each zone has a purpose and a set of requirements outlining what the land in the zone may be used for and how development within the zone is regulated.

The three new residential zones that are being implemented across Victoria allow for more local tailoring and remove shades of grey to better inform landowners about what they may do on their property.
The new residential zones

Neighbourhood Residential Zone

The Neighbourhood Residential Zone protects areas against overdevelopment and restricts growth in housing. This zone is intended to have the smallest level of growth of the three new zones.

The main type of housing likely in this zone is one or two dwellings on a lot (sometimes more if the development is on a larger site), and height is limited to two storeys. Land can also be used for purposes other than housing, if it serves local community needs, such as educational, recreational, religious and community facilities.

Development in this zone should respect neighbourhood character.

In Kingston, it is proposed that this zone is applied in areas that have traditionally provided for an incremental rate of housing change.

Key features include:

- There is an 8.6 metre (2 storey) height limit for houses, or 9.6 metres (2 storeys) if on a sloping site
- Houses should have a reasonable sized garden
- The house and any other buildings (e.g. garage or shed) should not cover more than 50% of the site
- At least 40% of the property should have surfaces that can absorb water, such as garden beds, lawn and other unsealed surfaces. This reduces the volume of stormwater run-off and the pressure on local drains

Number of houses on a property

The number of houses that can be built on a property depends on the size of the land. Generally, on an average-sized lot in Kingston, a planning permit may be sought for two houses. There are ten schedules in the Neighbourhood Residential Zone, each allowing (with a planning permit) a different number of houses on a property. Land is scheduled according to its size.

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Land size</th>
<th>Number of houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Under 500m² and recently developed areas</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>500m² to 899m²</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>900m² to 1199m²</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>1200m² to 1499m²</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>1500m² to 1799m²</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>1800m² to 2099m²</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>2100m² to 2399m²</td>
<td>7</td>
</tr>
<tr>
<td>8</td>
<td>2400m² to 2699m²</td>
<td>8</td>
</tr>
<tr>
<td>9</td>
<td>2700m² to 2999m²</td>
<td>9</td>
</tr>
<tr>
<td>10</td>
<td>3000m² or above</td>
<td>10</td>
</tr>
</tbody>
</table>
General Residential Zone

The General Residential Zone allows for modest housing growth and a diverse range of housing types such as town houses, units and single dwellings, as well as apartments in some areas.

Development in this zone should respect the neighbourhood character and have good access to services and transport.

Land can also be used for purposes other than housing, if it serves local community needs, such as educational, recreational, religious and community facilities.

In Kingston, it is proposed that this zone is applied in areas where a greater diversity of housing change has occurred. Unlike the Neighbourhood Residential Zone, the number of houses that can be built on a property cannot be specified by Council through this zone.

Key features include:

- At least 30% of the property should have surfaces that can absorb water, such as garden beds, lawn and other unsealed surfaces. This reduces the volume of stormwater run-off and the pressure on local drains.

Building height limit

The maximum building height allowed in the General Residential Zone varies from two to three storeys, depending on the area that the land is scheduled in. In some instances building height may be covered by different rules, for instance there is a Design and Development Overlay that limits housing near the foreshore to two storeys. Areas that have a three storey height limit are generally along main roads with good access to transport.

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Maximum building height*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Height governed by different rules, such as a Design and Development Overlay, that do not form part of this Amendment process</td>
</tr>
<tr>
<td>2</td>
<td>8.6 metres (2 storeys)</td>
</tr>
<tr>
<td>3</td>
<td>11.2 metres (3 storeys)</td>
</tr>
<tr>
<td>4</td>
<td>11.2 metres (3 storeys)</td>
</tr>
</tbody>
</table>

*The maximum building height is extended by 1 metre if the site is on a significant slope.
Residential Growth Zone

The Residential Growth Zone is where the greatest development will occur of the three new zones. Land in this zone is where diverse housing such as townhouses, flats and apartments is encouraged.

A building height limit has not been specified in this zone because it is covered by different rules, such as a Design and Development Overlay, however the scale of development that may occur is intended to provide a transition between areas of more intensive use and places where housing growth is restricted.

Land can also be used for purposes other than housing, if it serves local community needs, such as educational, recreational, religious and community facilities.

In Kingston, it is proposed that this zone is applied where previous planning work has identified an area which is suitable for a significant amount of new housing.

Look up your proposed zone

We encourage you to visit www.kingston.vic.gov.au/newresidentialzones to see which zone has been proposed for your property.

You can also download high resolution maps of the full municipality.

If you do not have internet access, we encourage you to visit your local library where you can access the internet for free. Alternatively you can call Council on 9581 4713 for more details.
**Change 2 - Policy changes**

**What is the Local Planning Policy Framework?**

To plan for local communities, each municipality has a planning scheme, which incorporates State and Local Planning Policy rules. Council can tailor sections in the Local Planning Policy Framework to reflect its local needs. The Municipal Strategic Statement and local planning policies are in this section of the planning scheme, and this is where Council is proposing to make some changes.

The Municipal Strategic Statement is an important document that sets out the future vision for Kingston and covers strategic planning, land use and development objectives. Local planning policies are tools that help guide Council’s decision making in implementing the aims of the Municipal Strategic Statement.

**Proposed changes to the Local Planning Policy Framework**

**Differentiate areas for housing**

The existing policy about residential development needs to be updated to align with the new residential planning zones and the way Kingston has suggested applying them.

Council is proposing to introduce six categories that identify the rate and type of housing change across the city. Those categories are Activity Centres, Mixed Use Areas, Residential Growth Areas, Increased Diversity Areas, Incremental Change Areas and Minimal Change Areas.

**Discourage vacant land subdivision**

To help residents and Council have a clearer idea of the outcome of proposed development, Council wants to discourage vacant or partly vacant land subdivision and reinforce that a fully developed proposal showing the type and layout of development should be approved prior to any proposal for subdivision of land. This will ensure transparency and system efficiencies, as well as assist neighbouring residents to clearly understand what is proposed for land next to their homes.

**Discourage two story developments in backyards**

Two storey developments at the rear of properties can impact on the quiet enjoyment of neighbouring residences by blocking sunlight, creating visual bulk, or overlooking gardens of neighbours. To address these issues, Council is proposing to strengthen its discouragement of two storey developments in backyards in many of its established residential areas.
New residential zones - Proposed locations

Legend
- Neighbourhood Residential Zone Minimal Change Area
- Neighbourhood Residential Zone Incremental Change Area
- General Residential Zone
- General Residential Zone Increased Diversity, Moderate Growth Area
- General Residential Zone Increased Diversity Area
- General Residential Zone Increased Diversity, Transit Corridor / Urban Renewal Area
- Residential Growth Zone Residential Growth Area
- Mixed Use Zone
- Sensitive residential interface
- Moorabbin Airport environs

Activity Centres
- Neighbourhood Activity Centre
- Major Activity Centre
- Principal Activity Centre

Look up your property at kingston.vic.gov.au/newresidentialzones
A NEW IMPLEMENTATION PROCESS

A special process has been developed by the Planning Minister to bring in the new residential planning zones. The usual process for planning scheme amendments involves the community making submissions to Council. However, in December 2014 the Minister formed a special Residential Zones Standing Advisory Committee to receive and consider submissions. The Committee will then provide a report with recommendations to the Planning Minister, who will make a final decision on implementing the new residential zones in Kingston.

Information about the Advisory Committee including its Terms of Reference is available at www.dtpli.vic.gov.au/residential-zones-advisory-committee
Frequently asked questions

What new zone is my property in?
You can search online for your proposed new zone at www.kingston.vic.gov.au/newresidentialzones. A Kingston-wide map of the proposed new zones is also on page 10.

What are the main differences between the old and new residential zones?
Two significant changes to the new residential zones are the ability to specify mandatory height limits and, in the Neighbourhood Residential Zone, being able to nominate how many houses are allowed on one property.

Can the structure of the three new zones be changed?
No, the zones themselves cannot be changed by Council. The three new residential zones were developed by the State Government to be the same in every municipality across Victoria. What local councils are able to change are the schedules to the zones and where each zone is applied. However, any changes that local councils make need approval from the State Planning Minister.

Once the zones are introduced can they be changed?
Yes, Council can conduct future Planning Scheme Amendments to make further changes to how the zones are applied in Kingston.

Basic differences between the old and new zones in Kingston

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Existing Residential 1</th>
<th>Existing Residential 3</th>
<th>New Neighbourhood Residential</th>
<th>New General Residential</th>
<th>New Residential Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Encourage housing growth and a wider range of housing types</td>
<td>Incremental development at a range of densities with a variety of dwellings</td>
<td>Preserves character and restricts housing growth</td>
<td>Modest growth</td>
<td>Encourage change</td>
</tr>
<tr>
<td>Height limit</td>
<td>No height limit specified</td>
<td>9m* (mandatory)</td>
<td>8.6m*or 2 storeys (mandatory)</td>
<td>Varying 2-3 storey height limit</td>
<td>Building height covered by a different set of rules</td>
</tr>
<tr>
<td>Type of housing</td>
<td>New well-designed medium density housing with access to public transport and shops</td>
<td>Mostly one or two houses on an average sized property</td>
<td>One or two houses on an average sized property and limited housing on larger lots</td>
<td>A mixture of houses, villa units, townhouses and some apartments</td>
<td>A mixture of townhouses and apartments</td>
</tr>
</tbody>
</table>

* Depends on the slope of the site
When will these changes come into effect?

We are unable to provide a specific date, however the Planning Minister has indicated that by participating in the method outlined on page 11, a process will be in place for the zones to be applied by 30 June, 2014.

Will the residential zone changes result in more houses and more traffic congestion?

One of the aims of the new residential zones is to look at where growth can be best accommodated. In addition, the new residential zones do not change the planning permit process. Permit applications will still have to be assessed for the likely community impact.

How strong are the new rules? Can planning applications still be taken to VCAT?

The new zones have less discretionary controls, or shades of grey, which may potentially result in less planning permit applications being taken to VCAT. However, it does not change the rights of a permit applicant or resident to appeal a decision.

Will ResCode still apply?

Yes, all new developments still need to comply with ResCode. The residential design code, ResCode, applies to buildings up to four storeys in height in residentially zoned areas.

What happens if my planning application isn’t approved before the new rules come into effect?

If your planning application hasn’t been approved before the new residential zones come into effect it should not be affected by the new residential zones. New controls have been developed for all three new residential zones that will allow all planning applications lodged before the new residential zones come into effect, to continue to be considered under the old residential zones controls.

What is the difference between minimal and incremental change areas?

If you are proposed to be in the Neighbourhood Residential Zone, the size of your land will determine whether you are in a minimal or incremental change area. The basic difference between those areas is how many houses you are allowed to build on your land.

Residential lots smaller than 500m² are in the Minimal Change Area (which is the Neighbourhood Residential Zone Schedule 1) and only one house can be built on them. Land larger than 500m² is in the Incremental Change Area (which covers schedules 2-10 in the Neighbourhood Residential Zone) and the number of houses that can be built varies depending on lot size. Please see page 6 for more information.

Is there still a two storey height limit along the beach?

Yes, the two storey limit for new developments near the foreshore will stay in place because it is covered by different rules known as a Design and Development Overlay. It is not controlled by property zoning and there is no change to this Overlay as part of proposed Amendment C140.

What will happen to heritage buildings?

There is no change to the Heritage Overlay. It is not controlled by property zoning and is not a part of proposed Amendment C140.
How to make a submission

Important submission requirements
1. Provide it in writing – online or a letter
2. Personal details – Include your name, address, phone number and the property or area your submission relates to
3. Reference number – Proposed Kingston Amendment C140
4. Your comments – State why you support, oppose or seek changes to Council’s proposal.

How to lodge
Council cannot accept submissions for this proposal. Submissions can be lodged online at www.dtpli.vic.gov.au/residential-zones-advisory-committee. When the submission is lodged, you will also need to fill out an online Submission Coversheet.

Please note, if you wish to post a written submission, you need to contact Jessica Cutting at Planning Panels Victoria on 8392 6383 or jessica.cutting@dtpli.vic.gov.au to request a hard copy of the Submission Coversheet.

What happens if I make a submission?
After you send your submission, the Residential Zones Standing Advisory Committee will consider your feedback. Once submissions close, the Committee will hold a Public Hearing starting on 17 April 2014.

Anyone can attend this Hearing. At this stage Council understands that people who have made submissions may be able to present their views directly to the Committee at the Hearing. If you wish to present at the Hearing, please be sure to complete the relevant section of the Submission Coversheet.

Please note that petitions and pro-forma letters will be treated by the Committee as a single submission and only the first name to appear will receive correspondence in relation to Residential Zones Standing Advisory Committee matters.

It is also important to note that submissions are public documents, which means they are available for public inspection.

The changes come into effect when notice is given in the Victorian Government Gazette (gazette.vic.gov.au).

If you have any questions regarding the Advisory Committee, how to make a submission or the public hearing, please contact Jessica Cutting, Senior Project Manager at Planning Panels Victoria on 8392 6383 or jessica.cutting@dtpli.vic.gov.au.

For questions about changes to the residential zones or how they work, please contact Council’s Strategic Planning Team on 9581 4713.

Submissions must be received by 5pm on 17 April 2014. Anyone can make a submission.
Find out more
We want to help you understand what these changes mean for you and the municipality, so if you have any questions please call the Strategic Planning team on 9581 4713 or visit kingston.vic.gov.au/newresidentialzones

Read the full proposed Amendment C140
Printed copies of the full proposal are available to read at Council’s Customer Service Centres, libraries, and the planning counter at the Cheltenham Municipal Office, Level 1, 1230 Nepean Highway, Cheltenham. You can also download the full proposal online at kingston.vic.gov.au/newresidentialzones

Visit Council offices
Council Officers are available by appointment from 9am – 5pm from now until the submissions close on Thursday 17 April 2014. To book an appointment please call 9581 4713. Council’s City Strategy team is located at Level 1, 1230 Nepean Highway, Cheltenham.

Evening information session
If you would like to speak with Council Officers in person and are unable to visit the Cheltenham Municipal Office during business hours, please call us on 9581 4713 to make an appointment with a Council Officer between 4pm – 8pm on Tuesday 8 April 2014. This evening is strictly by appointment only and bookings for this session will close on Friday 4 April 2014.
1230 Nepean Highway, Cheltenham VIC 3192
PO Box 1000, Mentone VIC 3194

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9581 4500

kingston.vic.gov.au
cityofkingston