



City of
KINGSTON

30 October 2015

The Hon Richard Wynne
Minister for Planning
GPO Box 2392
MELBOURNE VIC 3001

Dear Minister

Re: Review of the Residential Zones

I write in response to the recent announcement regarding the review of the residential zones, and thank you for the opportunity to put forward the City of Kingston's view on the new residential zones and their effectiveness at a local level. This submission has been discussed with our Councillors who were keen to review the comments provided, mindful of the early stage of the review.

As recently advised our Council intends in parallel to this review to continue to work with your Government to 'fine tune' the application of the residential zones as they are presently applied in Kingston.

This preliminary submission reinforces the following:

1. Changes need to be made to the header provisions Neighbourhood Residential Zone to ensure that it can have practical application across a broader range of circumstances. These include enhancements to the way in which the zones purpose is interpreted, a lot size based density standard (eg 1:300m2) which our research shows will maintain housing supply and the application of a mandatory height setting that also takes account of the Special Building Overlay or Land Subject to Inundation Overlay.
2. The need to provide for changes to the Residential Growth Zone to allow the 'turning off' of non-residential uses (eg Shop / Office) mindful of the role the Mixed Use Zone also plays.
3. The critical importance of the Terms of Reference for the review being broadened to ensure consideration is given to all zones which accommodate housing and not just the Neighbourhood Residential, General Residential and Residential Growth Zone.

This is fundamentally important to ensuring that Councils who have and continue to invest heavily in structure and precinct planning (in partnership with agencies like the Metropolitan Planning Authority) to accommodate development which often exceeds 'Residential Growth Zone' scale. Our Council expects that this investment will lead to greater ability for our Council to give its community 'certainty' around the rate of development in suburban locations through the application of more tailored changes to the NRZ and potentially GRZ.

4. The value of the rigorous housing research and forecast work undertaken prior to advancing an amendment for the introduction of the residential zones.

Neighbourhood Residential Zone

After extensive consultation with its local community Council made clear to the RZSAC that using the NRZ with a lot size based density (1:300m2) would provide its community with a certainty of outcome but would importantly not inappropriately stifle development. We believe the header provision must be changed to accommodate this approach in order to provide clarity around intentions for areas in municipalities that will not be the substantial areas of future change.

Kingston commenced a deliberate strategy in 2012 (as a precursor to the application of the Residential Zones) to research infill development trends in its municipality in anticipation of the new zones becoming available. This involved researching and mapping the 1,667 small project developments (less than 10 dwellings) completed between 2000 and 2011 in its residentially zoned areas. This research showed:

1. Of the 1,105 developments (1,997 net new dwellings) in our previous Residential 3 Zone (now General Residential Zone Schedule 3) all but 6.7% or 132 net new dwellings in total, would not have been built over the 12 year period under proposed 1:300m² approach for the Neighbourhood Residential Zone (NRZ).
2. We explained that if Kingston had used the same approach as proposed at the time in some other municipalities with the NRZ, the following would occur (like for like historical development patterns):

Municipality	Proposed at the time NRZ Parameter	Net Loss of Dwellings
Kingston	1:300m ²	132 (6.7%)
Glen Eira and Frankston ¹	Maximum 2 Dwellings	901 (44.9%)
Bayside	1:400m ²	1,172 (58.4%)
Boroondara	1:500m ²	1,578 (78.7%)

¹ Assuming no further lot subdivision in NRZ areas

This is a very brief snapshot of the detailed research we undertook on the basis that the Council was seeking to provide certainty to its local community around the level of development that would occur in Neighbourhood Residential Zones without substantially limiting housing supply in NRZ areas beyond historical trends. Our approach also very importantly removes much of the 'red tape' that now exists for NRZ areas where large lot sizes prevail. For example, in Kingston there are several lots of 1200+ square metres. Under the NRZ provisions lots of this size would be required to subdivide into smaller lots prior to development if the intent was to achieve an outcome of more than 2 dwellings. Kingston's NRZ proposal that involves potential modifications to the header provisions allows development applications (not subdivision applications) to be submitted and approved prior to subdivision, providing the community with a much greater level of certainty over the three dimensional built form outcomes on such large sites something that is critical to the integrity of the planning process.

We also believe that the purpose of the Neighbourhood Residential Zone which includes '*recognise areas of predominantly single and double storey residential development*' has been given less credence than the objectives that mention neighbourhood character policy. We are particularly concerned that despite our effort to construct a form of Neighbourhood Residential Zone that provided certainty to the community and importantly allowed for much more efficient land development outcomes on larger sites this approach was not supported whilst heavily restrictive provisions were applied in similar circumstances beyond our municipal boundary where characteristics are often essentially the same. In a municipality where there's a significant variety of housing typologies and styles it is necessary that the outcomes achieved through a neighbourhood character study are equally weighted with principles also established in the zones purpose. Whilst Council is considering undertaking potentially targeted further work on neighbourhood character, such studies alone, will only achieve some of the outcomes nor have they been the basis for widespread application of the Neighbourhood Residential Zone in other locations.

Our Council, with a significant number of properties in the Special Building Overlay or Land Subject to Inundation Overlay, also proposed to apply an 8.6metre height limit in our proposed NRZ to take account of increased floor levels and the ability to build a standard 2 storey house. We would welcome the header provisions of all the zones being modified to take account of this circumstance given the prevalence of these overlays in Kingston. This too will bring consistency and remove the potential for Planning Scheme Amendments to construct a two storey houses in an area covered by such an overlay where floor levels need raising.

General Residential Zone

In tailoring the desired application of the General Residential Zone (GRZ), Kingston's desire has been to facilitate diversity of housing outcomes and certainty of development outcomes through tailored schedules to the zone. This proposal would allow for the scheduling to set mandatory height limits, whilst at the same time also incorporating a range of development typologies at scales that introduced a genuine diversity of medium density housing outcomes. The basis for Councils desire to set mandatory height limits is that in some situations

in Mordialloc (Barkly and Ormond Streets at 3 storeys) and in Station Street, Edithvale (4 storeys) proposals have been advanced that are at a scale (3 or 4 storeys) that is better provided in the many targeted locations identified in the Kingston Planning Scheme. The outcomes achieved are disproportionate in scale to the traditional built form in these areas. Council has developed a significant portfolio of projects that demonstrate that significant density and strong housing diversity can be achieved within the parameters Council had proposed for the application of the General Residential Zone Schedules.

Accordingly Kingston considers maximum building heights in the General Residential Zone areas an appropriate response towards contributing to the broad range of approaches Kingston has taken to achieving a range of varied outcomes for new housing across the City. As this submission reinforces, it is necessary to review the approach for the General Residential Zone in the context of all zones in the City that are making a contribution to housing diversity and supply.

Residential Growth Zone

Building on the previous comments regarding the General Residential Zone point in applying the Residential Growth Zone (RGZ), Councils submission to the RZSAC reinforced that care needs to be exercised where it is intended to apply a zone which effectively seeks to transition areas with single and double storey development to development of up to 13.5 metres (4 storeys). Council spent significant time illustrating how this transition needed to be carefully managed based on illustrating a development at 1161 Nepean Highway, Highett which was 3 storeys. We maintain the view that introducing 4 storey form into suburban residential streets is not an appropriate planning response and targeting development of this scale onto strategic sites and into activity centres areas is more appropriate. Please refer to comments made above, regarding the General Residential Zone approach Council has proposed.

Council also reinforced to the RZSAC how in a range of instances it had sought to apply the General Residential Zone as a preference to the Residential Growth Zone as a means of ensuring uses which include shop, supermarket or office would not occur. Planning Scheme Amendment C126 which applied the GRZ with an enabling Design and Development Overlay that encouraged development of between 2 to 6 storeys is a practical illustration of an instance where the RGZ may have been preferable by purpose except for the potential for inappropriate 'non-residential uses'. The ability to schedule in or schedule out such non-residential activities would provide a greater incentive to use the Residential Growth Zone (in such instances) or perhaps the review should consider removing from the zone such activities mindful that if a genuine mix of uses is sought the Mixed Use zone may be a preferred zoning choice.

The Council believe it is critical not to examine how much land is in the Residential Growth Zone but the likely redevelopment capacity of the land to achieve the zones purpose. The Council illustrated to the RZSAC that its application of the RGZ into a single precinct that was arrived at following structure planning work would most likely yield substantially more housing than seeking to apply the zone in suburban locations where significant community concern would arise with development of 'up to and including four storeys' or land that is covered by heritage / character / design overlays. The Council also spent some time demonstrating to the RZSAC the manner in which community feedback differed substantially when significant development was planned on strategic sites / activity centres when compared with development in established suburban areas. It was able to strongly illustrate why a focus on strategic sites and activity centres was preferable in terms of the significant costs to the planning system and level of community concern.

Housing Forecast Work

Based on the Terms of Reference provided to the RZSAC, the Council was mindful it needed to demonstrate it can accommodate population growth. As such substantial time went into preparing detailed forecast information that we believe is particularly relevant to any review of the zones available within the VPP to accommodate housing. The Council updated its housing strategy which it presented to the RZSAC to take account of its forecasting.

In summary the Council:

1. Undertook historical research on our infill development to determine at suburb and zone level the likely extent of change over the coming 20 years.
2. Developed a forecast by examining:

- A range of Kingston developments at scales of 1-3 storeys, 4 storeys, 5-7 storeys, 8+ storeys to develop a dwelling per 100m² ratio for a range of likely development forms;
- Established turnover rates at a site/precinct level based on the probability of development proceeding over a 20 year time horizon; and
- Took account of our stated development parameters in all zones, overlays and structure plans.

This detailed work found:

1. An ability to provide 15,254 dwellings over the 20 year planning horizon. This did not take into consideration opportunities now presented like the Clayton Business Park in the National Employment Cluster where up to 7,000 dwellings are in the initial stages of planning on 31 hectares.
2. Approximately 64% of net new housing will likely be in apartment form, further diversifying Kingston's housing stock.
3. Critically when looking at land utilisation:
 - Approximately 28% (4,276 dwellings) of net new dwellings in Kingston will be of a single or two storey form. Based on historical trends this will occur over 88.7% of the zoned land (much of which is currently Residential 3).
 - Approximately 16.3% (2,472 dwellings) of net new dwellings of a predominantly 3 storey apartment form, will occur over 5% of the General Residential Zoned (GRZ) land based on its intended application of this zone.
 - Approximately 55.7% (8,506 dwellings) of net new dwellings of 2-11 storey apartments will occur on the balance of 6.3% of the land.

This analysis demonstrates just how important it is to form a full picture of future housing distribution. The review we believe must consider the application of all zones capable of accommodating housing in order to properly understand the 'housing settings' for Melbourne.

Understanding housing supply requires a detailed appreciation of the intended role of all zones from the NRZ to the Activity Centre and Comprehensive Development Zone. In the absence of this the broader review no appreciation is given to the quite significant work of Councils such as Kingston on enabling precinct and activity centre specific development that often provides for outcomes exceeding four storey's across a broad range of zones.

Mindful of the likely Terms of Reference given to this committee Council also wishes to flag the importance of the Plan Melbourne 'Refresh' very carefully considering a critical issue associated with the consolidation occurring within the middle ring municipalities of Melbourne. Council believe it is vital that the provision of car parking for new development is very carefully considered in order to ensure that sufficient capacity exists to cope with the changes being introduced through new development. In parallel with this it is critical to the effective movement of people through the City that significant investment (through municipalities such as Kingston) is made in public transport beyond the rail corridor to more efficiently move people through the increasingly congested road network.

I trust this letter has been useful in summarising the key areas the City of Kingston would like the Standing Advisory Committee to consider in reviewing the new residential zones.

Should you have any further queries or require more information, please contact Jonathan Guttmann, General Manager Planning and Development on ☎ 9581 4708.

Yours sincerely

John Nevins
CHIEF EXECUTIVE OFFICER