



FEBRUARY 2024

KINGSTON PLANNING SCHEME REVIEW





ACKNOWLEDGEMENT OF COUNTRY

The City of Kingston proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respect to their Elders, past and present and emerging.

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1 Executive Summary

1.1 About this Review

Section 12B of the *Planning and Environment Act 1987* ('P&E Act') requires all Councils to regularly review their planning scheme. A review must be completed no later than one year after the Council Plan is approved or as is determined by the Minister for Planning. The review process ensures that planning schemes in Victoria are regularly audited to ensure their ongoing effectiveness in achieving the policy objectives of state and local governments.

This Review:

- Identifies major planning issues facing the municipality.
- Documents strategic work that has been completed or carried out since the previous review in 2012.
- Demonstrates how the Kingston Planning Scheme currently implements planning policy and the strategic direction outlined in *Our Roadmap: Council Plan 2021-25* ('the Council Plan'), *Our Roadmap: Council Plan Year Three Annual Action Plan 2023-24* ('2023-24 Action Plan'), and [Plan Melbourne 2017–2050](#) ('Plan Melbourne').
- Assesses the strategic performance of the Planning Scheme in achieving preferred policy outcomes or responding to trends in land use planning in Kingston.

Using this information, the Review documents any additional work required to strengthen the strategic direction of the Kingston Planning Scheme, or any changes required to the scheme.

An accompanying implementation plan has been prepared using these actions as the basis for Council's strategic planning work plan for the duration of the current Council Plan.

It is important to recognise that some planning scheme content can only be changed by the Victorian Government. The focus of this Review is primarily on determining how effectively the locally specific content in the Kingston Planning Scheme achieves preferred planning outcomes.

The Review is divided into two Parts.

Part 1 provides an overview of the planning scheme review process and the policy documents that guide land use planning and decision making in Kingston.

Part 2 of the Review contains a more detailed discussion of land use planning policy in the Scheme, arranged by theme. Themes in Part 2 are ordered to mirror the structure of Clauses 11-19 of the Planning Scheme.

The Review documents a significant volume of strategic work currently being undertaken or recently finalised by Council to respond to future land use and planning challenges in Kingston, particularly in relation to housing supply, urban forest, climate adaptation, open space, and economic development. It also acknowledges the role of major projects in Kingston in reshaping parts of our urban fabric, particularly our activity centres. Many recommendations stemming from this Review relate to the implementation of current strategic work.

The Review also identifies areas of the Planning Scheme that are not currently able to deliver outcomes envisaged by ambitious Council strategies. In some instances, this Review identifies

opportunities for partnership with, or advocacy to, the Victorian Government to develop policy to address these gaps.

An implementation plan has been developed as part of this Review. It includes timeframes for implementation of recommendations, as well as identifying any partner agencies.

1.2 About Kingston

The City of Kingston is located within Melbourne's south-eastern band of middle suburbs, approximately 17 kilometres southeast of the Central Business District. It is framed by the Port Phillip coastline to the west and major arterial road corridors to the north and east. The Bunurong people of the Kulin Nation were the first people to occupy the area.

Kingston is one of the largest and most physically diverse municipalities in metropolitan Melbourne, comprising substantial residential areas, vibrant activity centres, agricultural and non-urban areas, and large and well-established industrial precincts. Our diverse natural environments incorporate significant parklands, wetlands, open space, and waterways, as well as the largest stretch of coast in a single municipality in metropolitan Melbourne. The city's regional prominence is heightened by the presence of the Moorabbin Airport, which is recognised as one of the busiest airports in Australia.

Also significant is the level of recent and planned future government investment in major infrastructure projects within Kingston. The Level Crossing Removal Project (LXRP) established by the Victorian Government will oversee the removal of 110 level crossings across metropolitan Melbourne by 2030. So far this has resulted in the removal of eleven (11) level crossings in Kingston, with a further nine (9) crossing removals either announced or in different stages of planning or construction. The proposed Suburban Rail Loop project will also influence the future development of areas surrounding the planned Clayton and Cheltenham stations.

This diversity provides the context for land use planning in Kingston, which is discussed thematically in the Planning Scheme Review.

1.3 A summary of findings from this Review

1.3.1 Kingston's Green Wedge

Kingston's non-urban areas accommodate traditional agricultural production, regional open space networks, active and passive recreation facilities, protection of Moorabbin Airport's flight paths and nature conservation. The Green Wedge is under pressure for more intensive urban development. This Review acknowledges the recently adopted Kingston Green Wedge Management Plan 2023 and the importance of implementing its recommendations to ensure policy content and zoning remains contemporary. The Review also recognises the Green Wedge and Agricultural Land work which is being progressed by the Victorian Government.

Recommendations for the Kingston Green Wedge are to:

- Monitor the progress of the Victorian Government Green Wedge and Agricultural Land work.
- Undertake a Planning Scheme Amendment to give effect to the recommendations of the adopted Kingston Green Wedge Management Plan.

1.3.2 Kingston's Activity Centres

Kingston contains six Major Activity Centres and eleven Neighbourhood Activity Centres. The Planning Scheme is important in ensuring zoning controls and structure plans are applied through

policy to deliver positive outcomes for the community. The Review identifies the role completed and planned major investment in transport infrastructure will continue to play in shaping the urban fabric around our activity centres. It also identifies several activity centres where existing planning controls require updating.

Recommendations for Kingston's Activity Centres are to:

- Work proactively with SRLA to prepare precinct planning for the Cheltenham, Cheltenham-Southland, and Highett Activity Centres and affected land in Clayton South.
- Review the Carrum Urban Design Framework and determine whether further strategic work is required to update the planning controls for the Carrum Neighbourhood Activity Centre.
- Review and update the Moorabbin Structure Plan and related planning controls, including implementation of the Moorabbin West Urban Design Framework, noting the role of Council may be influenced by the Victorian Government's announcements to introduce planning controls in 10 activity centres (including Moorabbin).
- Review the Mordialloc Structure Plan and related planning controls following the completion of the Level Crossing Removal Project.
- Progress the Chelsea Structure Plan and undertake a subsequent planning scheme amendment process if required.
- Review and update the Highett Structure Plan (either as a Council-led project or in partnership with SRLA).
- Monitor development in the Cheltenham Activity Centre against the Cheltenham Structure Plan Review, 2018, to consider if further updates to the Structure Plan are required.

1.3.3 Endeavour Cove

The Review acknowledges deficiencies in the drafting and interpretation of the Schedule 1 to the Comprehensive Development Zone and associated Comprehensive Development Plan applying to the Endeavour Cove precinct in Patterson Lakes. These deficiencies were detailed in an independent review commissioned by Council, and a report prepared by the Victorian Ombudsman.

To correct these deficiencies, Council prepared Amendment C205king, which seeks to implement an updated Comprehensive Development Zone Schedule and Comprehensive Development Plan to the area. This was considered by an independent Planning Panel in March 2023. Council's proposed planning controls were largely supported by the Panel. The Minister for Planning approved C205king, generally in accordance with the Panel's recommendations, in November 2023. Now that approval has been obtained, no further action is required.

1.3.4 Vegetation and Biodiversity

Biodiversity and vegetation management is significant from an aesthetic, recreational and cultural perspective. Increasingly, retention of vegetation and tree canopy cover has also been identified as having a key role to play in climate mitigation (urban cooling) and adaptation.

The Kingston Planning Scheme includes a Vegetation Protection Overlay and Environmental Significance Overlay to protect significant and valued trees and vegetation. In addition to this, local policies in Kingston's PPF seek to direct outcomes in relation to landscaping and the protection and reinstatement of native and indigenous vegetation where it is threatened by development.

This Review identifies gaps in current content planning controls. These include a need for specific, measurable canopy or planting requirements in all categories of new development; policy to protect remnant native vegetation in circumstances where Clause 52.17 does not apply, and potential to develop locally specific vegetation policies in areas where there is currently little policy direction, such as commercial and industrial areas. Many of the gaps identified will be dealt with through current or planned strategic work, including a review of Kingston's Significant Tree Register and Biodiversity Strategy, and the implementation of the Urban Forest Strategy.

The Review recommends that Council:

- Implement recommendations of the adopted Kingston Urban Forest Strategy where these are relevant to the Planning Scheme.
- Monitor work being undertaken to update the Kingston Biodiversity Strategy and implement any recommendations relevant to the Planning Scheme.
- Monitor work being undertaken to update the Significant Tree Register and implement the findings into the Kingston Planning Scheme.
- Advocate to the Victorian Government to amend the Vegetation Protection Overlay to include a planning permit trigger for buildings and works within a Tree Protection Zone.

1.3.5 Climate Adaptation

The City of Kingston manages 13km of low-lying foreshore that is increasingly vulnerable to sea-level rise. Climate change is likely to result in sea level rise, wave action and storm surges that will alter sand movements and increase erosion rates. The Special Building Overlay and Land Subject to Inundation Overlay are two Planning Scheme tools used to control development in areas subject to flooding. This Review notes that the Kingston SBO and LSIO have not been updated since the Overlays were first applied in 2002. There is a need to update flood mapping, to ensure this responds to contemporary conditions and reflects progress in flood modelling since 2002. Additionally, current work being undertaken by the Victorian Government to develop policy for coastal adaptation may influence the Kingston Planning Scheme and should be monitored.

The Review recommends that Council:

- Continue to work with Melbourne Water to update flood mapping for Kingston and undertake any Planning Scheme Amendment required to update existing Overlays.
- Monitor the outcomes of Victorian Government initiatives including the Port Phillip Bay Coastal Hazard Assessment, development of new tools to address coastal impacts (such as a Coastal Hazard Overlay) and the Local Coastal Climate Change Adaptation Plan.

1.3.6 Environmentally Sustainable Development

The City of Kingston declared a Climate and Ecological Emergency in January 2020. A Climate and Ecological Emergency Response Plan (CEERP) was adopted by Council in July 2021. The adopted CEERP aligns with the latest scientific evidence and seeks to achieve net zero greenhouse gas emissions in the community by 2030. Kingston has a local policy with certain requirements for ESD in building design at Clause 15.01-2L of the Kingston Planning Scheme. This Review finds that the local content in the Kingston Planning Scheme is not sufficient to achieve the ESD outcomes sought under the CEERP, which includes an action that all development in Kingston requiring a planning permit is net zero emissions, or net zero emission ready.

This Review recommends that Council carefully consider adopting the Elevating ESD Targets Planning Scheme Amendment to address this gap.

In the interim, Council's planning officers should continue to implement existing ESD policy in the Planning Scheme to a high level, with support from Council's Environment team, and monitor the Victorian Government's work on the ESD Roadmap (Stage 2) for alignment with Kingston's adopted climate targets.

The Review recommends that Council:

- Continue to monitor the progress of the Victorian Government's ESD Roadmap (Stage 2).
- Review the detail of CASBE's Elevating ESD Targets Planning Scheme Amendment project against Kingston's adopted climate targets and if appropriate, recommend that Council joins a current or future Amendment process.

1.3.7 Heritage

To protect valued heritage in Kingston, the Kingston Planning Scheme includes a Heritage Overlay (HO) which applies to land identified as having heritage significance in the Kingston Heritage Study 2000. Local policy in the PPF (Clause 15.03-1L) also contains guidance on how to consider planning applications involving heritage sites. The Study underpinning the Kingston Heritage Overlay is now over 20 years old and is currently being reviewed to ensure it includes all valued heritage places within Kingston. It has also been noted that there are some anomalies in the Heritage Overlay that require correction.

The Review recommends that Council:

- Consider the findings and recommendations of the Heritage Review.

1.3.8 Housing Supply

The Kingston Planning Scheme contains housing policy, residential zones, and overlays to ensure Kingston is well planned, with any growth directed to the most appropriate areas. This is reflected in local policy content in Clauses 2 and 15 of the Planning Scheme, as well as in local zoning schedules for residential areas. It has been identified that the strategic documents underpinning Kingston's residential zoning and housing and neighbourhood character policies are becoming outdated. There is also a need to respond to reforms in residential zoning, introduced by the Victorian Government in 2017.

The Review notes the adoption of Amendment C203king (Kingston Housing Strategy and Neighbourhood Character Study). The implementation of C203king will update housing policy, zoning, and overlays in residential areas in Kingston, to deliver appropriate housing outcomes over the coming decades.

The Review recommends that Council:

- Await the decision of the Minister for Planning in relation to Amendment C203king to incorporate the Housing Strategy and Neighbourhood Character Study and associated Zone Schedules, Overlays, and policies into the Planning Scheme.
- Consider the outcome of the Kingswood Golf Course Standing Advisory Committee and continue to be involved in the process.

1.3.9 Social and Affordable Housing

Kingston Council has been an avid advocate for social and affordable housing requirements to be provided as part of new developments. The Planning Policy Framework contains strategies for housing choice and housing affordability which facilitate the supply of social and affordable housing;

critically, however, this Review notes that a quantum of affordable or social housing provision is not explicitly required as a part of new development. This gap may be addressed by forthcoming Victorian Government reforms. Until then, Council has several actions outlined in its adopted Social and Affordable Housing Strategy to encourage the provision of affordable housing in Kingston.

The Review recommends that Council:

- Continue to encourage the provision of social and affordable housing in residential and mixed-use development applications.
- Deliver on the actions and recommendations set out in the *Kingston Social and Affordable Housing Strategy, 2020*.

1.3.10 Economic Development

Kingston's significance as a contributor to jobs and economic output within the Southern Region is largely due to the scale and significance of its industrial and commercial precincts. The Moorabbin Airport and Braeside industrial precincts contribute strongly to this presence. This Review identifies that existing local policy content is not sufficient to plan for future structural, economic, and demographic change or emerging trends in commerce and industry impacting Kingston's commercial and industrial land. It also identifies a need for local Planning Scheme content to respond to the Melbourne Commercial and Industrial Land Use Plan (MICLUP) which was introduced into Victorian Planning Schemes in 2023.

The Review describes the initiatives Council has explored to streamline planning permit application processes for commercial and industrial applicants and details Council's progress on preparing an Employment Land Use Strategy, which will develop land use policy for Kingston's employment lands.

This Review recommends that Council:

- Progress work on the Kingston Employment Land Use Strategy and implement recommendations from the ELUS into the Planning Scheme via a Planning Scheme Amendment.
- Continue to participate in the Better Approvals program and other opportunities to collaborate on planning reform and monitor this work for any implications for the Planning Scheme.
- Continue to monitor and respond to further reform led by the Victorian Government, including Smart Planning and Rules Reform, and adapt Council processes to these as required.

1.3.11 Safe and Sustainable Transport

Since 2012 there has been a trend towards centralising decision making on major transport infrastructure, with responsibility largely resting with the Victorian Government. Additionally, reform has increasingly focused on integrating all forms of transport, to ensure that modes of active and sustainable transport are considered as part of the overall network.

Council has adopted the Kingston Integrated Transport Strategy, Kingston Cycling and Walking Plan and the Climate and Ecological Emergency Response Plan, which all contain goals for sustainable transport. This Review notes the importance of these documents in identifying local transport priorities and areas where future investment is planned, which will influence the urban context, and which may influence planning decisions. It also notes that the Elevating ESD Targets Amendment may introduce new requirements for EV charging infrastructure in private development which would align with Council's CEERP.

1.3.12 Moorabbin Airport

Moorabbin Airport is a general aviation airport that is an important regional and state aviation asset supporting the state's aviation industry and access to regional Victoria. Council currently relies on PPF content in Clause 18.02 of the Kingston Planning Scheme and several Overlays to ensure that the use and development of land around the Moorabbin Airport is sensitive to the long-term operation of the airport and protect the flight paths of the Moorabbin Airport from the further encroachment of incompatible land uses. This Review identifies deficiencies in current policy, including drafting errors in Schedules 4 and 5 of the Design and Development Overlay and an ambiguity in the drafting of the Airport Environs Overlay. The Review also details opportunities to provide additional supporting information and tools to assist Council planners in making appropriate planning decisions around the Airport.

The Review recommends that Council:

- Continues to advocate to the Department of Transport and Planning to address Council's concerns regarding the drafting of planning controls and policies relating to aviation, including the Airport Environs Overlay.
- Considers a future Council-led planning scheme amendment process to update Design and Development Overlay Schedules 4 and 5.

1.3.13 Stormwater Management

Kingston receives stormwater runoff from the Dandenong Ranges, via the Dandenong creek, and therefore, activities occurring in neighbouring LGAs impact on our waterways. For these reasons, Kingston has long recognised the need for regional collaboration on stormwater management issues and has a proud history of being pioneers in Integrated Water Management. Kingston has played an important role in stormwater quality and other related initiatives since the 1990s. This Review notes the strength of Kingston's current local policy (Clause 19.03-3L-01 and 19.03-3L-02 of the PPF) in delivering effective outcomes for stormwater treatment and management in new development.

Council adopted an updated Integrated Water Management Strategy in 2022, replacing the 2012 Strategy. As the 2012 Strategy is a policy document in Clause 19.03-3L-02, it is recommended that Clause 19.03-3L-02 be updated to reflect the most recent adopted Strategy.

1.3.14 Open Space

This Review describes the role public open space plays in Kingston and notes the Council's strong ongoing commitment to the Chain of Parks and current work being undertaken by Council's Strategic Planning team to update policy through the 2023 Green Wedge Management Plan.

Local policy and the Schedule to Clause 53.01 currently implements the Kingston Open Space Strategy (2012). Council has adopted a new and updated Open Space Strategy (OSS) which may require the Schedule to Clause 53.01 to be reviewed. Additionally, the Review identifies a potential need to review areas where a Residential Growth Zone is proposed to be applied to parts of Kingston via Amendment C203king, and the impact this may have on demand for open space in these areas and current public open space contribution rates.

The Review also notes the influence of the Suburban Rail Loop Authority on open space planning, due to the decision to acquire a part of the Chain of Parks for a stabling facility, and the demand for open space generated by increased population densities around proposed interchange stations.

The Review recommends that Council:

- Implement the recommendations of the recently adopted Open Space Strategy where they are relevant to planning.
- Continue to work with the Victorian Government to identify and deliver a replacement open space site to compensate for the loss of the Delta site to the SRL in the Green Wedge area of Dingley Village.
- Review Public Open Space Contributions for areas where more enabling zoning provisions (such as the Residential Growth Zone) are applied via Amendment C203king.
- Consider updating content in Clause 02 of the Scheme (the Municipal Planning Strategy) to reflect any recommendations from Kingston's Open Space or Biodiversity Strategy in relation to golf courses.

1.3.15 Contaminated Land

Due to Kingston's location on the sandbelt and its history of landfills and other commercial and industrial uses, it is important to appropriately identify those sites with a history of use with higher potential contamination.

Kingston follows a framework for planning for potentially contaminated land, which is based on approaches developed by the EPA and the Office of the Victorian Auditor General. The land use planning framework for potentially contaminated land is largely established by policies and guidance from the Department of Transport and Planning as well as the Department of Energy, Environment and Climate Action. These are currently being implemented in Kingston through a series of planning scheme amendments which will identify sites within the framework which require the application of an Environmental Audit Overlay (EAO) to ensure their safe future development. The first of these has already been implemented - Amendment C201king identifies 47 sites for inclusion in an Environmental Audit Overlay, including petrol stations, drycleaners, landfill, and mechanics.

The Review recommends that Council:

- Undertake further work to identify sites as potentially contaminated and seek to apply an EAO through a stand-alone or series of Planning Scheme Amendments.

1.3.16 Other Planning Scheme content

The Review incorporates a review of Planning Scheme Overlays, Zone Schedules, and Particular Provisions. Notably, Zone schedules are continually updated as planning scheme amendments are introduced into the Scheme (for example, zones will be updated through the implementation of Amendment C203king). A review of Overlays has identified the need to review potentially redundant Overlays, particularly Schedules to the Design and Development Overlay and Development Plan Overlay, where these seek to control development which has already been completed.

The Review recommends that Council:

- Continue to monitor and address anomalies in the Kingston Planning Scheme.
- Include a map to identify the extent of Environmental Significance Overlay Schedule 2.
- Include a map to identify the extent of Vegetation Protection Overlay Schedule 2.
- Undertake a Planning Scheme Amendment process to delete redundant Overlays including Design and Development Overlay Schedule 6 (Patterson Lakes Waterways/Kington Lodge), Design and Development Overlay Schedule 13 (former Nylex site) and Design and Development Overlay Schedule 14 (Gladesville Boulevard).

- Undertake a Planning Scheme Amendment process to delete redundant Development Plan Overlays where development has been completed, including Development Plan Overlay Schedules 1, 2, 3, 4, 5 and 6.
- Investigate whether the Mentone shopping area may be included in the Schedule to Clause 52.28 (Gaming) of the Kingston Planning Scheme as part of an anomalies process.
- Investigate a future planning scheme amendment process to apply an Environmental Significance Overlay or Buffer Area Overlay to the Patterson Lakes Recreation Reserve to control sensitive use and development being undertaken on land in proximity to the Eastern Treatment Plant.

1.4 Full list of Recommendations from the 2023 Review

Recommendations from this Review are assigned a timeframe for action:

Ongoing – Where this action is the ongoing subject of advocacy by Council or reliant on work being undertaken by an external Victorian Government.

Short – Actions in progress or to be commenced during 2024/2025 (1 - 2 years).

Medium – Actions to be commenced in 2026 onwards (3 – 5 years).

Planning Scheme Review 2022 – Recommendations and Implementation Plan				
The Kingston Green Wedge				
No.	Recommendation	Review Source	Timeframe	Project Partner/s
1.1	Monitor the progress of the Victorian Government Green Wedge and Agricultural Land Work.	Section 7.4.2	Ongoing	Department of Transport and Planning Planning agency
1.2	Undertake a Planning Scheme Amendment to give effect to the recommendations of the adopted Kingston Green Wedge Management Plan.	Section 7.4.1	Short	

Kingston's Activity Centres					
No.	Recommendation	Review Source	Timeframe	Project Partner/s	Related Council Plan Objective(s)
2.1	Work proactively with SRLA to prepare precinct planning for the Cheltenham, Cheltenham-Southland, Clayton South, and Highett Activity Centres.	8.2.1, 8.3.2, 8.3.2.1, 8.3.3, 8.3.9	Ongoing	Suburban Rail Loop Authority Level Crossing Removal Authority	Strategic Objective 1: Liveable Strategic Objective 1.1 Our city will be a vibrant, enjoyable, and easy place to live.
2.2	Review the Carrum Urban Design Framework and determine whether further strategic work is required to update the planning controls for the Carrum Neighbourhood Activity Centre.	8.3.8	Medium	City Strategy (City Transformation)	Strategic Direction 3: Prosperous
2.3	Review and update the Moorabbin Structure Plan and related planning controls, including implementation of the Moorabbin West Urban Design Framework, noting the role of Council may be influenced by the Victorian Government's recent announcements to introduce planning controls in 10 activity centres (including Moorabbin).	8.3.4	Short		Strategic Direction 3.1 We will embrace the concept of a 20-minute

2.4	Review the Mordialloc Structure Plan and related planning controls following the completion of the Level Crossing Removal Project.	8.3.5	Medium		neighbourhood, support the process of decentralisation and support people to live and work locally.
2.5	Progress the Chelsea Structure Plan and undertake a subsequent planning scheme amendment process if required.	8.3.6	Short		
2.6	Review and update the Highett Structure Plan (either as a Council-led project or in partnership with SRLA).	8.3.9	Ongoing		
2.7	Monitor development in the Cheltenham Activity Centre against the Cheltenham Structure Plan Review, 2018, to consider if further updates to the Structure Plan are required.	8.3.3	Ongoing		
Vegetation and Biodiversity					
No.	Recommendation	Source	Timeframe	Project Partner/s	Related Council Plan Objective(s)
3.1	Implement recommendations of the adopted Kingston Urban Forest Strategy where these are relevant to the Planning Scheme.	10.5.3	Medium	City Strategy (Environmental Planning)	Strategic Direction 2: Sustainable Strategic Objective 2.1 We prioritise our environment and our impact on the earth.
3.2	Monitor work being undertaken to update the Kingston Biodiversity Strategy and implement any recommendations relevant to the Planning Scheme.	10.4, 10.5.4, 10.6, 10.6.1, 10.6.2	Medium	Open Space	
3.3	Monitor work being undertaken to update the Significant Tree Register and implement the findings into the Kingston Planning Scheme.	10.4, 10.4.4, 10.5.5	Medium	City Development (Vegetation)	

3.4	Advocate to the Victorian Government to amend the Vegetation Protection Overlay to include a planning permit trigger for buildings and works within a Tree Protection Zone.	10.4.1	Short		
Climate Adaptation					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
4.1	Continue to work with Melbourne Water to update flood mapping for Kingston and undertake any Planning Scheme Amendment required to update existing Overlays.	11.3	Short	Infrastructure	Strategic Direction 2: Sustainable
4.2	Monitor the outcomes of Victorian Government initiatives including the Port Phillip Bay Coastal Hazard Assessment, development of new tools to address coastal impacts (such as a Coastal Hazard Overlay) and the Local Coastal Climate Change Adaptation Plan.	11.4.2, 11.4.3	Ongoing	DEECA	Strategic Objective 2.1 We prioritise our environment and our impact on the earth.
Environmentally Sustainable Development					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
5.1	Monitor the progress of the Victorian Government's ESD Roadmap (Stage 2).	12.5	Ongoing	DTP	Strategic Direction 2: Sustainable
5.2	Review the detail of CASBE's Elevating ESD Targets Planning Scheme Amendment project against Kingston's adopted climate	10.5.2, 12.5.2	Short	CASBE	Strategic Objective 2.1

	targets and if appropriate, recommend that Council joins a current or future Amendment process.			City Strategy (Environmental Planning) City Development (Statutory Planning)	We prioritise our environment and our impact on the earth.
Heritage					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
6.1	Consider the findings and recommendations of the Heritage Review.	13.2	Short		<p>Strategic Objective 1: Liveable</p> <p>Strategic Objective 1.1</p> <p>Our city will be a vibrant, enjoyable, and easy place to live.</p>
Housing Supply					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
7.1	Await the decision of the Minister for Planning in relation to Amendment C203king to incorporate the Housing Strategy and	8.3.8, 8.3.9, 8.3.10,	Short		

	Neighbourhood Character Study and associated Zone Schedules, Overlays, and policies into the Planning Scheme.	10.5.1, 10.5.4, 14.7, 23.1 (Review of DDO1 and DDO7, DDO10 and DDO12 and update of NCO)			Strategic Objective 1: Liveable Strategic Objective 1.1 Our city will be a vibrant, enjoyable, and easy place to live.
7.2	Consider the outcome of the Kingswood Golf Course Standing Advisory Committee and continue to be involved in the process.	14.5	Ongoing		
Social and Affordable Housing					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
8.1	Continue to encourage the provision of social and affordable housing in residential and mixed-use development applications.	15.4.3	Ongoing	City Development (Statutory Planning)	Strategic Objective 1: Liveable Strategic Objective 1.1
8.2	Deliver on the actions and recommendations set out in the Kingston Social and Affordable Housing Strategy, 2020.	15.4.1, 15.4.4	Ongoing		Our city will be a vibrant, enjoyable, and easy place to live.
Economic Development					

No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
9.1	Progress work on the Employment Land Use Strategy and implement recommendations from the ELUS into the Planning Scheme via a Planning Scheme Amendment.	16.2.2	Short		Strategic Direction 3: Prosperous
9.2	Continue to participate in the Better Approvals program and other opportunities to collaborate on planning reform and monitor this work for any implications for the Planning Scheme.	16.3.4	Ongoing	Victorian Government City Development (Statutory Planning)	Strategic Direction 3.1 We will embrace the concept of a 20-minute neighbourhood, support the process of decentralisation and support people to live and work locally.
9.3	Continue to monitor and respond to further reform led by the Victorian Government, including Smart Planning and Rules Reform, and adapt Council processes to these as required.	16.3.2	Ongoing	Victorian Government City Development (Statutory Planning)	
Moorabbin Airport					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
10.1	Continue to advocate to the Department of Transport and Planning to address Council's concerns regarding the drafting of	18.2.1, 18.2.2	Ongoing	DTP	Strategic Direction 5: Safe

	planning controls and policies relating to aviation, including the Airport Environs Overlay.				Strategic Objective 5.1
10.2	Consider a future Council-led planning scheme amendment process to update Design and Development Overlay Schedules 4 and 5.	18.2.3	Medium		Our community will feel safe, and be safe, in all aspects of their lives.
Stormwater Management					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
11.1	Update Clause Clause 19.03-3L-02 of the Planning Scheme to replace the 2012 Integrated Water Strategy with the 2022 Integrated Water Strategy as a policy document.	19.3.1	Short		<p>Strategic Objective 1: Liveable</p> <p>Strategic Objective 1.1</p> <p>Our city will be a vibrant, enjoyable, and easy place to live.</p>
Public Open Space					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
12.1	Continue to work with the Victorian Government to identify and deliver a replacement open space site to compensate for the loss	20.3.4	Ongoing	DTP	

	of the Delta site to the SRL in the Green Wedge area of Dingley Village.				Strategic Objective 1: Liveable Strategic Objective 1.1 Our city will be a vibrant, enjoyable, and easy place to live.
12.2	Review Public Open Space Contributions for areas where more enabling zoning provisions (such as the Residential Growth Zone) are applied via Amendment C203king. This may include consideration of the recommendations of any adopted Open Space Strategy.	20.3.2	Medium		
12.3	Consider updating content in Clause 02 of the Scheme (the Municipal Planning Strategy) to reflect any recommendations from Kingston's Open Space or Biodiversity Strategy in relation to golf courses.	10.7, 20.3.5	Medium	Open Space	
12.4	Implement the recommendations of the recently adopted Open Space Strategy where they are relevant to planning.	20.3.1	Medium		
Contaminated Land					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
13.1	Undertake further work to identify sites as potentially contaminated and seek to apply an EAO through a stand-alone or series of Planning Scheme Amendments.	21.8	Short	EPA	Strategic Direction 5: Safe Strategic Objective 5.1 Our community will feel safe, and be

					safe, in all aspects of their lives.
Anomalies					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
14.1	Continue to monitor and address anomalies in the Kingston Planning Scheme.	22.2	Ongoing	City Development	<p>Strategic Direction 6: Well Governed</p> <p>Strategic Direction 6.1</p> <p>Council will be collaborative, accountable, transparent, responsive, well-informed, and efficient.</p>
Review of Zones					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective/s
15.1	Consider a Planning Scheme Amendment to remove the Transport Zone 2 from Osbourne Avenue, Clayton South.	23	Short		<p>Strategic Objective 1: Liveable</p>

					Strategic Objective 1.1 <p>Our city will be a vibrant, enjoyable, and easy place to live.</p>
Review of Overlays and Particular Provisions					
No.	Recommendation	Source	Priority	Partner/s	Related Council Plan Objective(s)
16.1	Include a map to identify the extent of Environmental Significance Overlay Schedule 2.	10.7, 24.1	Medium	Open Space	Strategic Direction 6: Well Governed Strategic Direction 6.1 Council will be collaborative, accountable, transparent, responsive, well-informed, and efficient.
16.2	Include a map to identify the extent of Vegetation Protection Overlay Schedule 2.	10.7, 24.1	Medium	Open Space	
16.3	Undertake a Planning Scheme Amendment process to delete redundant Overlays including Design and Development Overlay Schedule 6 (Patterson Lakes Waterways/Kington Lodge), Design and Development Overlay Schedule 13 (former Nylex site) and Design and Development Overlay Schedule 14 (Gladesville Boulevard).	24.1	Short	City Development	
16.4	Undertake a Planning Scheme Amendment process to delete redundant Development Plan Overlays where development has been completed, including Development Plan Overlay Schedules 1, 2, 3, 4, 5 and 6.	24.1	Short	City Development	
16.5	Investigate a future planning scheme amendment process to apply an Environmental Significance Overlay or Buffer Area Overlay to the Patterson Lakes Recreation Reserve to control	24.1	Medium		

	sensitive use and development being undertaken on land in proximity to the Eastern Treatment Plant.				
17.1	Investigate whether the Mentone shopping area may be included in the Schedule to Clause 52.28 (Gaming) of the Kingston Planning Scheme as part of an anomalies process.	25.1	Medium	Melbourne Water	

2 Glossary of Terms

2012 Review	Planning Scheme Review Report 2012
ACZ	Activity Centre Zone
BAO	Buffer Area Overlay
C1Z	Commercial 1 Zone
CASBE	Council Alliance for a Sustainable Built Environment
Council Plan	Council Plan 2022-23
DDO	Design and Development Overlay
DELWP	Department of Environment, Land and Water and Planning
DTP	Department of Transport and Planning
DEECA	Department of Energy, Environment and Climate Action
ESD	Environmentally Sustainable Development
ESO	Environmental Significance Overlay
GRZ	General Residential Zone
GWAL	Planning for Melbourne's Green Wedges and Agricultural Land
HS&NCS	Kingston Housing Strategy and Neighbourhood Character Study
HO	Heritage Overlay
IN1Z	Industrial 1 Zone
MPS	Municipal Planning Strategy
P&E Act 1987	Planning and Environment Act 1987
PPF	Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
LUFPP	Draft Southern Metro Land Use Planning Framework
NCO	Neighbourhood Character Overlay
NRZ	Neighbourhood Residential Zone
Plan Melbourne	Plan Melbourne 2017-2050
RGZ	Residential Growth Zone
SBO	Special Building Overlay
The Act	The Planning and Environment Act 1987
The Scheme	Kingston Planning Scheme
The Tribunal	Victorian Civil and Administrative Tribunal
VCAT	Victorian Civil and Administrative Tribunal
VPO	Vegetation Protection Overlay
VPP	Victorian Planning Provisions

SECTION 1

BACKGROUND TO THIS REVIEW

3 Introduction

3.1 Overview

3.1.1 What is a Planning Scheme Review?

Section 12B of the *Planning and Environment Act 1987* ('P&E Act 1987') requires all Councils to regularly review their planning scheme. A review must be completed no later than one year after the Council Plan is approved or as is determined by the Minister for Planning.

The review process ensures that planning schemes in Victoria are regularly audited to ensure their ongoing effectiveness in achieving the policy objectives of state and local governments.

A planning scheme review helps Council to understand how effectively the Scheme operates to achieve:

- the objectives of planning in Victoria; and
- the objectives of the planning framework established by the P&E Act 1987.

A review also develops actions for the short, medium, and long term, to address identified gaps in the planning scheme. Kingston's current Council Plan was adopted on 27 June 2022, triggering a twelve-month deadline for review of the Scheme. In October 2022, the Minister for Planning approved an extension to the Minister for Planning under delegation to extend the lodgement date of this Review of 30 June 2023. A second extension to the lodgement date was approved in July 2023. This Review is now required to be lodged with the Minister by 30 June 2024.

3.1.2 Aims of the Planning Scheme Review

The 2023 Kingston Planning Scheme Review ('Review') is an audit of the Kingston Planning Scheme. This Review outlines current trends and anticipated future land use planning issues in Kingston. It then assesses how well the Kingston Planning Scheme responds to these trends; and sets out a plan to implement changes to respond to 'gaps' in the current Planning Scheme. To achieve this, the Review will:

- Identify major planning issues facing the municipality.
- Document strategic work that has been completed or carried out since the previous review in 2012.
- Demonstrate how the Kingston Planning Scheme currently implements planning policy and the strategic direction outlined in *Our Roadmap: Council Plan 2021-25* ('the Council Plan'), *Our Roadmap: Council Plan Year Three Annual Action Plan 2023-24* ('2023-24 Action Plan'), and *Plan Melbourne 2017-2050* ('Plan Melbourne').
- Assess the strategic performance of the Planning Scheme in achieving preferred policy outcomes or responding to trends in land use planning in Kingston.

Using this information, the Review documents any additional work required to strengthen the strategic direction of the Kingston Planning Scheme, or any changes required to the scheme.

This has fed into an implementation plan for actions arising from this Review which will inform Council's strategic planning work plan for the duration of the current Council Plan.

It is important to note that some planning scheme content can only be changed by the Victorian Government. The focus of this Review is primarily on determining how effectively the locally specific content in the Kingston Planning Scheme achieves preferred planning outcomes.

3.2 What is a Planning Scheme?

3.2.1 The Victoria Planning Provisions

Planning schemes enable state and local government land use planning policies to be implemented to effect positive change to the built environment. The Victoria Planning Provisions (VPP) is the template on which all Victorian planning schemes are based.

The VPP contains a complete set of standard planning provisions for Victoria and provides the standard format (including clause numbering) for a planning scheme. The VPP is not a planning scheme itself, however it ensures that there is consistency across all planning schemes across Victoria, and that the layout of planning schemes is always the same.

An overview of the structure of Victoria's planning schemes, and aspects of these schemes that can be adapted for local conditions, is attached as Appendix 1 and Appendix 2 of this Review.

3.2.2 How is a Planning Scheme created?

Every local government in Victoria has a planning scheme. Each planning scheme takes the VPP as a basic template. The VPP comprises different components which may be tailored to each local government area. It is important to note that some aspects of the VPPs (and ultimately the Planning Scheme) are controlled by the Victorian Government and cannot be changed by a local Council.

The Kingston Planning Scheme has been assembled from the VPP and is comprised of

- **A Municipal Planning Strategy (MPS)** (Clause 02). This is specific to Kingston. It outlines the planning outcomes sought by Kingston that will be implemented by policies and requirements of the planning scheme. The MPS is at Clause 02 of the Planning Scheme.
- **The Planning Policy Framework (PPF)** (Clause 10-19). The PPF is the policy content of the planning scheme. The PPF includes state and regional planning policy from the VPP that cannot be changed by Council.

Council can prepare local policy content and include this in the PPF via a Planning Scheme Amendment, provided this local policy content does not contradict or repeat state and regional policy. Kingston's local PPF content is highlighted in Figure 1. Further discussion of the PPF is contained in Section 4.2.1 of this Review.

- **Zones** (Clause 30) which set out the expectations for the acceptable use and development of land – for example, Residential, Industrial, or Commercial zoned land. All land must be included in a zone, except Commonwealth land which is not covered by a planning scheme.
- **Overlays** (Clause 40) are complementary planning controls to a zone which are used to both reflect local circumstances and implement planning policy objectives. Council may include Schedules to zones and overlays to achieve local policy objectives.

- **Particular Provisions** (Clause 50-59) which are issue-based, rather than land-based controls. They apply consistently across the state, however, some particular provisions allow a planning authority to include local content through a schedule.
- **General Provisions** and the **Operational Provisions** (including listing any incorporated documents in the schedule to **Clause 72.04**). Some general provisions have schedules for local requirements.

Kingston Planning Framework Policy Structure

Municipal Planning Strategy	12 Environmental and Landscape Values	13 Environmental Risk and Amenity	14 Natural Resource Management	15 Built Environment and Heritage	16 Housing	17 Economic Development	18 Transport	19 Infrastructure
<p>2.01 Context</p> <p>2.02 Vision</p> <p>2.03 Strategic Objectives</p> <p>4.00-4 Environmental and amenity</p> <p>4.01-1 Cultural values and amenity</p> <p>7.00-4 Urban and amenity management</p> <p>8.00-9 Built environment and heritage</p> <p>8.01-7 Housing</p> <p>8.02-7 Economic development</p> <p>9.00-8 Transport</p> <p>9.01-9 Infrastructure</p> <p>9.02-9 Strategic Framework Plan</p>	<p>11.01 Biodiversity</p> <p>12.01-15 Protection of biodiversity</p> <p>12.11-22 Protection of biodiversity</p> <p>12.01-25 Water resource management - Kingston</p> <p>17.01-21 Water vegetation management - Kingston</p> <p>17.02-35 Coastal areas</p> <p>17.03-36 Protection of coastal areas - Kingston</p> <p>17.04-37 Coastal Crown Land</p> <p>17.05-35 Flyw</p>	<p>13.01 Generic Change Impact</p> <p>13.01-20 Natural Hazards and Critical one day</p> <p>13.01-22 Coastal inundation and erosion</p> <p>13.02-22 Surfing parking</p> <p>13.03-20</p> <p>13.04-25 Floodplain management</p> <p>13.05-25 Noise abatement</p> <p>13.06-25 Noise abatement- Kingston</p> <p>13.07-25 Noise abatement- Kingston</p> <p>13.08-25 Noise abatement- Kingston</p> <p>13.09-25 Noise abatement- Kingston</p> <p>13.10-25 Noise abatement- Kingston</p> <p>13.11-25 Noise abatement- Kingston</p> <p>13.12-25 Noise abatement- Kingston</p>	<p>14.01 Agriculture</p> <p>14.01-25 Protection of agriculture and</p> <p>14.01-26 Protection of agriculture</p> <p>14.01-27 Protection of agriculture</p> <p>14.01-28 Protection of agriculture</p> <p>14.01-29 Protection of agriculture</p> <p>14.01-30 Protection of agriculture</p> <p>14.01-31 Protection of agriculture</p> <p>14.01-32 Protection of agriculture</p> <p>14.01-33 Protection of agriculture</p> <p>14.01-34 Protection of agriculture</p> <p>14.01-35 Protection of agriculture</p> <p>14.01-36 Protection of agriculture</p> <p>14.01-37 Protection of agriculture</p> <p>14.01-38 Protection of agriculture</p> <p>14.01-39 Protection of agriculture</p> <p>14.01-40 Protection of 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Urban design</p> <p>15.01-44 Urban design</p> <p>15.01-45 Urban design</p> <p>15.01-46 Urban design</p> <p>15.01-47 Urban design</p> <p>15.01-48 Urban design</p> <p>15.01-49 Urban design</p> <p>15.01-50 Urban design</p>	<p>16.01 Residential Development</p> <p>16.01-25 Integrated housing</p> <p>16.01-26 Integrated housing</p> <p>16.01-27 Integrated housing</p> <p>16.01-28 Integrated housing</p> <p>16.01-29 Integrated housing</p> <p>16.01-30 Integrated housing</p> <p>16.01-31 Integrated housing</p> <p>16.01-32 Integrated housing</p> <p>16.01-33 Integrated housing</p> <p>16.01-34 Integrated housing</p> <p>16.01-35 Integrated housing</p> <p>16.01-36 Integrated housing</p> <p>16.01-37 Integrated housing</p> <p>16.01-38 Integrated housing</p> <p>16.01-39 Integrated housing</p> <p>16.01-40 Integrated housing</p> <p>16.01-41 Integrated housing</p> <p>16.01-42 Integrated housing</p> <p>16.01-43 Integrated housing</p> <p>16.01-44 Integrated housing</p> <p>16.01-45 Integrated housing</p> <p>16.01-46 Integrated housing</p> <p>16.01-47 Integrated housing</p> <p>16.01-48 Integrated housing</p> <p>16.01-49 Integrated housing</p> <p>16.01-50 Integrated housing</p>	<p>17.01 Employment</p> <p>17.01-25 Strategic economy</p> <p>17.01-26 Strategic economy</p> <p>17.01-27 Strategic economy</p> <p>17.01-28 Strategic economy</p> <p>17.01-29 Strategic economy</p> <p>17.01-30 Strategic economy</p> <p>17.01-31 Strategic economy</p> <p>17.01-32 Strategic economy</p> <p>17.01-33 Strategic economy</p> <p>17.01-34 Strategic economy</p> <p>17.01-35 Strategic economy</p> <p>17.01-36 Strategic economy</p> <p>17.01-37 Strategic economy</p> <p>17.01-38 Strategic economy</p> <p>17.01-39 Strategic economy</p> <p>17.01-40 Strategic economy</p> <p>17.01-41 Strategic economy</p> <p>17.01-42 Strategic economy</p> <p>17.01-43 Strategic economy</p> <p>17.01-44 Strategic economy</p> <p>17.01-45 Strategic economy</p> <p>17.01-46 Strategic economy</p> <p>17.01-47 Strategic economy</p> <p>17.01-48 Strategic economy</p> <p>17.01-49 Strategic economy</p> <p>17.01-50 Strategic economy</p>	<p>18.01 Integrated Transport</p> <p>18.01-25 Land use and transport planning</p> <p>18.01-26 Land use and transport planning</p> <p>18.01-27 Land use and transport planning</p> <p>18.01-28 Land use and transport planning</p> <p>18.01-29 Land use and transport planning</p> <p>18.01-30 Land use and transport planning</p> <p>18.01-31 Land use and transport planning</p> <p>18.01-32 Land use and transport planning</p> <p>18.01-33 Land use and transport planning</p> <p>18.01-34 Land use and transport planning</p> <p>18.01-35 Land use and transport planning</p> <p>18.01-36 Land use and transport planning</p> <p>18.01-37 Land use and transport planning</p> <p>18.01-38 Land use and transport planning</p> <p>18.01-39 Land use and transport planning</p> <p>18.01-40 Land use and transport planning</p> <p>18.01-41 Land use and transport planning</p> <p>18.01-42 Land use and transport planning</p> <p>18.01-43 Land use and transport planning</p> <p>18.01-44 Land use and transport planning</p> <p>18.01-45 Land use and transport planning</p> <p>18.01-46 Land use and transport planning</p> <p>18.01-47 Land use and transport planning</p> <p>18.01-48 Land use and transport planning</p> <p>18.01-49 Land use and transport planning</p> <p>18.01-50 Land use and transport planning</p>	<p>19.01 Energy</p> <p>19.01-25 Energy supply</p> <p>19.01-26 Renewable energy</p> <p>19.01-27 Renewable energy</p> <p>19.01-28 Renewable energy</p> <p>19.01-29 Renewable energy</p> <p>19.01-30 Renewable energy</p> <p>19.01-31 Renewable energy</p> <p>19.01-32 Renewable energy</p> <p>19.01-33 Renewable energy</p> <p>19.01-34 Renewable energy</p> <p>19.01-35 Renewable energy</p> <p>19.01-36 Renewable energy</p> <p>19.01-37 Renewable energy</p> <p>19.01-38 Renewable energy</p> <p>19.01-39 Renewable energy</p> <p>19.01-40 Renewable energy</p> <p>19.01-41 Renewable energy</p> <p>19.01-42 Renewable energy</p> <p>19.01-43 Renewable energy</p> <p>19.01-44 Renewable energy</p> <p>19.01-45 Renewable energy</p> <p>19.01-46 Renewable energy</p> <p>19.01-47 Renewable energy</p> <p>19.01-48 Renewable energy</p> <p>19.01-49 Renewable energy</p> <p>19.01-50 Renewable energy</p>

Figure 1 Structure of the Kingston Planning Scheme (MPS and PPF)

3.2.3 Legislative requirements for a Planning Scheme Review

Section 12B(1)(a) of the P&E Act 1987 sets out the legislative requirements for a planning scheme review. These include that the review:

- Enhances the effectiveness and efficiency of the planning scheme in achieving:
 - The objectives of planning in Victoria; and
 - The objectives of the planning framework.
- Evaluates the planning scheme to ensure that it:
 - Is consistent in form and content with the directions or guidelines issued by the Minister under section 7 of the Act; and
 - Sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- Makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

Broadly, this requires Council to assess whether the scheme provisions, such as local planning policies, zones, overlays, and schedules are effective in implementing the overall goals for planning in the municipality.

Several documents are available to assist in preparation of a planning scheme review. This Review has been developed having regard to these documents:

- Planning Practice Note 32: Review of Planning Schemes (June 2015), which describes the process for conducting and reporting on a planning scheme review.
- Continuous Improvement Review Kit for planning and responsible authorities (February 2006) which provides suggested methodology for reviews. This is no longer available online. A copy is included as Appendix 3 of this Review.
- Section 12B of the P&E Act 1987 (Review of Planning Schemes).

3.3 Methodology of this Review

Part 2 of this Review is arranged by policy theme generally as they appear in the Kingston Planning Scheme. Each chapter of Part 2 deals with an aspect of land use planning policy and consists of an overview of the theme and the role of state and local policy and the Planning Scheme in achieving outcomes related to each theme.

A review of current policy, strategic documents, demographic information, relevant planning approvals and VCAT decisions provides context for understanding emerging priorities relating to land use planning in Kingston and the effectiveness of the current Scheme to deliver planning outcomes sought by the community and Council. This analysis incorporates feedback from internal stakeholders to understand any strengths or opportunities for improvement in the current Planning Scheme and to identify any forthcoming strategic work that would influence the Planning Scheme over the next five years.

The Review also documents progress against the recommendations of the previous Review. Council's progress against recommendations from the 2012 Review is detailed in [Appendix 4](#) of this Review.

This work forms the basis for an implementation plan to address 'gaps' in the current Planning Scheme. The Implementation Plan is in Section 1 of this Review.

3.3.1 Exclusions from this Review

Excluded from the scope of the review are:

- A review or audit of Council's statutory planning processes. Council has made an ongoing commitment to process improvement in its statutory planning area. This is discussed in 5 of this Review.
- A review or audit of the form and content of the MPS and PPF against the Ministerial Direction, where this has been already subject to extensive analysis as part of the PPF translation or will be updated as part of current or proposed strategic work.

3.4 Preliminary consultation

This Review has partly been informed by the *Your Kingston Your Future: Community Vision* and the Council Plan which set the strategic direction for Kingston, including for land use planning. Both documents have been subject to extensive community consultation.

Additionally, the Review identifies strategies and policies – either recently adopted or currently in development – that are likely to influence the direction of land use planning in Kingston. These are, to a large degree, highly detailed, data-driven documents which have been consulted on extensively throughout their development. The adopted recommendations from these projects and strategies ultimately inform some recommendations of this Review. As such, recommendations to implement this strategic work will reflect ambitions already adopted by Council.

Further public consultation was sought on the draft Planning Scheme Review before a final version is adopted by Council and a report is submitted to the Minister for Planning.

3.5 Internal consultation

The Planning Scheme Review has been developed with assistance from Council staff across a variety of disciplines including:

- Statutory planning
- Planning compliance
- Vegetation and planning arborists.
- Open space planning
- Urban design and place
- Environment and Environmentally Sustainable Development
- Drainage, stormwater, and engineering
- Affordable housing
- Traffic engineering and transport planning
- VCAT and Planning Appeals

Feedback was sought in relation to current strategic work being developed across Kingston, in addition to understanding any 'gaps' in the current Planning Scheme to be addressed that would facilitate outcomes aligned with the strategic vision for Kingston as outlined in the Council Plan.

3.6 Public Consultation

On 18 October 2023, Council endorsed a draft Planning Scheme Review 2023 for public consultation. In November 2023, Council commenced public consultation on the draft Planning Scheme Review 2023. The draft Review was placed on consultation for a period of four (4) weeks. The Review was posted to the *Your Kingston, Your Say* website. Letters were also sent to key stakeholders, including local residents' associations, Government departments, and developers.

A total of three (3) submissions were made via the *Your Kingston Your Say* website. None of these submissions suggested changes to either the Scheme or the Review.

Throughout consultation, further responses were received from the Environment Protection Authority (EPA) and Viva Energy.

The responses from the EPA and Viva Energy are discussed in detail in Section 21 of this Review.

4 Previous Planning Scheme Reviews

4.1 Planning Scheme Review 2012

The last review of the Planning Scheme of this type was undertaken between 2010 and 2012. This resulted in Council adopting a Planning Scheme Review Report 2012 ('the 2012 Review') subsequently adopted by Council in March 2012. The 2012 Review was comprehensive and contained many recommendations to implement work or update planning scheme content, to respond to emerging policy and planning trends.

A full copy of the 2012 Review can be found here. Council implemented some recommendations of the Review in 2019, via Amendment C132king. These included redrafting and reordering local policy content to relate more closely to the structure of the planning scheme and deleting some local policy content considered to be redundant.

Other recommendations from the 2012 Review are still being progressed including updates to housing, heritage, green wedge, and employment land use policies. These are discussed in Part 2 of this Review.

In some cases, recommendations from the 2012 Review to introduce or update new policies have been overtaken by policies introduced by the Victorian Government. This has been the case with integrated water management policy, traffic and transport integration, and some aspects of environmentally sustainable development policy. This is documented in the body of the Review and in Appendix 4, as relevant.

Some recommendations from the 2012 Review remain relevant and are still considered future work.

4.2 Planning Scheme Review 2017 and Planning Policy Framework translation ('PPF translation') 2022

4.2.1 The PPF translation

Council commenced work on a Planning Scheme Review in 2017. However, progress on a review was paused due to the gazettal of [Planning Scheme Amendment VC148](#) on 31 July 2018. VC148 introduced changes to Victoria's Planning Framework as part of the Smart Planning program. One of these changes was to introduce a new Planning Policy Framework (PPF) to integrate the former State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF). This new format applies to all Victorian Planning Schemes.

The integration of Local and State content required a process of translating existing local planning policies into the new format. The PPF translation involved redrafting, editing, and redistributing existing local content into the relevant parts of the PPF in a manner that is policy neutral. The former Department of Environment, Land, Water and Planning (DELWP) now Department of Transport and Planning (DTP) managed the PPF translation process.

The translation process acted in a similar way to a review of the Planning Scheme as it provided an audit of local content. This assisted in ensuring that the format of the PPF reflected the requirements of S12B(1)(a) of the Act, the expectations of the former Department of Environmental, Land, Planning and Environment (DELWP), and the relevant Ministerial Guideline for the Form and Content of Planning Schemes.

Additionally, the PPF translation process identified a large body of well-advanced strategic work currently being progressed by the Strategic Planning team which is likely to shape the Planning Scheme in the short-medium term. As a result, a significant portion of local policy was retained with the expectation that these be gradually superseded by current strategic work.

The process of translation was commenced by officers from the former DELWP Smart Planning team in February 2020 in consultation with officers from Council. The translation was undertaken via [Amendment C200king](#) which was gazetted into the Kingston Planning Scheme on 30 June 2022.

4.2.2 Changes to the Planning Scheme resulting from the PPF translation

Key changes to the Scheme that resulted from the PPF translation included:

- Formatting to ensure consistent with all other Victorian Planning Schemes.
- Replacement of the Municipal Strategic Statement (Clause 21) with a with a Municipal Planning Strategy (MPS Clause 2).
- Update or removal of redundant content (e.g., housing and population figures and superseded plans and/or strategies).
- Redrafting of local policies and strategies to clarify their application and to ensure consistency with the new format Scheme.
- Removal of repetitive content (e.g., local strategies relating to advertising signs and heritage which repeat State content).
- Update of Maps (e.g., Strategic Land Use Framework Plan, Open Space Framework Plan, Residential Land Use Framework Plan and Environmental, Wetland and Waterways Framework Plan).

The PPF translation has applied a sunset clause to some local policy content which is subject to current strategic work and therefore likely to be superseded over the short term. This includes policy relating to:

- The Green Wedge and Chain of Parks (Clause 19.02) which has an expiry of three years from the date of gazettal of Amendment C200king and which will be superseded by a new Green Wedge Management Plan and subsequent amendment.
- Environmentally Sustainable Development (Clause 15.02) and Integrated Water Management (Clause 19.03) which are both subject to current work by the Victorian Government and therefore likely to be superseded by an equivalent VPP in the short-medium term.

As a review of the MPS has been completed as part of this process, the current 2024 Review does not consider drafting or content of the MPS.

4.3 Local Policy Context

4.3.1 Our Roadmap: Council Plan 2021-2025

Council adopted its Council Plan in October 2021. The Council Plan sets out six key Strategic Directions to guide priorities and actions for the period between 2021 and 2025 to achieve a Community Vision.

Community Vision

The Council Plan acknowledges the impact of COVID-19 and the importance of living locally. Therefore, the concept of a 20-minute neighbourhood, where all needs are met within the local area, is integral to the Community Vision. This is a concept derived from Plan Melbourne. Local councils play a key role in creating 20-minute neighbourhoods, working alongside the business community, educational sector, health services, other levels of government and community groups.

The Community Vision also recognises a major generational transport investment underway, which is discussed in Section 5 of this review.



Figure 2: The 20-Minute Neighbourhood Source: *Plan Melbourne 2017-2050*

Strategic Directions

The Council Plan contains 6 Strategic Directions:

- Liveable
- Sustainable
- Prosperous
- Healthy and inclusive
- Safe
- Well-governed

Each Strategic Direction has an associated objective, list of strategies and strategic indicators to monitor achievement of the objectives. Of relevance to the Planning Scheme Review are Strategic Directions 1 (Liveable), 2 (Sustainable) and 3 (Prosperous). There is a strong focus on the provision of affordable housing, addressing the climate emergency, the delivery of jobs, social infrastructure, and transport connections in our neighbourhoods; and facilitating a strong local economy.

Overall, an assessment of the Council Plan demonstrates a high level of alignment between the relevant strategic directions outlined for Kingston and the work being currently undertaken by the Strategic

Planning Department, which will be reflected in the Planning Scheme. The alignment between the recommendations of this Review and the Council Plan is shown in the Implementation Plan in Chapter 1 of this Review.

4.4 State Planning Policy

4.4.1 Plan Melbourne 2017-2050

Plan Melbourne 2017-2050 ('Plan Melbourne') is the strategic document which guides the growth of Melbourne to 2050.

The vision for Melbourne expressed in this document is Melbourne will continue to be a global city of opportunity and choice. Plan Melbourne is arranged around 9 Principles with associated guidelines, policies, and actions to achieve this Vision:

Vision: A global city of opportunity and choice

PRINCIPLES

Principle 1 A distinctive Melbourne	Principle 4 Environmental resilience and sustainability	Principle 7 Strong and healthy communities
Principle 2 A globally connected and competitive city	Principle 5 Living locally — 20-minute neighbourhoods	Principle 8 Infrastructure investment that supports balanced city growth
Principle 3 A city of centres linked to regional Victoria	Principle 6 Social and economic participation	Principle 9 Leadership and partnership

Figure 3 Plan Melbourne 2017-2050 Vision (Source, Department of Transport and Planning)

The Vision is translated into seven Outcomes, with associated directions and policies which provide detail on how Plan Melbourne will be implemented.

4.4.2 Draft Southern Metro Land Use Planning Framework (LUPF)

The Department of Transport and Planning (DTP) commenced development of six draft regional Land Use Framework Plans (LUFs) intended to provide a 30-year strategic land use and infrastructure plan for each of Victoria's regions. Each draft LUPF contained actions and strategies that guide the application of the principles, outcomes, directions, and policies of Plan Melbourne. These were released for comment in 2021.

The final LUPF for the Southern Region was expected to be released in early 2023 however Council now anticipates that much of this work will instead be combined with an upcoming update to Plan Melbourne.

5 Victorian Government Infrastructure Projects

Since 2012 the Victorian Government has committed to major infrastructure projects, particularly transport infrastructure, that will continue to impact upon land use planning in Kingston over the coming decades.

Infrastructure projects in Kingston have also been subject to Environmental Effects Statements or Advisory Committees, highlighting the need for Council to be proactive participants in these processes and engage with the Victorian Government to achieve the best possible outcomes for the community.

In response to this trend Kingston's Council Plan identifies the value in strong strategic partnerships with the Victorian Government and the private sector in driving positive outcomes for the community. The Council Plan outlines Council's position of advocacy on locally significant projects, including the Chain of Parks, Dingley Recycled Water Scheme, and private partnerships with significant sporting organisations, such as St Kilda and Hawthorn Football Clubs.

5.1 Suburban Rail Loop (SRL)

The SRL is a new 90-kilometre rail line that will connect Melbourne's metropolitan train lines from the Frankston Line in the east to the Werribee Line in the west. The first stage of the SRL program is the south-east segment from Cheltenham to Box Hill ('SRL East') and includes a proposed new station at Sir William Fry Reserve in Highett and Clayton and Stabling Facility in Heatherton.

An Advisory Committee was appointed to consider the proposal in 2021. Throughout this, Kingston advocated on behalf of its community for revised designs of SRL sites at Highett and Heatherton, with enhanced design outcomes.

Kingston also opposed a key site within the Green Wedge in Heatherton being used for a train stabling yard due to its impacts on the ultimate delivery of the Chain of Parks.

Kingston will continue to work with the Victorian Government on the delivery of the SRL. The project is expected to significantly increase population and employment growth around Cheltenham, with smaller but still significant impacts on Clayton South. Due to its increased importance as a transport, retail and housing hub, Council also believes there is now merit in considering whether the Cheltenham-Southland Activity Centre would be appropriately classified as a Metropolitan Activity Centre rather than a Major Activity Centre, given the planned investment and aggregation of strategic precincts including the former Highett Gasworks Urban Renewal Area. The SRL will also impact the structure planning for the Southland-Cheltenham and Highett Activity Centres, as well as influence the final delivery of the Chain of Parks with the loss of the Delta site, a replacement site is required to be delivered by the Victorian Government within the Green Wedge of Dingley Village.

The SRL is expected to have significant impacts which are discussed in further detail in Section 2 of this Review.

5.2 Level Crossing Removal Projects

The Level Crossing Removal Project (LXRP) established by the Victorian Government will oversee the removal of 110 level crossings across metropolitan Melbourne by 2030. So far this has resulted in the removal of eleven (11) level crossings in Kingston. In October 2022, the Victorian Government announced it would proceed with the removal of nine (9) new level crossing removal projects in Kingston making the municipality's Frankston Line gate-free by 2029.

Planning for the Mordialloc level crossing removal has commenced, with Highett and Aspendale to be delivered subsequently. Timing for these projects is yet to be confirmed, however Council will continue to be proactive in ensuring integrated planning outcomes for the surrounding land.

Level Crossing Removal Projects include:

Area	Street	Status	Comment
Aspendale	Station Street, Aspendale	Future	Expected to be removed by 2026
	Groves Street, Aspendale	Future	Expected to be removed by 2029
Bonbeach	Bondi Road, Bonbeach	Completed	Removed in November 2021
	Mascot Avenue, Bonbeach	Completed	Removed in February 2020
Carrum	Eel Race Road, Carrum	Completed	Removed in February 2020
	Station Street, Carrum	Completed	Removed in February 2020
Chelsea	Chelsea Road, Chelsea	Completed	Removed in November 2021
	Argyle Avenue, Chelsea	Completed	Removed in November 2021
	Swanpool Avenue, Chelsea	Completed	Removed in November 2021
Cheltenham	Charman and Park Road, Cheltenham	Completed	Removed in 2020
Edithvale	Edithvale Road, Edithvale	Completed	Removed in November 2021
	Lochiel Avenue, Edithvale	Completed	Removed in November 2021
Mordialloc	McDonald Street, Mordialloc	In planning	Expected to be removed by 2026
	Bear Street, Mordialloc	In planning	Expected to be closed by 2026
Mentone	Balcombe Road, Mentone	Completed	Removed in June 2020
	Latrobe Street, Mentone	Future	Expected to be closed by 2029
	Warrigal Road, Mentone	Future	Expected to be removed by 2025 (under construction)
Highett	Highett Road, Highett	Future	Expected to be removed by 2029
	Wickham Road, Highett	Future	Expected to be removed by 2029
Parkdale	Parkers Road, Parkdale	In progress	Expected to be removed by 2025 (under construction)

Figure 4 List of all level crossing removal projects in Kingston

Level crossing removal projects have resulted in improved public and civic spaces – particularly in Carrum, Mentone, and Cheltenham – due to Council’s ongoing advocacy and strong representation to the Victorian Government to achieve positive outcomes for the community. The delivery of level crossing removals will continue to influence Council’s structure planning in affected activity centres.

6 Kingston in context

6.1 City of Kingston

The City of Kingston is located within Melbourne's south-eastern band of middle suburbs, approximately 17 kilometres southeast of the Central Business District. It is framed by the Port Phillip coastline to the west and major arterial road corridors to the north and east. The Bunurong people of the Kulin Nation were the first people to occupy the area.

Kingston is one of the largest and most physically diverse municipalities in metropolitan Melbourne, comprising an area of approximately 91 square kilometres. It combines substantial residential areas with vibrant activity centres, agricultural and non-urban areas, as well as an industrial sector which forms one of the largest and most concentrated manufacturing regions in metropolitan Melbourne. Kingston is a major employment destination for residents and those of neighbouring municipalities. Of the 92,000 jobs within the municipality, approximately 30 per cent are held by residents¹.

Kingston also contains diverse natural environments incorporate significant parklands, wetlands, open space, and waterways, as well as the largest stretch of coast in a single municipality in metropolitan Melbourne. The city's regional prominence is heightened by the presence of the Moorabbin Airport, which is recognised as one of the busiest airports in Australia.

The Estimated Resident Population (ERP) of Kingston in 2021 was 159,567 people with approximately 60,938 households, 62,830 occupied private dwellings and an average household size of 2.46 residents per household. Over the 2016-2021 census period, the estimated residential population of Kingston increased by 626 residents².

Kingston's population is projected to reach approximately 195,819 by 2041, making up an anticipated 82,982 households. Consequently, over the next 18-year period, 15,422 new households are expected to establish in the municipality³.

This context informs the relative priority of housing, green wedge, and employment land use policy in Part 2 of this Review.

¹ [Economic profile | Kingston | economy.id](#)

² [Population and dwellings | City of Kingston | Community profile \(id.com.au\)](#)

³ *ibid*

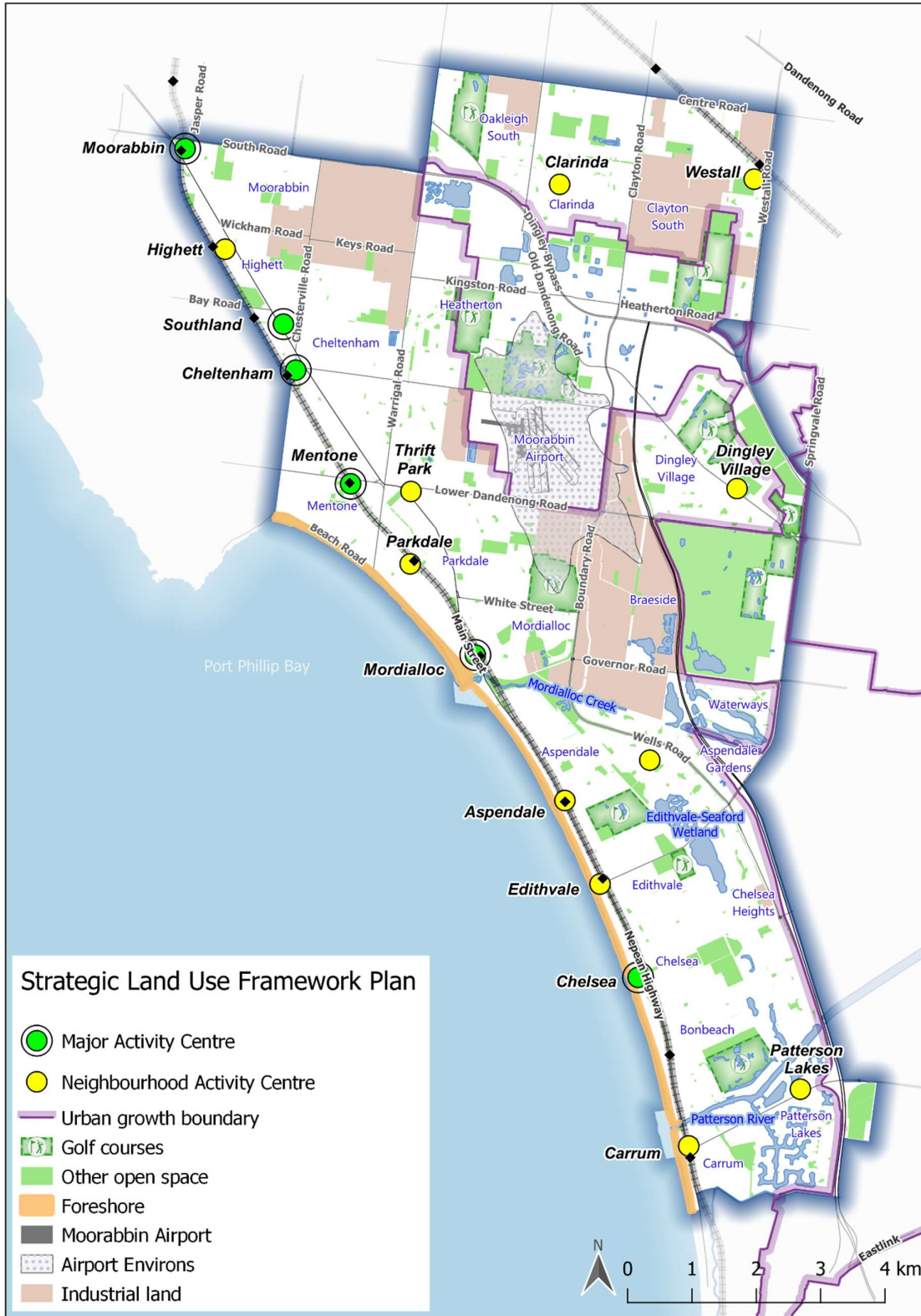


Figure 5: City of Kingston Strategic Land Use Framework Plan

SECTION 2

THEMATIC REVIEW

Structure of Part 2

Section 2 identifies the major planning issues and trends facing the municipality, structured around the strategic directions contained in the Municipal Planning Strategy and the themes of the Planning Policy Framework:

- **Settlement**
 - Kingston's Green Wedge
- **Planning For Places**
 - Kingston's Activity Centres
- **Environment and Landscape Values**
 - Vegetation and Biodiversity
- **Environmental Risk and Amenity**
 - Climate Adaptation
- **Built Environment and Heritage**
 - Environmentally Sustainable Development
 - Heritage
- **Housing**
 - Housing Supply
 - Social and Affordable Housing
- **Economic Development**
- **Transportation**
 - Safe and Sustainable Transport
 - Moorabbin Airport
- **Development Infrastructure and Natural Resources**
 - Integrated Water Management
 - Storm Water Management
- **Infrastructure**
 - Open Space
 - Integrated Water Management
- **Amenity, Human Health, and Safety**
 - Contaminated Land

Additional chapters include a review of anomalies, planning zones, and overlay schedules.

7 The Kingston Green Wedge

7.1 The Metropolitan Green Wedge – An Overview

Green wedge areas were first set aside in the 1970s to conserve rural activities and significant natural features and resources between the growth areas of metropolitan Melbourne as they spread out along major road and rail links.

In 2002, green wedge land was defined under the P&E Act 1987. New planning zones and stronger regulations were also introduced at this time to better control the subdivision and use of green wedge land.



Figure 6: Kingston Green Wedge (Draft Kingston Green Wedge Management Plan 2023)

The protection of green wedges is a key commitment at a state and local government level. This broadly involves the protection of green wedge from urban uses; the protection and enhancement of biodiversity assets, rural landscapes, and cultural heritage; support for identified industries and infrastructure; and the provision of a recreational resource contributing to public health outcomes for all Victorians.

The Victorian Government expands on its commitment to the protection and management of green wedge land through Direction 4.5 of Plan Melbourne and associated Policies 4.5.1 and 4.5.2. This includes the use of appropriate zoning controls (Green Wedge Zone and Rural Conservation Zone) and

Green Wedge Management Plans to deliver appropriate local outcomes across the 12 green wedge areas. The Draft LUPP builds on Direction 4.1 of Plan Melbourne.

A key commitment within the south-eastern green wedge is the delivery of regional parks and a network of regional open space linkages, including a north-south open space spine called the Chain of Parks – Sandbelt. This involves rehabilitation of closed landfills and other open space to create a series of linked open spaces across the Sandbelt. The Chain of Parks Masterplan was endorsed by Council in 2020.

7.2 Kingston's Green Wedge

Kingston's Green Wedge is under pressure for more intensive urban development. It is important that land use outcomes in the green wedge are not driven by short term economic expediency but seek to achieve sustainable use and development outcomes. The 'hard' edge between the urban and non-urban areas is important for the management of development pressures at the urban/green wedge interface.

Consistent with the Victorian Government, the Kingston Planning Scheme recognises the importance of the Kingston Green Wedge in its Municipal Planning Statement. Local policy content in the PPF contains direction for the use and development in the Kingston Green Wedge (Clause 11.01-1L). Additionally, the PPF contains local policy to support the delivery of the Chain of Parks (Clause 19.02-6L-01) and to provide direction for materials recycling facilities seeking to locate outside the urban growth boundary.

7.2.1 The role of a Green Wedge Management Plan

Green Wedges experience changes over time. A Green Wedge Management Plan provides a framework to manage change and actions to facilitate the improvement of the Green Wedge and provides the opportunity to clearly articulate the kinds of development or activities that are likely to be supported in the Green Wedge. The Plan provides clarity and greater certainty for all stakeholders, including landowners.

Planning Practice Note 31 provides guidance for the preparation of Green Wedge Management Plans and sets out the general requirements that should be met.

The Council Plan reaffirms Kingston's commitment to the Green Wedge. Strategic Direction 2 includes strategies to protect and enhance Kingston's Green Wedge and Chain of Parks. Annual Actions for 2022-23 include the implementation of a new Green Wedge Management Plan, and continued arrangements to design and deliver the Chain of Parks in conjunction with the Victorian Government.

7.2.2 Kingston Green Wedge Management Plan 2012

Amendment C143 implemented the KGWMP 2012 into the Planning Scheme by rezoning the northern section of land off Kingston and Heatherton Roads from Special Use Zone Schedule 2 to Green Wedge A Zone. This Amendment prohibited landfill and materials recycling in these areas to acknowledge that landfills, waste transfer and materials recycling are not seen as suitable long term uses in the Kingston Green Wedge due to the high potential for conflict with nearby residential, agricultural, and recreational facilities. The amendment supported the transition of landfills once rehabilitated to open space for recreational purposes contributing to the 'Chain of Parks', consistent with the decisions granting planning permission for many of the landfills since the 1970's.

7.2.3 VCAT decisions in the Kingston Green Wedge

Landfill, materials recycling, and transfer station uses have historically located within the City of Kingston and within the Green Wedge. The Municipal Planning Strategy outlines a strategic direction to phase out former extractive industry, landfill and materials recycling uses in the Green Wedge and rehabilitate these sites.

Some former landfill sites been acquired and are being rehabilitated for inclusion in the Chain of Parks. This notwithstanding, materials recycling and transfer stations are still permitted on land within the Green Wedge Zone and Council continues to receive applications for these uses. Local policy in the PPF seeks to manage the use and development of materials recycling facilities in the green wedge, particularly conflict between these uses and agriculture, residential areas, and sensitive uses.

Decisions in the Victorian Civil and Administrative Tribunal (VCAT) have discussed Council's policy in relation to industrial uses in the Green Wedge.⁴ In determining an application to refuse a materials recycling facility in the Green Wedge in *Mead v Kingston* in 2020, the Tribunal noted the high degree of consistency of the Kingston Planning Scheme across a number of themes to deliver outcomes consistent with the KGWMP 2012 and the Sandbelt Open Space Plan, including policy transitioning away from traditional waste and resource recovery related activity.

7.2.4 Alex Fraser Pty Ltd v Kingston CC [2019]

In 2020, the Minister for Planning referred an application for an extension to the Alex Fraser Pty Ltd recycling facility in Clarinda (in the Green Wedge) to an independent advisory committee for consideration.

The committee provided its recommendations to the Minister that the existing permit be extended by an additional 15 years. Broadly, the IAC considered that net community benefit would be achieved by allowing the continuation of the use⁵. The Minister accepted the committee's recommendations in part by recommending to the Governor in Council that the permit be extended by a period of 10 years.

The decision in Alex Fraser was distinguished by the committee because of the size and importance of Alex Fraser's activities to Victoria's overall waste management infrastructure, which was seen of significant community benefit by the committee. The committee further noted that there was no question that the long-term future of this land should conform with the objectives of the Green Wedge A Zone and the open space objectives for the area set out by the Chain of Parks Masterplan.

7.3 Green Wedge and the PPF translation

The PPF translation applied a sunset clause to Clause 19.02-6L-01 to allow for the finalisation and adoption of the Kingston Green Wedge Management Plan 2023 (KGWMP 2023).

The PPF content will expire three (3) years from the date of gazettal of Amendment C200king (30 June 2025). The sunset clause is also an acknowledgement of work currently being undertaken by The Victorian Government (the Green Wedge Agricultural Land project) and Council (the update to the Green Wedge Management Plan 2012) that is intended to update the Planning Scheme in the short term.

Amendment C200king retained key content from the former LPPF – Clauses 22.01, 22.02 and 22.04 – relating to the Chain of Parks and Green Wedge. This was relocated to Clause 19.02-6.

⁴ [Metro Mix Concrete \(Vic\) Pty Ltd v Kingston CC {2022} VCAT 204](#); [Mead v Kingston CC {2020} VCAT 1144](#)

⁵ [clarinda-recycling-facility-advisory-committee-report.pdf \(planningpanels.vic.gov.au\)](#)

7.4 Current Strategic Work

7.4.1 *Kingston Green Wedge Management Plan 2023*

A review of the 2012 KGWMP began in 2019 this resulted in the creation of the Draft Kingston Green Wedge Management Plan 2021 (Draft KGWMP 2021). The Draft KGWMP 2021 was placed on hold pending the Victorian Government's work for Green Wedge and Agricultural Land. To date this work has not been released and Council resolved to re-commence the review of the KGWMP with a 2023 update released for public consultation in 2023 and adoption in December 2023.

The KGWMP 2023 makes several recommendations that may require changes to the Planning Scheme including:

- Recommending a local policy to guide decision making on appropriate land uses.
- Introducing the KGWMP 2023 as a reference document in the Planning Scheme.
- The inclusion of a Design and Development Overlay to provide built form guidelines.
- Rezoning of land (including all Green Wedge Zone land to a Green Wedge A Zone and rectifying existing anomalies).

Additionally, the KGWMP identifies the following local policies requiring review:

- **Clause 19.02-6L-01 Open space and Chain of Parks - Sandbelt**
The policy should be updated to reflect progress in the delivery and master planning of the Chain of Parks and remove policy that relates to enterprises sites.
- **Clause 19.03-5L Materials Recycling**
Additional discussion could be included that industry is being phased out in the area and is prohibited under the Green Wedge A Zone. It is noted that this policy is only relevant if there is a Green Wedge Zone.

. A planning scheme amendment is currently being prepared to implement the adopted GWMP into the Kingston Planning Scheme.

7.4.2 *Planning for Melbourne's Green Wedges and Agricultural Land (GWAL)*

In 2018 the Victorian Government started the preparation of background work on the GWAL project with the aim to protect Melbourne's green wedges and keeping farms on urban fringes working and producing future generations to come.

Two phases of public consultation have been undertaken to date, in 2019 and 2020. A public consultation paper was released in May 2020 as part of Phase 2.

The GWAL project is significant to Kingston as it will potentially involve changes to legislation, policy and Practice Notes relating to green wedges, including to the way we assess discretionary uses in the green wedge and the introduction of design and development guidelines or requirements.

The GWAL strategy was expected to be finalised by 2022.

Council made a submission to the GWAL project which was endorsed by Council at its meeting on 14 December 2021. This is attached at Appendix 8.

7.5 Green Wedge - Recommendations

No.	Recommendation	Related Council Plan Objective(s)
1.1	Monitor the progress of the Victorian Governments Green Wedge and Agricultural Land Work.	<p>Strategic Direction 2: Sustainable</p> <p>Strategic Objective 2.1</p>
1.2	Undertake a Planning Scheme Amendment to give effect to the recommendations of the adopted Kingston Green Wedge Management Plan.	<p>We prioritise our environment and our impact on the earth.</p>

8 Kingston's Activity Centres

8.1 Planning for Places - activity centres

The importance of activity centres across Melbourne is recognised in Plan Melbourne. This suggests that activity centres need to provide a broad range of goods and services, provide diverse offerings, and include mixed-use development and good transport connections to support local economies and the development of 20-minute neighbourhoods.

8.2 Kingston's activity centres and the Planning Scheme

Metropolitan Melbourne has a network of activity centres. This network is defined within Plan Melbourne and is classified into three main types: Metropolitan Activity Centres, Major Activity Centres and Neighbourhood Activity Centres. Kingston contains six Major Activity Centres and eleven Neighbourhood Activity Centres. No Metropolitan Activity Centres are located within Kingston. A hierarchy of Kingston's Activity Centres is contained in Clause 2 of the Kingston Planning Scheme.

Activity centres are important locations for residential development needed to satisfy the housing needs of the Kingston population now and into the future. The Victorian Government expands on this in Directions 1.2 and 2.2 of *Plan Melbourne* and associated Policies 1.2.1, 1.2.2 and 2.2.3.

Clause 11.03 of the Planning Scheme (Planning for Places) seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. Local policy content in the PPF contains direction for the use and development in activity centres (Clauses 11.03-1L, 11.03-2L, 11.03-3L, 11.03-4L, 11.03-5L).

The Planning Scheme is also important in ensuring appropriate zoning controls (Activity Centre Zone) and Structure Plans are applied to deliver appropriate local outcomes across the six (6) Major and eleven (11) Neighbourhood Activity Centres. Activity Centre Structure Plans are policy documents within the Planning Scheme which provide detailed direction for Kingston's activity centres.

The Council Plan reaffirms Kingston's support the role of activity centres. Strategic Direction 1 and 3, includes strategies to support the concept of the 20-minute neighbourhood and improve connections between activity zones, public transport hubs and where people live through an integrated network.

8.2.1 Suburban Rail Loop - East

The *Suburban Rail Loop Act 2021* gives the Suburban Rail Loop Authority (SRLA) the power to plan, procure and manage any development, non-transport infrastructure, transport infrastructure or services for the Suburban Rail Loop program. An investigation area, with a radius of 1.6km from the Cheltenham and Clayton stations, has been established that includes the Highett, Southland and Cheltenham activity centres. In December 2023, Suburban Rail Loop planning areas were declared, making the SRLA a Planning Authority for these areas, and the SRLA has now commenced precinct structure planning work.

Council is committed to working in active partnership with SRLA for the precinct planning within the declared planning areas. Council seeks to be recognised as an equal and key stakeholder throughout the Suburban Rail Loop project and therefore has a strong expectation that the Victorian Government and Suburban Rail Loop Authority:

- Ensure that local councils to be seen as equal and key stakeholders throughout the project and integral to ensuring community voices are heard.
- Ensure that consultation with the community and with local government on any reform proposals and major planning decisions must occur before reforms are considered or introduced.
- Ensure that the community's voice remains central and acknowledges is critical for ensuring a transparent planning system that strengthens local neighbourhoods and economies.
- Reinforce that a localised understanding of the community and its concerns are essential in informing planning decisions that can only be delivered by Councils.
- Protect the mechanism and rights of residents to voice their objection and concern to any developments in their local community.

The proposed Suburban Rail Loop project is likely to be of great significance to Highett, Cheltenham, and Southland, in addition to parts of Clayton South, which is part of the declared planning area surrounding the Clayton Interchange.

The SRL interchange stations at Cheltenham and Clayton will link residents to major destinations in the Eastern Metro Region including the Monash NEIC and Box Hill Metropolitan Activity Centre, and in the longer term, to Melbourne Airport. SRL will provide public transport access to key employment locations without having to travel to intersecting points on the network closer to the inner city.

The cross-suburb travel connection is anticipated to trigger investment and economic activity in the middle suburbs. This will include increasing public transport and active transport connectivity to and from the SRL stations at Cheltenham and Clayton from nearby activity centres, urban renewal areas, employment precincts, and along key transport corridors.

The SRL may be a catalyst for a review of the position of the Cheltenham-Southland Activity Centre within the current Activity Centre hierarchy. Given its potential role as a major transport interchange and employment, entertainment, and residential hub, it may be more appropriate to designate Southland-Cheltenham as a Metropolitan Activity Centre. This should be given further consideration as precinct planning proceeds.

This Review does not make recommendations on the planning controls which apply within SRL precinct areas.

8.3 Review of Activity Centres

8.3.1 Housing Strategy and Neighbourhood Character Study

Council's adopted Housing Strategy and Neighbourhood Character Study (HS&NCS) contains a recommendation to review the three Schedules to the Activity Centre Zone (ACZ) in Moorabbin, Cheltenham, and Mentone, to ensure that any interface issues between the existing ACZ and proposed Residential Growth Zone areas are addressed. This future strategic work will form a recommendation of this Review, to be undertaken once a Planning Scheme Amendment has been completed to implement the HS & NCS.

8.3.2 Cheltenham – Southland Major Activity Centre

Current Planning Scheme controls impacting the Cheltenham-Southland centre include Clause 11.03-1L-02 and Schedule 1 to Clause 43.03 – Incorporated Plan Overlay and Design and Development Overlay Schedule 21 (relating to several sites north of Southland). These controls enable more intensive

development in identified locations throughout the centre, and additionally, seeks to ensure integrated development of the Westfield Southland shopping centre.

Cheltenham – Southland is a major retailing centre and has been earmarked as a key location in the delivery of the SRL. It is expected to sustain large increases in retailing, employment, and housing over the coming decades.

The current planning controls impacting the Centre may be reviewed as part of structure planning for the SRL. At present, the precinct boundaries for the SRL, for which planning will be controlled by SRLA, have not been identified. Council will continue to work closely with the SRLA in the delivery of structure planning for the precinct and will monitor any developments requiring changes to the Planning Scheme. Due to the increased prominence of Cheltenham-Southland in key strategic documents, such as the Draft LUFP, there is a potential for the centre to be reconsidered in terms of its place in the hierarchy of activity centres – and be identified as a Metropolitan Activity Centre.

8.3.2.1 Former Highett Gasworks

The former Highett Gasworks site is located adjacent to Sir William Fry Reserve, and within the SRLA precinct investigation area for Cheltenham. In 2019, an amendment to the Kingston Planning Scheme (C159) came into effect for the former Highett Gasworks site by applying the Schedule 2 to the Residential Growth Zone, with provision for maximum building heights of 26m. A Development Plan Overlay (Schedule 7) was also applied to the site requiring (inter alia) an open space contribution of 11.6% of the value of the site, up to 10% affordable housing, and conservation of identified heritage elements on site. No development of the site has commenced, and the announcement of the SRL, on the adjacent site, is likely to influence site planning and programming. Council has requested that Development Victoria has consideration for this emerging context when planning for the site.

8.3.3 Cheltenham Major Activity Centre

Current Planning controls affecting this centre are Schedule 1 to Clause 37.08 the Activity Centre Zone, which implements the Cheltenham Structure Plan.

A review of relevant approvals in the ACZ1 indicate the current zone and policy settings are delivering appropriate outcomes in relation to building height and design. These include development of 4-9 storeys in the business and retail core areas of the Activity Centre, where preferred heights in the centre are between 4-7 storeys. Where the height has been exceeded, this has generally been due to consolidation of individual lots, creating greater opportunities to accommodate height.

In January 2018 Council adopted the Cheltenham Activity Centre Structure Plan Review in response to the Victorian Government's Level Crossing Removal Project.

Given other major projects currently being undertaken within Kingston, an in-depth review of planning controls within Cheltenham Activity Centre is not currently a key priority of Council.

A review or update of planning controls in Cheltenham could be possible if Cheltenham Activity Centre is designated as part of the Southland SRL precinct, managed by SRLA.

8.3.4 Moorabbin Major Activity Centre

Current planning controls relevant to Moorabbin are Schedule 3 to Clause 37.08 the Activity Centre Zone, the Moorabbin Activity Centre Structure Plan (May 2011) (Background document) and the P.L.A.N. Study (2008) (Background document).

In February 2020, Council adopted the Moorabbin Eastern Edge Urban Design Analysis which investigate the eastern edge of the Moorabbin Activity Area, within the boundaries of the structure plan area. The area of study falls into Precinct 4 of the Activity Centre boundary. The Plan seeks to implement the Moorabbin Activity Centre structure plan vision.

In August 2020, Council adopted the Moorabbin West Urban Design Framework. The Strategy builds upon the objectives of the Moorabbin Structure Plan and Activity Centre Zone controls, providing more specific direction for the renewal of the precinct through focused direction.

Recent approvals in the Moorabbin Activity Centre reflect a demand for higher built form than currently anticipated in the Zone Schedule and Structure Plan. For example, there are several approvals or applications for 12 storey development in areas proposed for 4-6 storey development. Additionally, there is a need to consider how the current ACZ is delivering employment in the centre, and to ensure planning controls are stimulating the centre as intended. A review of the current controls and structure plan is warranted, to ensure that Council is achieving appropriate development outcomes in the Activity Centre. A review would also ensure that Council is positioned to capture the value uplift of these proposals in terms of improved affordable housing, ESD, or infrastructure.

Announcements made by the Victorian Government in September 2023, indicating that the Victorian Planning Authority will have a role in planning for activity centres (including Moorabbin) by the end of 2024, may influence Council's role in planning for the activity centre.

8.3.5 Mordialloc Major Activity Centre

Current planning controls specific to Mordialloc include Clause 11.03-1L-03 – Mordialloc Major Activity Centre and Clause 43.02 Design and Development Overlay Schedule 8 – Bear, Park, and Albert Streets - and Schedule 10 – Mordialloc Activity Centre. These controls implement the Mordialloc Structure Plan – Mordialloc: Pride of the Bay which was completed in 2004.

In 2022 the Victorian Government announced that LXRA would undertake the removal of the McDonald Street and Bear Street level crossings in Mordialloc. Both level crossing removal projects are expected to be completed by 2026.

Once completed, level removals may provide impetus for a review of the Mordialloc Activity Centre and associated planning controls. Future strategic work may include preparation a review of the existing Structure Plan. Council will continue to work closely with the Victorian Government, as it has on previous projects, to advocate for the best possible outcomes for the community in terms of long-term visioning for the precinct. This may influence the preparation of a future structure plan or urban design framework.

8.3.6 Chelsea Major Activity Centre

Chelsea is the only major activity centre in Kingston without a structure plan and there is no local policy in Clause 11 of the Scheme specific to Chelsea.

In 2018 Council determined to undertake a structure plan for the centre to address this gap. A phase one of consultation period ran from June to July 2019. The structure planning process was placed on hold as a result of the COVID-19 pandemic and the Chelsea Level Crossing Removal Project. In 2021, the level crossings in Chelsea were removed, further influencing the urban context around the activity centre.

It is anticipated work on the Chelsea Structure Plan will re-commence shortly and will address the completed level crossing works and any unintended consequences that may have arisen, including connectivity issues and loss of vegetation.

Notably, Amendment C203king did not consider Chelsea, as it was anticipated that the structure planning process being proposed at the time would include analysis of housing provision and capacity around the activity centre. This analysis will need be included as part of a future structure planning process.

8.3.7 Mentone Neighbourhood Activity Centre

The Activity Centre Zone was applied to Mentone and Cheltenham Major Activity Centres via Amendments [C160](#) in 2016. and [C117](#) in 2013, respectively.

In 2016 Amendment C175 implemented the [Mentone Activity Centre Structure Plan](#) (2011) by applying the Activity Centre Zone to the area. DDO22 also applies to development in Mentone Junction.

The level crossing at Balcombe Road was removed in 2020, resulting in an upgrade of the station precinct. The current DDO seeks height outcomes around the Mentone Junction (Nepean Highway and Balcombe Road) of between 3-6 storeys. Schedule 2 to the ACZ implements the Mentone Activity Centre Framework Plan, encouraging height in the centre of between 3-4 storeys.

Internal consultation has not identified any current need to review either the DDO or the ACZ in this area, however the DDO will be amended via Amendment C203king to ensure consistency with the proposed new residential zones in this precinct.

8.3.8 Carrum Neighbourhood Activity Centre

Local policy related to Carrum is located at Clause 11.03-1L-04 – Carrum Neighbourhood Activity Centre which implemented the Carrum Urban Design Framework.

Since the implementation of the 2003 Urban Design Framework, an Aldi supermarket has established in the activity centre, realising a key goal of the UDF. Additionally, in 2020 the Carrum Level Crossing Removal project was completed, and an elevated rail line was constructed over the centre. This creating new open space areas and improved connections between McLeod Road and Nepean Highway. The elevated rail structure has changed the context of the activity centre.

As a result, there is an opportunity to review the Urban Design Framework for Carrum Activity Centre, post implementation of any outcomes of the Housing Strategy. This would include a review of the extent of Precinct 3 of the Carrum Activity Centre to consider alignment between the housing strategy and the future directions for the Precinct.

8.3.9 Highett Neighbourhood Activity Centre

Level Crossing Removal works, and the Suburban Rail Loop are both key drivers that will influence built form expectations in and around the Highett Activity Centre. In 2022 the Victorian Government announced that LXP would undertake the removal of the Highett Road and Wickham Road level crossings in Highett. Both level crossing removal projects are expected to be completed by 2029.

Furthermore, the Highett Activity Centre also falls within the 1.6km of an area which could be declared as part of an SRL Precinct.

The western half of the Highett Activity Centre is in Bayside City Council. A review and update of the structure plan over this section of the Activity Centre was completed in 2018 and implemented into the Bayside Planning Scheme via Amendment C160 in January 2020. An update of the planning controls on the western (Kingston) half of the activity centre is required to ensure contemporary planning controls over the activity centre as a whole. This would include a review of the Design and Development Overlay and zoning within the centre.

Highett has been included in the SRL investigation area and therefore, it is likely that SRLA will lead a review of planning scheme controls in this area. Council would seek to be closely involved in any planning process, in accordance with its adopted position, outlined in [Section 8.2.1](#) of this Review.

8.4 Out of Centre Development

Clause 11 of the Planning Scheme seeks to concentrate development in designated activity centres.

Kingston's Activity Centre hierarchy is embedded in Clause 02.03 (Strategic Directions) of the Kingston Planning Scheme. State policy at Clause 17.02-2S seeks to ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal. In 2021, Council refused an application for a supermarket and smaller retail tenancies in Wells Road, Chelsea Heights, on Commercial 2 Zoned land outside of a designated activity centre.

In *ALH Group Pty Ltd v Kingston CC6*, the Tribunal set aside the decision of the responsible authority and approved the application. Central to consideration of the proposal was whether the supermarket use was supported by the Zone and the PPF.

The application was approved despite the presiding Member's noting the strength of policy direction to locate and consolidate new commercial facilities in existing or planned activity centres. The Tribunal agreed with the Applicant "that policy is a guide and should inform the exercise of discretion and a balanced approach is required having regard to the totality of the Planning Scheme, including other policy."

The upcoming Kingston Employment Land Use Strategy will provide an opportunity for Council to review the implications of Amendment VC100 in relation to whether the continued application of the Commercial 2 Zone is appropriate in some areas, where new supermarkets may threaten the health or performance of the existing hierarchy of activity centres.

The Employment Land Use Strategy is discussed in more detail in [Chapter 16](#) of this Review.

8.5 Activity Centres - Recommendations

In relation to activity centres, it is recommended to:

⁶ [ALH Group Pty Ltd v Kingston CC \[2021\] VCAT 459 \(11 May 2021\) \(austlii.edu.au\)](#)

No.	Recommendation	Related Council Plan Objective(s)
2.1	Work proactively with SRLA to prepare precinct planning for the Cheltenham, Cheltenham-Southland, and Highett Activity Centres and affected land in Clayton South.	<p>Strategic Objective 1: Liveable</p> <p>Strategic Objective 1.1</p> <p>Our city will be a vibrant, enjoyable, and easy place to live.</p> <p>Strategic Direction 3: Prosperous</p> <p>Strategic Direction 3.1</p> <p>We will embrace the concept of a 20-minute neighbourhood, support the process of decentralisation and support people to live and work locally.</p>
2.2	Review the Carrum Urban Design Framework and determine whether further strategic work is required to update the planning controls for the Carrum Neighbourhood Activity Centre.	
2.3	Review and update the Moorabbin Structure Plan and related planning controls, including implementation of the Moorabbin West Urban Design Framework, noting the role of Council may be influenced by the Victorian Government's recent announcements to introduce planning controls in 10 activity centres (including Moorabbin).	
2.4	Review the Mordialloc Structure Plan and related planning controls following the completion of the Level Crossing Removal Project.	
2.5	Progress the Chelsea Structure Plan and undertake a subsequent planning scheme amendment process if required.	
2.6	Review and update the Highett Structure Plan (either as a Council-led project or in partnership with SRLA).	
2.7	Monitor development in the Cheltenham Activity Centre against the Cheltenham Structure Plan Review, 2018, to consider if further updates to the Structure Plan are required.	
2.8	Continue to work with Development Victoria in the development of the Highett Gasworks Site.	

9 Endeavour Cove

9.1 Endeavour Cove Comprehensive Development Zone

The Endeavour Cove precinct is in Patterson Lakes, adjacent to the Patterson River. In the 1980s, a Planning Scheme Amendment applied a Comprehensive Development Zone (CDZ) to the land to allow for redevelopment of the area as a marina-based residential and recreational environment with some commercial and retail components. Development of the site commenced in the early 1990s and the precinct has largely been completed.

In 2019, concerns were raised by members of the public regarding the way an application to develop land for 236 dwellings had been assessed. This prompted further concerns to be raised with the way development applications in the CDZ had been handled by Council historically.

In response Council engaged an independent legal firm (Hall and Wilcox Lawyers) to undertake a review of relevant developments, development proposals and permit applications that had been considered or approved for land at Endeavour Cove under Schedule 1 to the Comprehensive Development Zone and the Endeavour Cove Comprehensive Development Plan, December 1999 (CDP).

9.2 Independent Review

In 2020 Hall and Wilcox lawyers provided a report to Council regarding their investigation into historical planning decisions made in the Endeavour Cove.

The report found that the CDP was inherently confusing and ambiguous, which made it difficult to assess proposals under the CDZ1 and to understand the extent of discretion allowable under the controls, resulting in mistakes in implementing the controls.

The investigation highlighted a need to develop and implement new controls which provide greater clarity and certainty for land use and development outcomes in Endeavour Cove. Matters identified as requiring particular attention included height controls, mandatory and discretionary provisions, parking requirements, and guidance provided by the Comprehensive Development Plan, which forms part of the applicable planning controls.

9.3 Report of the Victorian Ombudsman

In July 2020, the Victorian Ombudsman commenced an investigation into allegations about planning processes and approvals by the Kingston City Council in Endeavour Cove. These had been referred from the Independent Broad-based Anti-Corruption Commission ('IBAC'). Findings from this investigation were released in 2021 in a report titled [*Investigation into allegations of collusion with property developers at Kingston City Council*](#). The report found that allegations of improper dealings between Council officers and developers were not substantiated. However, the report also highlighted ambiguity in the planning controls consistent with issues identified by Hall and Wilcox.

9.4 Planning Scheme Amendment C205king

In 2021, Council engaged consultants to prepare an updated Comprehensive Development Zone Schedule and Comprehensive Development Plan, to address the inadequacies in the planning controls which had been identified by Hall and Wilcox.

The resulting Amendment C205king, comprising an updated CDP, Car Parking Assessment, and revised Schedule 1 to the CDZ, was exhibited in September 2022. A number of submissions were received in relation to the Amendment. In November 2022, Council requested an independent Planning Panel be appointed to consider submissions and report to the Minister on Amendment C205king. A Planning Panel was subsequently appointed by the Minister for Planning and a Planning Panel was held in March 2023.

A [Panel Report](#), received in relation to Amendment C205king in May 2023, recommended the following:

- Mandatory height controls for all precincts within Endeavour Cove.
- Additional changes to the exhibited Schedule to the Comprehensive Development Zone (CDZ1) and Comprehensive Development Plan (CDP) to improve the clarity of the exhibited planning controls, or to improve consistency with the Ministerial Direction for Form and Content of Planning Schemes.
- Parking requirements for the precinct be moved from its exhibited location in the CDZ1, to a precinct-specific Parking Overlay.
- Support for Council's exhibited parking rates for residential dwellings and some changes to the exhibited parking rate for non-residential uses.

The changes suggested by the Panel are broadly consistent with expert evidence led by Council throughout the Panel hearing. In June 2023, Council resolved to accept the changes recommended by the Planning Panel and adopt Amendment C205king.

The Minister for Planning approved C205king, generally in accordance with the Panel's recommendations, in November 2023. Now that approval has been obtained, no further action is required.

10 Vegetation and Biodiversity

10.1 Vegetation and Biodiversity

The Kingston Planning Scheme identifies Kingston's natural open space areas as some of the community's most highly valued resources. Kingston is home to diverse natural environments including significant parklands, wetlands, open space, and waterways, as well as the largest stretch of coast in a single municipality in metropolitan Melbourne.

Increasingly, retention of vegetation and tree canopy cover and protection of biodiversity has also been identified as having a key role to play in climate mitigation (urban cooling) and adaptation.

Since the Planning Scheme Review in 2012, an increased focus on urban cooling and greening and vegetation management has become evident in both a Victorian and Kingston context.

The Victorian Government's commitment to biodiversity is outlined in Outcome 6 of Plan Melbourne: 'Melbourne is a sustainable and resilient city.' Directions associated with Outcome 6 relate to greening and cooling Melbourne, and the protection and restoration of natural habitats.

The Kingston Planning Scheme includes a Vegetation Protection Overlay and Environmental Significance Overlay in to protect significant and valued trees and vegetation. In addition to this, local policies in Kingston's PPF seek to direct outcomes in relation to landscaping, canopy trees, and the

protection and reinstatement of native and indigenous vegetation where it is threatened by development:

- Clause 02.02 – Vision
- Clause 02.03 – Strategic Directions which seek to maintain and enhance the tree canopy and natural environments.
- Clause 12.01-1L – Protection of Biodiversity – Kingston
- Clause 12.01-2L – Native Vegetation Management – Kingston
- Clause 15.01-1L-01 – Urban Design – Kingston
- Clause 15.01-5L-02 – Landscape Character – Kingston neighbourhoods.

The Council Plan identifies vegetation protection and retention and the increase in municipal canopy cover as an essential component of its response to the climate emergency. This is reflected in Kingston's Annual Action Plan 2023-2024, which commits Council officers to finalising a draft Urban Forest Strategy. Other Council strategies and policies relevant to tree retention, biodiversity and urban cooling are the Biodiversity Strategy, Integrated Water Strategy and Urban Cooling Strategy.

10.2 Issues raised by Council officers in relation to vegetation and biodiversity

Consultation with Council's internal stakeholders from planning, vegetation, compliance, and open space areas identified the following:

- There is currently a high level of compliance by developers with approved landscape plans, which has been enhanced through Council's compliance regime.
- Former local policy content in Kingston's garden industrial estates, such as Redwoods Estate, have resulted in positive landscaping outcomes and high amenity precincts.
- There are anomalies in the drafting and mapping of Kingston's Environmental Significance Overlay (Schedule 2) and Vegetation Protection Overlay (Schedule 2).
- There is a need for more vegetation and tree canopy in Kingston. Planning should support urban cooling ambitions and tree canopy targets embedded in Council's CEERP and other associated policies and contribute to the reversal of canopy loss in residential areas. Currently the Kingston Planning Scheme does not have policy of sufficient weight to support these ambitions, particularly in the areas of tree retention and specific replanting requirements in new development. There is a need for planning to support more specific landscaping requirements in development proposals, including residential and non-residential development.
- There is potential to improve protections for remnant native vegetation on land currently not subject to an assessment under Clause 52.17 (Native Vegetation) or protected by Overlays.
- There is a need to review existing Vegetation Protection and Environmental Significance Overlays to respond to any recommendations of an adopted Urban Forest Strategy and planned upcoming work on the Kingston Biodiversity Strategy and review of the Kingston Significant Tree Register.
- Additional protections are required to identify and protect significant individual trees and environmentally significant streetscapes.
- There is a limitation in the existing Vegetation Protection Overlay as it does not include planning permit trigger for buildings and works in a tree protection zone.

These issues are largely dealt with through current or planned strategic work discussed further in this chapter.

10.3 The need for more vegetation and canopy cover in Kingston

Research suggests that the community health benefits provided by the urban forest are higher where there is a minimum of 30% tree canopy cover.⁷ Tree canopy cover in Kingston is low compared to nearby and neighbouring Councils. In 2022, Kingston undertook a detailed analysis of Kingston's tree canopy cover (woody plants over 3 metres in height). It found a coverage of 12.3% of the municipality.⁸

Projections indicate that without intervention, tree canopy across Kingston will continue to decrease to 2030.

SCENARIO A – NO CHANGE	SCENARIO B- MAINTAIN	SCENARIO C – ENHANCE
No further planting and no action.	Planting of public land only.	Planting on public land and other actions focused on private land.
No canopy increase on public land.	Modest canopy increases on public land.	Increase in canopy cover on Council-managed streets, parks and reserves, contributing to a 1% gain in the overall canopy cover by 2030.
Ongoing decrease in canopy on private land.	Canopy on private land remains stable (unlikely without active intervention). Increase in foliage growth as a result of La Niña to 2023.	Increase on private land made up of foliage growth, fewer tree removals and ongoing increases in new tree plantings, contributing to a 2% gain in the overall canopy cover by 2030.
Overall canopy cover of <12% by 2050.	Overall canopy cover of 15% by 2050.	Overall canopy cover of 15.3% by 2030 and 20% by 2050.

Figure 7 Tree Canopy Change Scenarios taken from Kingston Draft Urban Forest Strategy 2022

Kingston's Urban Forest Strategy identifies that 32% of Kingston's canopy (trees over 3m) are on residential land. Protection of trees on private residential land is therefore considered critical to meeting urban canopy targets.

The work outlined below is relevant to reversing tree canopy loss in private land and contributing to an overall increase in vegetation retention and canopy cover.

10.3.1 Planning Permit applications

Council seeks to apply the Planning Scheme in a way that ensures that mature and significant trees on private land are retained where possible, particularly where they contribute to the amenity and character of an area. In a practical sense, this often requires negotiation which balances the development potential of land and the imperative to retain vegetation.

There are few minimum mandatory requirements for tree retention or vegetation in the Planning Scheme. Council has had some success in requiring trees to be retained as part of development proposals and in requiring landscape plans with specific replanting requirements. As these outcomes are typically subject to negotiation between applicant and Council, on a site-by-site basis, outcomes are sometimes inconsistent and open to contest and uncertainty.

⁷ Konijnendijk C (2023) 'Evidence based guidelines for greener, healthier, more resilient neighbourhoods: Introducing the 3–30–300 rule', *Journal of Forestry Research*, 34, 821–830, doi:10.1007/s11676-022-01523-z

⁸ City of Kingston, 2022, *Draft Urban Forest Strategy* p20

This uncertainty could be addressed through the inclusion of more specific measures or quantitative requirements for planting or canopy in a particular provision or zone schedule, with supporting policy. This is potentially addressed in future strategic work discussed in Sections [10.4.2](#) and [10.4.3](#)

10.3.2 Compliance with Council approved plans

To ensure that Kingston's canopy targets are achieved, it is necessary to ensure that development accords with landscape plans and permits approved by Council. This is a key consideration in Council's adopted Urban Cooling Strategy and the Urban Forest Strategy.

In 2019 Council created a Vegetation Compliance Officer position to monitor compliance with endorsed landscape plans on private development sites. Data collected indicates a high level of compliance with landscape plans, which is improved through an appropriate compliance regime.

Year	No. of properties inspected	No. of noncompliant properties	No. of compliant properties achieved because of action taken	% of compliance achieved as a result of action taken
2018	128	14	10	88% increased to 96%
2019	109	21	15	81% increased to 94%
2020	201	26	19	87% increased to 91%
2021	178	30	21	83% increased to 94%
2022	54	13	10	76% increased to 95%
TOTAL	670	104	73	Average increase of compliant landscaping from 85% to 95%

NOTE: To date there are approximately 180 outstanding site inspections for occupancy permits received for 2022/2023

Figure 8 Compliance figures after inspection and follow up action

10.3.3 Vegetation in non-residential areas

It is common for Council officers to request an applicant amend a proposal to accommodate the retention of trees or vegetation on commercial or industrial land. As there are no specific performance standards for non-residential development, this assessment generally relies on policy contained in the

PPF. Where trees cannot be retained, Council generally seeks replanting of new vegetation on site, often in car parking areas or in front setbacks of commercial and industrial sites.

Feedback from Council officers is that policy objectives contained in the PPF are broad and high-level, requiring officers to consider policy that sits outside of the Planning Scheme (such as local Catchment Management Authority policies). Success relies heavily on the knowledge and negotiation skills of both planners and applicants to achieve appropriate results. In many cases, this process is also time consuming for Council officers and applicants.

Historically, positive landscape results have been achieved with area specific local policies – namely, the Springvale Industrial Park Area Policy, South Road Industrial Gateway, and Park View Industrial Estate policies. As these ‘garden’ industrial estates have been mostly developed, the local policies relating to these sites were removed from the Kingston Planning Scheme through Amendment C132king. Nonetheless, these estates demonstrate the effectiveness of local policy in driving high amenity planning outcomes in industrial areas.

This highlights a need for robust and clear performance standards to be incorporated into either the PPF or VPP to reduce uncertainty and time impost on applicants. This could involve a review of landscaping controls in commercial and industrial areas and development of local policy to encourage appropriate vegetation and tree canopy outcomes in these areas.

10.4 Review of the Kingston Vegetation Protection Overlay and the Environmental Significance Overlay

The Kingston Planning Scheme contains the following Overlays used to identify and protect significant vegetation:

- **Vegetation Protection Overlay (VPO)** which is designed to protect significant native and exotic vegetation. This is appropriate for identifying and protecting vegetation where buildings and works or subdivision are not important considerations. In Kingston:
 - **Schedule 1** protects scarce indigenous vegetation in locations across Kingston.
 - **Schedule 2** applies to Aspendale Gardens / Braeside and seeks to protect and enhance significant local examples of river redgum species and other scarce vegetation.
- **Environmental Significance Overlay (ESO)** which is generally applied if vegetation protection is part of a wider objective to protect the environmental significance of an area. In Kingston:
 - **Schedule 1** applies to Edithvale-Seafood Wetlands, an area significant for environmental, cultural, and ecological reasons.
 - **Schedule 2** applies to the Edithvale-Seafood Wetlands Buffer (Edithvale Common and Chelsea Public Golf Course) as areas with inherent conservation values in supporting locally indigenous vegetation and habitats.
 - **Schedule 3** applies to vegetation on Kingston's Significant Tree Register, which identifies exotic, native, and indigenous trees on private and public land that have special significance.
 - **Schedule 5** identifies the land at 19 Tarella Road, Chelsea as containing rare native coastal vegetation on the inland part of the Kingston coastal sand belt.

A review of the VPO and ESO has identified:

- An anomaly relating to Schedule 2 of the ESO. The ESO currently does not apply to the buffer area. There is a need to map ESO2 to the applicable area as intended.
- Schedule 2 to the VPO does not contain a corresponding map in the Planning Scheme that indicates the area to which the Overlay is to be applied.

- There is a need to review and update the Significant Tree register (ESO3) reflect the current health and status of trees on the Register and identify any new trees for inclusion or remove trees that have been lost since the Register was adopted.

These outstanding issues are likely to be corrected or updated through the implementation of a review of Kingston's Biodiversity Strategy and Strategic Tree Register, which are both currently being prepared by Council officers.

10.4.1 Controlling buildings and works in a tree protection zone in a VPO

Council has identified shortcomings in the Vegetation Protection Overlay as it is a broad control which does not consider or include permit requirements for buildings and works within a tree protection zone. There is an opportunity to advocate to the Victorian Government to consider a change to Clause 42.02 (Vegetation Protection Overlay) to include a permit trigger for buildings and works within a tree protection zone. This change would allow for more opportunities to preserve vegetation (with appropriate construction measures in place) rather than seeking wholesale removal of trees as part of new development.

As the review of Council's Significant Tree Register progresses it is likely that vegetation identified as significant will be located on land in private ownership. Therefore, Council will need to carefully consider the most appropriate planning controls to protect vegetation but also allow consideration of buildings and works within a Tree Protection Zone.

10.5 Current and future strategic work influencing vegetation

10.5.1 Kingston Housing Strategy and Neighbourhood Character Study (Amendment C203king)

[Landscape Character Assessment and Guidelines](#) were prepared by Hansen Partnership in 2019 following strong community feedback regarding the importance of trees and landscaping during consultation on the draft Housing Strategy and Neighbourhood Character Study.

These Guidelines have now been used to inform the drafting of new residential zones and overlays proposed as part of Amendment C203king. The schedules to the residential zones propose new, measurable objectives and standards to provide for greater retention and protection of vegetation and requirements for tree planting. The aim of this tool is to reverse the loss of canopy coverage being experienced through residential redevelopment. If approved, these requirements will become a significant inclusion in the Planning Scheme as there is currently no equivalent provision in the Scheme.

The inclusion of these requirements is also significant noting that it strongly aligns with other strategic work being progressed by Council to increase canopy coverage in Kingston. This work also fills the gap in policy and achieves more consistent vegetation outcomes in residential areas.

10.5.2 The Elevating ESD Targets Planning Scheme Amendment

The 'ET Amendment' is proposed to introduce a particular provision into the Planning Scheme which would apply elevated environmentally sustainable design standards to development proposals. The particular provision would include specific requirements for elements of built form including green cover, canopy planting and achievement of minimum Green Factor scores.

These go beyond current policy and would provide clear benchmarks for developers. Council officers are currently assessing the alignment between the ET Amendment and the Kingston CEERP, to inform any future collaboration with CASBE on this project.

10.5.3 Kingston Urban Forest Strategy (UFS)

An Urban Forest Strategy is a key deliverable of Kingston's Climate and Ecological Emergency Response Plan. It recognises that planting opportunities within our public open spaces must be maximised and a renewed focus on protecting and enhancing trees and vegetation on private land via our Planning Scheme is required. Incentivising tree and vegetation protection, and greater enforcement of greening requirements, may be involved. The Strategy sets a target of 20% canopy cover by 2050.

To support his target, the following must be achieved:

- Increasing canopy cover to 30% (on average) across all public parks and reserves.
- Ongoing, high-quality, well-maintained new plantings on Council roads and streets until 2025
- Halving tree removals on private, residential land
- Doubling new tree plantings on private, residential land.

Priority actions to achieve these outcomes (relevant to the Planning Scheme) include:

- Support Victorian Government-led planning scheme changes aimed at cooling and greening.
- Ensure all local, state, and federal legislative requirements and policies aimed at tree and vegetation protection and enhancement are considered whenever a planning permit is triggered.
- Review Kingston's significant tree register.
- Investigate expanding planning overlays that protect existing significant/ important trees and vegetation, particularly on major land use types such as golf courses.
- Investigate strengthening local council policy within the planning scheme to protect and enhance significant/ important trees and vegetation, particularly in industrial and commercial zones.
- Embed tree and vegetation protection and enhancement requirements into all Council policies, strategies, and operational procedures.
- Via any proposed planning scheme amendment, seek opportunities to:
 - Require canopy tree planting and integrated WSUD in car parking areas.
 - Require green infrastructure (including) for developments not subject to the Better Apartment Guidelines.
- Advocate to the Victorian Government for stronger permit triggers and decision guidelines for encroachment into tree protection and structural root zones.
- Continue to implement the Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines through Amendment C203 to the Kingston Planning Scheme.
- Develop mechanisms to address tree removals when a planning permit is not required (single dwellings) or when prohibitive insurance claims are lodged.

Priority actions from the Urban Forest Strategy are generally aligned with the strategic direction set by Plan Melbourne and the draft Southern Metro Land Use Framework Plan to enhance tree canopy.

The Kingston Urban Forest Strategy was adopted by Council in September 2023. Now this is adopted, there is scope to review these priority actions and where appropriate, implement any relevant recommendations relating to the Planning Scheme. The timing of a future planning scheme amendment process may also depend on the adoption of a revised Significant Tree Register and Biodiversity Strategy.

In addition, actions from the Urban Forest Strategy will help to assess and audit streetscapes and identify any potential streetscapes or individual trees that might require further protection. It will also result in more specific guidelines for sensitive streetscape planting and contribution to canopy outcomes.

10.5.4 Kingston Urban Cooling Strategy 2020

Kingston's Urban Cooling Strategy was adopted in 2020. It includes goals to increase vegetation cover across Kingston, including tree canopy; and seeks to incorporate urban heat mitigation principles and elements in planning and building decisions. The Urban Cooling Strategy also proposes regional tree canopy targets aligned to the Living Melbourne Strategy of between 20 and 30 per cent.

To further embed urban cooling and landscape considerations in the planning scheme at a local level, Council is also seeking to include its adopted Urban Cooling Strategy as a background document in Clause 72.08 of the Scheme, as part of the current Housing Strategy Amendment C203king.

10.5.5 Review of Council's Significant Tree Register

Council officers are currently progressing a review of important or significant vegetation that exists within Kingston, with the aim of updating the existing significant tree register (ESO3). This process is anticipated to progress over 2024 and 2025. The community has been invited to make nominations of any vegetation which they perceive to be of importance of Council's consideration. This review will inform any future planning scheme amendment to expand the application of the Environmental Significance Overlay (ESO) to land within Kingston, thereby providing for greater vegetation protection to our most significant trees.

The review of the Significant Tree Register will complement other work being undertaken by Council to support biodiversity and tree canopy and urban cooling outcomes in Kingston.

10.6 Biodiversity and the Planning Scheme

Kingston's Biodiversity Strategy 2018-2023 sets out goals and strategic objectives for protecting, preserving and improving our biodiversity within Council's Natural Resource Areas (NRA), which are areas managed by Council and which contain higher quality remnant vegetation for conservation purposes. Vegetation management targets and assessments have been developed and implemented for remnant and significant vegetation in Kingston's NRAs. Kingston's NRAs are shown on the map at Appendix 5 of this Review.

The Biodiversity Strategy acknowledges the role of the Planning Scheme in controlling vegetation removal and retention through consideration of applications for development in these areas.

The Biodiversity Strategy also contains actions to introduce Environmental Significance or Vegetation Protection Overlay controls into certain areas where appropriate, and update and maintain Council's Significant Tree Register to ensure retention of trees of importance to the community. Strategic work addressing these two actions is currently being undertaken by Council – refer to Section 10.7 of this Review.

10.6.1 Planning Controls in Natural Resource Areas

All 18 Natural Resource Areas identified in Kingston's Biodiversity Strategy (Kingston NRAs) are currently zoned either Public Conservation and Resource or Public Park and Recreation in the Planning

Scheme. This appropriately reflects their dominant characteristic – either as a long-term conservation or open space site.

The current review of Council's Significant Tree Register and Biodiversity Strategy provides an opportunity to review appropriate Planning Scheme controls over publicly managed NRAs and, where necessary, surrounding buffer areas. As part of this work, Council's Open Space team has identified publicly managed sites for further review for inclusion in a VPO or ESO.

These suggestions will be considered along with the review of the Significant Tree Register and recommendations relating to Overlays is likely to form part of any implementation of the review.

10.6.2 Limits of Clause 52.17

Clause 52.17 Native Vegetation seeks to protect native vegetation by including a permit requirement to remove, destroy, or lop native vegetation. However, this permit requirement does not apply to typical residential development, as it contains a 'site area' exemption for sites with an area less than 0.4 hectares (4000sqm). Due to the pattern of subdivision in Kingston, this exemption applies to most privately owned land in Kingston.

Council officers have noted that many sites within Kingston have remnant indigenous or native vegetation on smaller sites which they consider worthy of protection, particularly in areas along the coastline.

Therefore, to protect native vegetation in these areas, Council relies heavily on the application of the PPF and Local Laws where a native vegetation planning control does not apply to fill the gap.

The Biodiversity Strategy, the audit of vegetation proposed under the Urban Forest Strategy, and the review of the Significant Tree Register all offer opportunities to identify remnant native vegetation and make recommendations for future actions to protect these areas through zoning, policy or overlay controls.

10.7 Update to Kingston's Biodiversity Strategy

An update to the current Biodiversity Strategy is being prepared by Council's Open Space team. Initial feedback has identified a need to consider how private land contributes to overall biodiversity, particularly larger privately held parcels such as golf courses which may act as biodiversity corridors. Additionally, the Biodiversity Strategy should consider how areas surrounding NRAs should be planned for, and where possible, identify buffer areas between the NRAs and other, more intensive uses, to enable appropriate planning for these areas.

The Biodiversity Strategy will include a review of existing biodiversity corridors on public and private land and identify the significance of these corridors. It may also include a review of other patches of remnant native vegetation identified as being worthy of further investigation for recognition and protection. These areas may be nominated by Council officers or other bodies.

Implementation of the Biodiversity Strategy may therefore result in updates to local policy in the Kingston PPF or overlays to protect remnant vegetation or landscapes worthy of additional protection, particularly where these sites are not subject to Clause 52.17. This may help to address current gaps in the PPF discussed in Sections 10.6.1 and 10.6.2 of this Review.

A review of the Planning Scheme has indicated that the Environment, Wetland and Waterways Framework Plan contained in Clause 02 of the Kingston Planning Scheme does not identify all of Kingston's Natural Resource Areas as open space areas of environmental significance. It is

recommended that the Framework Plan be updated once Council's updated Biodiversity Strategy has been adopted, to ensure alignment between Kingston's Biodiversity Strategy and the Planning Scheme.

10.8 Biodiversity and Native Vegetation Management – Recommendations

No.	Recommendation	Related Council Plan Objective(s)
3.1	Implement recommendations of the adopted Kingston Urban Forest Strategy where these are relevant to the Planning Scheme.	<p>Strategic Direction 2: Sustainable</p> <p>Strategic Objective 2.1</p> <p>We prioritise our environment and our impact on the earth.</p>
3.2	Monitor work being undertaken to update the Kingston Biodiversity Strategy and implement any recommendations relevant to the Planning Scheme.	
3.3	Monitor work being undertaken to update the Significant Tree Register and implement the findings into the Kingston Planning Scheme.	
3.4	Advocate to the Victorian Government to amend the Vegetation Protection Overlay to include a planning permit trigger for buildings and works within a Tree Protection Zone.	

11 Climate Adaptation

11.1 Climate adaptation - overview

A direction for Kingston, set by the Planning Scheme, is to adapt to and mitigate the impacts of climate change, particularly in areas likely to be impacted by sea level rise or extreme weather events.

Adaptation is distinct from mitigation and emissions reduction. Adaptation includes greener and adaptive building and infrastructure design, urban greening, urban planning, and infrastructure design to accommodate projected sea level rises, increased bushfires, drought, intense rainfall, and flooding.

Over the long term, Kingston will need to plan for:

- Higher temperatures, including more frequent extreme heat days. This will have an increasing impact on the design life of assets, operational management of vegetation in drought conditions, and services provided to members of the community that are more vulnerable to heat stress.
- Changes in rainfall patterns. This will have an impact on flooding, pollution levels, and water security in drought conditions.
- Rising sea levels, including more frequent storm surges and more intense wave action. This will have an increasing impact on planning requirements for council and private coastal buildings, plus the renewal and maintenance of beach renourishment, foreshore assets, roads, and drainage.

This chapter of the Review focuses on the role of the Planning Scheme in facilitating climate adaptation, particularly in managing development at risk of flood hazard from coastal inundation, riverine and overland flows.

11.2 Coastal and low-lying areas in Kingston

The City of Kingston manages 13km of low-lying foreshore that is increasingly vulnerable to sea-level rise. Climate change is likely to result in sea level rise, wave action and storm surges that will alter sand movements and increase erosion rates. In addition, flood risks from overland stormwater flow must be managed appropriately in low-lying areas. There is a need to ensure flood mapping data is included in the Planning Scheme to manage development in these areas. To achieve this, the Special Building Overlay (SBO), Land Subject to Inundation Overlay (LSIO), or Urban Flood Zone (UFZ) may be commonly applied to land subject to flooding.

The Kingston Planning Scheme includes an SBO and LSIO. The extent of Kingston's SBO and LSIO is depicted in the table below.



Figure 9 Extent of Kingston's SBO and LSIO

Strategic Objective 2.1 of the Council Plan is to prioritise our environment and reduce our impact on the earth. Annual actions for 2022-2023 include to refine 1 in 100-year flood modelling to include climate change guidance and incorporate the changes from the industry guideline ARR2019.

11.3 Update to the Special Building Overlay and Land Subject to Inundation Overlay

The areas covered by the SBO and LSIO have not been updated since the Overlays were first applied in 2004. This work was included in Planning Scheme Amendment [C32](#), which applied a Special Building Overlay to the affected properties.

Melbourne Water is currently undertaking a review and update of the flood mapping of areas at risk of sea level rise and flood in Kingston. This update would apply current flood mapping to all of Kingston, using the Australian Rainfall Runoff (ARR) 2019 data.

Melbourne Water has indicated that this work will feed into a future Planning Scheme Amendment to update the mapping in line with the ARR 2019.

A consultant for the flood mapping project has been appointed and the preliminary works are well advanced. Kingston is expecting preliminary results from June 2024, with results informing a potential Planning Scheme Amendment.

11.4 Further strategic work

Council has been involved in several recent studies to improve our understanding of climate risks, mainly partnering with the South East Councils Climate Change Alliance (SECCCA). While the data should gradually improve over the next 2 to 7 years, the findings are not yet sufficiently robust enough to inform detailed community engagement on specific local climate adaptation information at this stage.

The Victorian Government is also currently collaborating with local governments on the following strategies.

11.4.1 Built Environment Climate Change Adaptation Action Plan 2022-26 (BECCAAP)

The Victorian Government has recently released the [BECCAAP](#). This seeks to ensure a climate-resilient system to support communities and organisations to withstand the impacts of climate change. By 2026, it is expected that policies and standards are strengthened to provide comprehensive support for climate change adaptation and emission reduction across the Built Environment system.

Action 10 of the Action Plan is to

Prepare measures to help local government update planning scheme instruments (zones and overlays) to reflect climate change risks based on the best-available data and climate change science, including flood and sea level rise responses as priorities.

This includes supporting planning scheme responses to coastal hazards in at-risk communities where a state-funded coastal hazard and risk assessment has been completed.

11.4.2 Port Phillip Bay Coastal Hazard Assessment

The [Port Phillip Bay Coastal Hazard Assessment](#) (PPBCHA) is currently being undertaken by DEECA. This will help Kingston to better understand projected coastal hazards at a local scale and identify vulnerabilities of their foreshore in being able to withstand current and future hazards. This project will include analysis of data and modelling a range of climate change scenarios to be shared with land managers (such as Kingston) and the community.

The PPBCHA will gather data and model future climate scenarios to support future coastal erosion, flooding and groundwater controls. This may include recommendations to amend the Planning Scheme to address coastal hazards management in Kingston.

In January 2024 DEECA released the PPBCHA. Council is still considering the implications of this document.

11.4.3 Local Coastal Climate Change Adaptation Plan (CCCAP)

DEECA has recently developed a state-wide framework (Victoria's Resilient Coast – Adapting for 2100+) to support councils to undertake long-term coastal hazard resilience and adaptation planning. Kingston will be using this framework to progress the development of a local Coastal Climate Change Adaptation Plan (CCCAP) from late 2023 through to mid-2025. The outcomes of this work will allow council to:

- Build up Kingston's approved Coastal and Marine Management Plan (CMMP, April 2023)
- Better understand regional and local coastal hazards and implications.
- Develop a strategic approach to increasing resilience in response to projected increases in wave action, storm activity and sea level rise.
- Support future community engagement and building awareness of the range of complex coastal planning issues.

Council's Strategic Planning team will continue to monitor this work for any implications for the Planning Scheme.

11.5 Climate Adaptation - Recommendations

Climate Adaptation		
No.	Recommendation	Related Council Plan Objective(s)
4.1	Continue to work with Melbourne Water to update flood mapping for Kingston and undertake any Planning Scheme Amendment required to update existing Overlays.	<p style="text-align: center;">Strategic Direction 2: Sustainable</p> <p style="text-align: center;">Strategic Objective 2.1</p> <p style="text-align: center;">We prioritise our environment and our impact on the earth.</p>
4.2	Monitor the outcomes of Victorian Government initiatives including the Port Phillip Bay Coastal Hazard Assessment, development of new tools to address coastal impacts (such as a Coastal Hazard Overlay) and the Local Coastal Climate Change Adaptation Plan.	

12 Environmentally Sustainable Development

12.1 Environmentally Sustainable Development (ESD)

The City of Kingston declared a Climate and Ecological Emergency in January 2020. A *Climate and Ecological Emergency Response Plan* (CEERP) was adopted by Council in July 2021. Both the Declaration and the CEERP align with the latest scientific evidence and seek to achieve net zero greenhouse gas emissions in the community by 2030.

The *Climate Change Act 2017* includes legislative requirements to plan for adaptation to climate change through five yearly sector-based adaptation action plans and to achieve net zero emissions by 2050. A heightened focus on sustainable outcomes has driven a significant amount of policy reform at a state and local level. This will continue to impact the Planning Scheme. Broadly, the following themes have emerged as priority areas since the Planning Scheme was last reviewed in 2012:

- The increasing importance of urban cooling and protection and enhancement of trees and vegetation.
- Low emissions buildings through design and reforms to Environmentally Sustainable Design (ESD), particularly as it relates to building design and layout.
- Climate change mitigation and adaptation, including addressing coastal hazards.
- Increasing focus on integrated water management and recycled water.

Sustainability is addressed in the Planning Scheme through state-wide strategic directions, policy, objectives, and standards relating to ESD, climate change, and integrated water. These are integrated across almost every policy area in the State and Regional PPF, highlighting a commitment to integrating environmental considerations across decision making.

An overview of policies relating to climate change is contained in [Appendix 7](#).

This Chapter focuses on ESD and the built environment.

12.2 ESD and the Planning Scheme

The objectives for planning in Victoria are laid out in Section 4 of the *Planning and Environment Act 1987*. These refer to the fair, orderly, economic, and sustainable use and development of land.

Sitting under Outcome 6 of Plan Melbourne 2017-2050 (Melbourne is a sustainable and resilient city) is Direction 6.1 – to transition Melbourne to a low-carbon city, to enable Victoria to achieve its target of net zero emissions by 2050.

Council's commitment to responding to climate change is highlighted in the current Council Plan, which contains Strategic Direction 2: Sustainable. Strategies and strategic indicators relevant to ESD include:

- actively addressing our climate and ecological emergency, and
- to consider environmental sustainability in all Council decisions.

A Strategic Indicator to measure against this Objective is the number of planning applications that have had an ESD assessment.

Additional weight can be given to environmental considerations through the application of local policy and overlays to lift the standard of ESD performance in new buildings and achieve greater consistency and transparency in what Council requires.

Kingston has a local policy with certain requirements for ESD in building design at Clause 15.01-2L of the Kingston Planning Scheme.

12.3 Council's Climate and Ecological Emergency Response Plan (CEERP)

The CEERP, adopted in 2021, identifies priority areas for action and targets which involve (inter alia)

- Improving sustainable building design.
- Support for low emission transport.
- Support for the circular economy.
- Growth of Kingston's Urban Forest.

Council's CEERP, which seeks to achieve net zero emissions by 2030, is more ambitious than the target of net zero by 2050.

One of the priority actions of Kingston's CEERP is to "*undertake a planning amendment that requires all new buildings that are subject to planning approval to achieve net zero emissions or be net zero emissions ready. This may be via CASBE or a Kingston specific amendment*".

Current Victorian government-led initiatives contribute to climate mitigation but are likely to fall short of Council's ambitions to ensure all new buildings subject to planning approval achieve net zero emissions.

Victorian Government policy does not preclude local governments from setting their own, ambitious targets for emissions reduction, such as the Elevating ESD Targets Planning Scheme Amendment discussed below.

12.4 Current ESD Policy

12.4.1 ESD requirements for new development

Presently, the Kingston Planning Scheme contains local content that seeks to achieve environmentally sustainable outcomes in planning. However, this is not sufficient to achieve the ESD outcomes sought under the CEERP.

While there is policy around general sustainability, energy efficiency and adaptation within the Planning Policy Framework, and some more specific Standards, there are very few mandatory controls or requirements relating to achieving ESD outcomes currently in the Planning Scheme. The Victorian Government has flagged future reform in these areas as part of Stage 2 of the ESD Roadmap. There is no current commitment, however, to ensuring all new development is net zero emission or net zero emissions ready.

In 2021, Hansen Partnership were engaged by the Climate Change and Planning Advocacy Group and CASBE to prepare a report entitled [Climate Change & Planning in Victoria](#) in 2021. The report provides an independent review of climate change objectives and requirements in the Planning Scheme.

The document also identifies barriers in the current authorising environment that prevent or create confusion about consideration of built environment responses to climate change, lead to inconsistency of outcomes, or prevent the necessary scale or scope of response to meet climate objectives. These are typical of barriers facing Kingston's statutory planners.

Council made submissions to a 2022 Parliamentary Inquiry into Protections within the Victorian Planning Framework broadly expressing support for the statements expressed in this document. This is attached at [Appendix 8](#) of this Review.

12.4.2 Current application of ESD policy

Presently, Council's statutory planners require applicants to submit a Sustainable Design Assessment or Sustainability Management Plan for certain residential and industrial/commercial development meeting the criteria outlined in Clause 15. These include:

- Applications for 3 or more dwellings
- Other forms of accommodation with a gross floor area exceeding 1000 square metres
- Non-residential buildings with floor area exceeding 1000 square metres

Common permit applications that are not covered by Clause 15 include major renovations, dual occupancies, subdivisions, and commercial/industrial developments under 1000sqm. Council officers have expressed a preference for local policy to be expanded to capture these applications.

Under the current Planning Scheme controls, Council officers:

- Implement existing ESD requirements currently in the Planning Scheme for all applicable new developments.
- Encourage ESD requirements for all major renovations where planning permission is required.
- Encourage ESD requirements over and above existing ESD requirements currently in the Planning Scheme for all new developments and major renovations.
- Consider the Urban Cooling Strategy when assessing all new developments and major renovations.
- Use the Green Factor Tool to communicate opportunities to enhance greening within industrial precincts and other large developments and highlight economic benefits.
- Continue to work with other government agencies in the areas of climate adaptation and mitigation.
- Collaborate with other SECCCA Councils to increase the speed and scale of action.

Sustainability officers have now been engaged by Council to work with applicants on improving ESD outcomes in new development, within the parameter set by existing policy. It is noted, however, that present planning policy does not adequately support Council's planning team to require net zero emission or net zero emissions ready development.

12.5 Victorian Government ESD Roadmap

On 10 June 2022 DELWP implemented Stage 1 of the [Environmentally sustainable development of buildings and subdivision: A roadmap for Victoria's Planning System](#). The Amendment outlines a program to introduce new ESD planning policies, standards and PPF changes.

The PPF changes implemented through Amendment VC216 ensure new developments demonstrate how the proposal has considered ESD principles including, siting and design measures to support more sustainable water and energy management, low emission transport choices, responses to climate related hazards, promotion of urban biodiversity values, waste reduction and measures to minimise exposure to air and noise pollution.

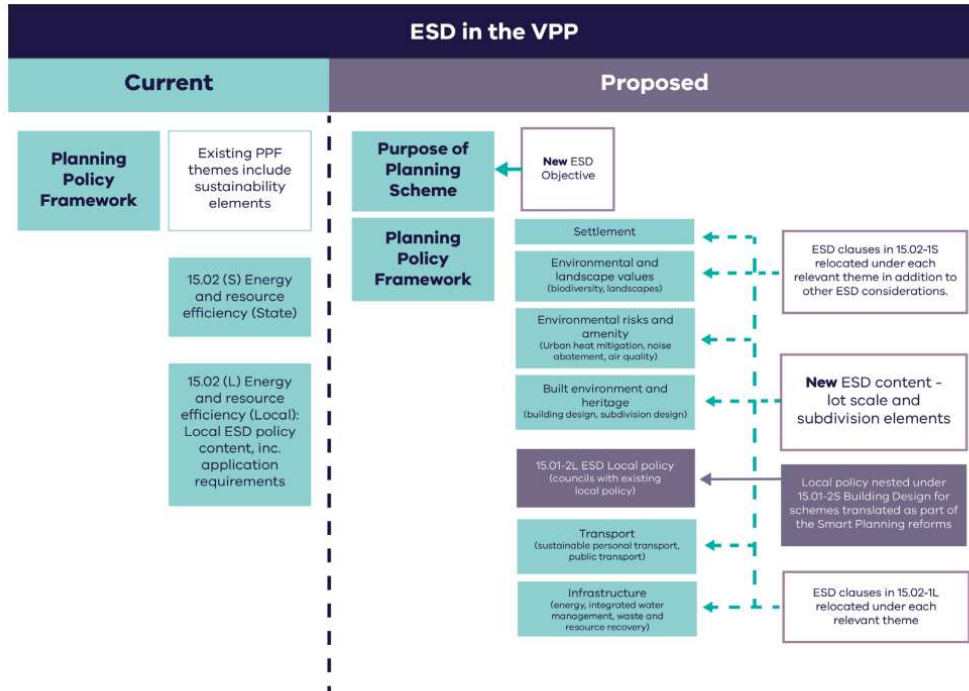


Figure 2 Proposed update of the Planning Policy Framework

Figure 10 Proposed update to the PPF as described in the ESD Roadmap

Kingston supports the reform to the VPP implemented via Stage 1 of the Roadmap. However, Council’s adopted emissions target of net zero by 2030 is more ambitious than the target of 2050 embedded in the *Climate Change Act 2017*.

Therefore, while the implementation of a strong baseline of ESD in the VPP is necessary, it is also critical that local government be given the scope to continue to innovate to advance best practice via local planning scheme content.

DTP is currently in the process of developing [Stage 2 of the ESD Roadmap](#). Stage 2 will include development of specific planning objectives and standards to help achieve ESD policy goals. This is likely to take the form of new and expanded particular provisions.

As further detail of Stage 2 is released, Council officers will review its alignment against the strategic directions outlined in the Council Plan and CEERP before determining whether further action is required. At this stage, timing of the release of Stage 2 is unclear.

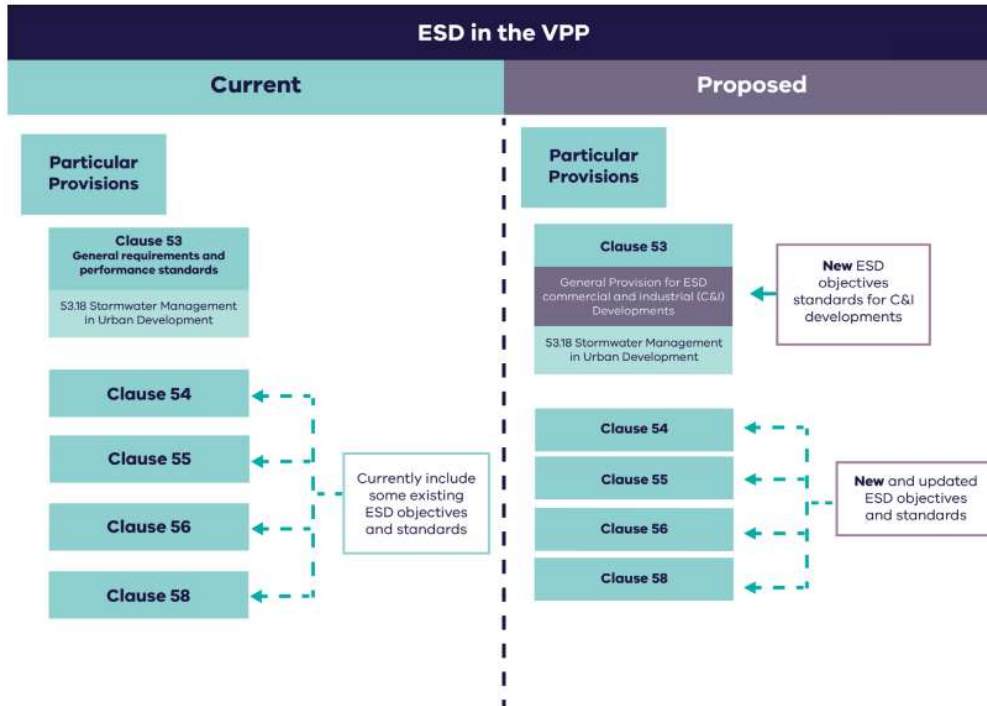


Figure 3 Proposed update of particular provisions

Figure 11 Proposed structure of Particular Provisions to deliver improved ESD outcomes as described in Stage 2 of the ESD Roadmap

12.5.1 Gas Substitution Roadmap 2022 (Roadmap)

In August 2022, DELWP introduced Victoria's Climate Change Strategy 2021 and [Gas Substitution Roadmap 2022 \(Roadmap\)](#) into the Planning Scheme via Amendment C221. The Amendment facilitates all-electric developments.

Council's Statutory Planning Department has implemented changes to its subdivision assessment process to reflect Amendment C221.

In July 2023, Amendment C221 was supported by an announcement from the Victorian Government that all planning permits for new homes and residential subdivisions will only connect to all electric networks from January 2024.

12.5.2 Elevating ESD Targets Planning Scheme Amendment

Kingston is a member of the Council Alliance for a Sustainable Built Environment (CASBE). In July 2022 24 Councils across Melbourne submitted an '[Elevating ESD Targets' Planning Scheme Amendment](#) to DELWP. If approved, the PSA would introduce a Particular Provision aimed at:

- Zero carbon operating requirements
- Increased landscaping and green infrastructure

- Increase bicycle parking and EV infrastructure.
- Updated circular economy standards.
- Increase water efficiency targets.
- New indoor environment quality standards
- A range of other objectives, standards, and measures

The Elevating ESD Targets PSA is regarded by CASBE as the next step in improving ESD requirements with detailed, measurable targets, following the gazettal of VC216 (Stage 1 of the ESD Roadmap). Notably, it explicitly seeks new development to be net zero emissions, or net zero emissions ready, and applies to a broader range of development than Kingston's existing local policy.

The Elevating ESD Targets PSA is intended to complement the updates to the Particular Provisions that will form Stage 2 of the ESD Roadmap.

Kingston continues to support CASBE and has monitored progress of the Elevating ESD Targets PSA. Council officers are currently considering both the Stage 2 Roadmap and the Elevating ESD Targets PSA in relation to its ability to achieve targets adopted under the CEERP. As part of this, officers will consider whether participation in the current CASBE Planning Scheme Amendment process is appropriate to achieve the stated ambitions under the adopted CEERP and make an appropriate recommendation to Council.

This may be influenced by the final detail and timing of the implementation of the Victorian Government's Stage 2 Roadmap.

12.6 ESD – Recommendations

Environmentally Sustainable Development		
No.	Recommendation	Related Council Plan Objective(s)
5.1	Monitor the progress of the Victorian Government's ESD Roadmap (Stage 2).	<p>Strategic Direction 2: Sustainable</p> <p>Strategic Objective 2.1</p> <p>We prioritise our environment and our impact on the earth.</p>
5.2	Review the detail of CASBE's Elevating ESD Targets Planning Scheme Amendment project against Kingston's adopted climate targets and if appropriate, recommend that Council joins a current or future Amendment process.	

13 Heritage

13.1 Heritage and the Planning Scheme

The importance of heritage is underscored by its inclusion in the Kingston Council Plan and land use planning frameworks for Victoria.

Planning for heritage is embedded in Direction 4.4 of Plan Melbourne Heritage: *Respect Melbourne's heritage as we build for the future*. Policies include recognising the value of heritage while managing growth and change, and respect and protection of Melbourne's Aboriginal cultural heritage.

Locally, Kingston's Council Plan also recognises the need for robust heritage policy. Annual Actions for 2023-24 include shortlisting sites for the purposes of preparing a Planning Scheme Amendment as part of the Kingston Heritage Study.

At a Planning Scheme level local governments are responsible for most of the statutory protection afforded to heritage places. Broadly, the Kingston Planning Scheme seeks to conserve built form elements that are valued by the community while accommodating change.

To protect valued heritage in Kingston, the Kingston Planning Scheme includes a Heritage Overlay (HO) which applies to land identified as having heritage significance in the Kingston Heritage Study 2000. Local policy in the PPF (Clause 15.03-1L) also contains guidance on how to consider planning applications involving heritage sites.

Internal feedback has indicated that the Study underpinning the Kingston Heritage Overlay is now over 20 years old and should be reviewed to ensure it includes all valued heritage places within Kingston. It has also been noted that there are some anomalies in the Heritage Overlay that require correction.

13.2 Heritage Study Review 2022

Kingston undertook a comprehensive Heritage Study in 2000. The Study reviewed the whole of Kingston and consists of two parts. Part one is a thematic environmental history, the Heritage Study Stage One Report 2000 ('Stage 1 Report'). Part 2 is the City of Kingston Heritage Study Places Identification Form, 2001 ('Stage 2 Report'). This identifies Kingston's heritage assets, including residential, commercial, industrial, community buildings and environmental areas that demonstrate the important eras in the growth of Kingston.

Council is currently in the process of preparing a Heritage Study Review. The Review entails the investigation and preliminary assessment of:

- A list of places that were identified to be of potential significance in Kingston Heritage Study Stage 1 undertaken in 2000 and not included in a Heritage Overlay (HO).
- Places nominated by the community during as part of recent consultation.
- Any other places of potential heritage significance in Kingston that have not been previously identified.
- Cheltenham-style station buildings in Kingston with a view to applying for State heritage listing for some or all of them as per the October 2019 Council resolution.

A review of the existing Thematic Environmental History (TEH) has also been completed. The TEH underpins the Heritage Review and provides a context for the identification, review, and assessment of heritage places.

Council will need to consider the findings and recommendations of the Heritage Review, this will include the need to undertake detailed assessment of places identified to be of potential significance and whether to place heritage overlay controls.

13.3 Heritage – Recommendations

Heritage		
No.	Recommendation	Related Council Plan Objective(s)
6.1	Consider the findings and recommendations of the Heritage Review.	<p>Strategic Objective 1: Liveable</p> <p>Strategic Objective 1.1</p> <p>Our city will be a vibrant, enjoyable, and easy place to live.</p>

14 Housing Supply

14.1 Housing Supply - Overview

Plan Melbourne estimates Melbourne will grow to 8 million people by 2050.⁹ Plan Melbourne 2017-2050 sets out how all local Councils will have to take their fair share of the growth. Outcomes 2 and 4 of Plan Melbourne recognise the need for appropriate housing policy, to address the growing needs of the population; housing affordability and provision of diverse housing types; and the provision of well-designed housing and the provision of medium and higher-density housing close to jobs and services.

Direction 5 of Plan Melbourne also expresses a commitment to a city of 20-minute neighbourhoods that gives people the ability to meet most of their everyday needs within a 20-minute walk, cycle, or local public transport trip of their home.

In 2021, there were approximately 167,000 residents and 60,900 private dwellings in the City of Kingston. Kingston has experienced a population growth in line with an established and maturing LGA, and demographics are changing. These trends impact the projected demand profile for future housing in the LGA. Preliminary work indicates that there will be a demand for 15,422 additional dwellings in Kingston to 2041.¹⁰

The Kingston Planning Scheme is critical in ensuring that housing policy, residential zones and overlays ensure Kingston is well planned, with any growth directed to the most appropriate areas.

Kingston's Council Plan contains a commitment to the principles of the 20-minute city. Relevant strategies and actions include planning for changes in population and housing needs.

14.2 The Kingston Planning Scheme

Kingston Council has policy to support population growth centred around our key activity centres, close to public transport, shops, and services to allow us to protect the amenity of our quieter streets, including:

- Providing policy direction on appropriate urban design, neighbourhood character and heritage outcomes through local policy expressed the Planning Policy Framework (Clauses 02 and 15 of the Scheme).
- Directing housing growth to strategic locations throughout the municipality through strategic directions expressed in the Municipal Planning Strategy (Clause 02).
- The strategic application of Zones, Zone Schedules, and Overlays to land in residential areas to ensure housing growth and built form outcomes reflect local policy aspirations expressed in the Planning Policy Framework.

Housing content currently in the planning scheme is based on the Kingston Residential Strategy and Kingston Neighbourhood Character Guidelines, prepared in 2000 and 2007 respectively. The 2012 Planning Scheme Review identified the need to review and update housing and built form policy due to the age of both strategies. This view is supported by feedback from Council officers and decisions in the Victorian Civil and Administrative Tribunal. In response, in 2017 Council commenced work on an updated Housing Strategy and Neighbourhood Character Study, leading to the development of Amendment C203king.

⁹ Department of Environment, Land, Water and Planning, 2017, *Plan Melbourne 2017-2050 Summary*, page 3

¹⁰ .id (Informed Decisions) Residential development forecast [Residential development | City of Kingston | Population forecast](#) accessed 25 August 2023

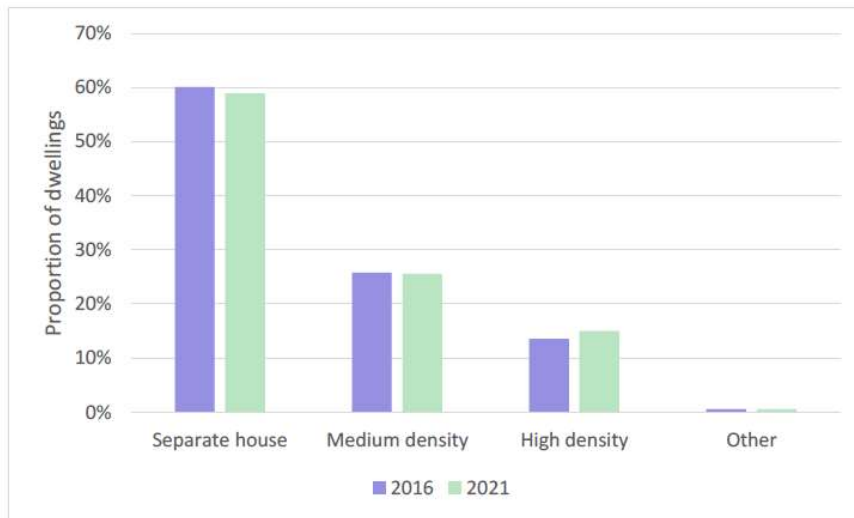
14.3 Tribunal decisions

Internal consultation with Council's Statutory Planning and VCAT Appeals Co-ordinator have identified issues with the outdated nature of existing Neighbourhood Character policy and whether the existing Residential Land Use Framework Plan delivers appropriate outcomes in line with current expectations for housing growth in Kingston.

Recent Tribunal decisions where housing policy has been discussed include *Pearce v Kingston CC* (2022) VCAT 424 (19 April 2022)¹¹, *Bot v Kingston CC* [2022] VCAT 228 (2 March 2022)¹² and *Milani v Kingston CC* [2022] VCAT 189 (18 February 2022)¹³.

14.4 Residential development approvals

In 2021, there were approximately 60,900 dwellings in the City of Kingston, this is an increase of 5,100 dwellings from 55,800 in 2016. Since 2016, the proportion of higher density dwellings, such as apartments, have increased while the proportion of separate houses and townhouses have decreased slightly.¹⁴



Source: ABS Census, 2022

Figure 1 Typology of approved dwellings in Kingston 2016 and 2021

¹¹ https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2022/424.html?context=1;query=pearce;mask_path=au/cases/vic/VCAT

¹² https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2022/228.html?context=1;query=bot;mask_path=au/cases/vic/VCAT

¹³ https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2022/189.html?context=1;query=milani;mask_path=au/cases/vic/VCAT

¹⁴ SGS Economics and Planning, 2022, Housing Capacity Analysis – Final Draft, page 11

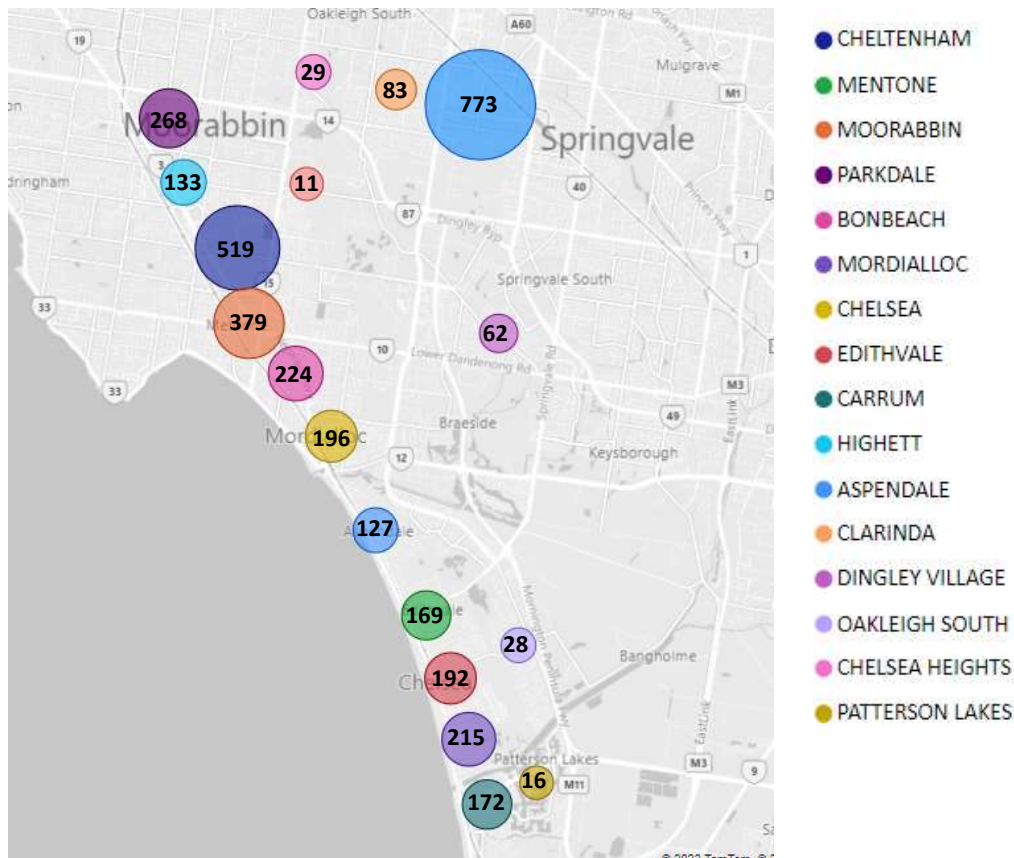


Figure 12 Planning approvals for medium density housing (2 or more dwellings) 2013-2021

Clayton South experienced the highest number of new dwellings during the 2013-2021 period; however, this was largely due to the construction of Jacksons Green, a large development. Heatherton and Patterson Lakes experienced the least dwellings approved with 11 and 16 approved respectively.

Aside from Clayton South, the largest increases in housing are located around Moorabbin, Highett/Southland, and Cheltenham. This is likely due to application of enabling planning controls, such as the Activity Centre Zone, Residential Growth Zone and DDO controls, that have been applied to these locations.

14.5 Housing Strategy and Neighbourhood Character Study 2021 (Amendment C203king)

In March 2017 reformed residential zones were introduced into all Victorian planning schemes. The reformed residential zones introduced mandatory building heights and garden area requirements, and Councils with non-conforming building height variations in their zone schedules were given three years to comply with the new requirements.

In 2017 Council appointed a consultant to prepare Council's Housing Strategy and Neighbourhood Character Study (HS&NCS) which formed the basis for Amendment C203king. This Amendment develops new residential zones, overlays, and local policy to implement the recommendations of the HS & NCS and landscape character guidelines. In summary, the following is proposed:

- Nine (9) schedules to the Neighbourhood Residential Zone to be applied to 8 neighbourhood character precincts.

- Four (4) schedules to the General Residential Zone to reflect four (4) distinct character precincts.
- Three (3) schedules to the Residential Growth Zone to be applied to the three precincts that form Neighbourhood Renewal Areas.
- Application of Schedule 2 of the Neighbourhood Character Overlay to properties in Ormond Street, Mordialloc.
- The application of Design and Development Overlay Schedules 25 and 26 to provide more detailed design guidance for properties with the Neighbourhood Renewal Area 2.
- Schedules 1 and 7 of the Design and Development Overlay will be combined to clarify the original intent of the controls and to limit layering of planning controls.
- Amendments to Schedules 10, 12 and 22 of the Design and Development Overlay to remove conflicts arising from the implementation of the Housing Strategy and new residential zones. This includes the creation of a new precinct to reflect the proposed four storey height to be applied to some areas of Highett proposed to be zoned Residential Growth.
- Makes amendments to relevant sections of the MPS (including Settlement, Housing, Neighbourhood Character, and Urban Design) and PPF to reflect the HS & NCS.

Council adopted the Housing Strategy and Neighbourhood Character Study in October 2021. Council subsequently sought authorisation from the Minister for Planning to prepare and exhibit the proposed Planning Scheme Amendment. Authorisation was granted and Amendment C203king was exhibited in August/September 2022. A Planning Panel was appointed to consider the Amendment, which was convened in March 2023, and a Panel report received in June 2023.

In summary, this strategic work:

- Addresses the need for updated residential and neighbourhood character policy identified in the Planning Scheme Review 2012, consultation with internal stakeholders and associated Tribunal decisions.
- Will help to deliver on the vision for a 20-minute Kingston established in Kingston's current Council Plan.

Council adopted Amendment C203king in August 2023. In September 2023, the amendment was submitted to the Minister for Planning for a final decision.

14.6 Kingswood Golf Course (Amendment C199king)

In 2021, the owners of land at 179-217 Centre Dandenong Road, Dingley Village (also known as the Kingswood Golf Course) requested that the Minister for Planning consider a draft combined planning scheme amendment (C199king) and planning permit application to facilitate the redevelopment of the Kingswood Golf Course for over 800 dwellings.

In 2021, the Minister for Planning referred the proposed redevelopment of the Kingswood Golf Course to the Golf Course Redevelopment Standing Advisory Committee for consideration and advice. As part of its process, the Advisory Committee heard from the landowner, Council, and other interested parties in relation to the proposal. There was strong opposition to the proposal from the community, and Council did not support the proposal.

In September 2023, the Minister for Planning released the Standing Advisory Committee report and introduced Amendment C199king into the Kingston Planning Scheme. Amendment C199king rezones the Kingswood Golf Course to a General Residential Zone (Schedule 7) and applies Development Plan Overlay Schedule 8 to the land, in addition to other controls to address vegetation protection, potential site contamination and landfill gas migration. The Minister for Planning will ultimately be responsible for approving a revised development plan for the site. Council is likely to have a role in this process, although this is yet to be fully understood.

14.7 Housing - Recommendations

Housing Supply		
No.	Recommendation	Related Council Plan Objective(s)
7.1	Await the decision of the Minister for Planning in relation to Amendment C203king to incorporate the Housing Strategy and Neighbourhood Character Study and associated Zone Schedules, Overlays, and policies into the Planning Scheme.	<p>Strategic Objective 1: Liveable</p> <p>Strategic Objective 1.1</p> <p>Our city will be a vibrant, enjoyable, and easy place to live.</p>
7.2	Consider the outcome of the Kingswood Golf Course Standing Advisory Committee and continue to be involved in the process.	

15 Social and Affordable Housing

15.1 What is the role of the Planning Scheme?

Victoria has the lowest proportion of social housing dwellings per capita of all states and there are more than 34,000 households on the Victorian Housing Register waiting list. Between 2016 and 2021, the number of people counted as homeless in Kingston increased by 23%.¹⁵ In addition, rental stress and housing affordability affects Kingston residents: it is estimated that 3,300 more homes are needed to meet the unmet demand for low-income housing in Kingston and 3,659 low-income households were experiencing rental stress at the time of the 2021 Census.¹⁶

Providing sufficient social and affordable housing is of key priority at both a state and local government level. Direction 2.3 of Plan Melbourne 2017-2050 ('Plan Melbourne') identifies a need to increase the supply of social and affordable housing across the region.

Social and affordable housing is a key objective of the Council Plan, which incorporates directions and strategies to plan for population change and to support the development of affordable housing options, including social and community housing. The Plan commits Council to implementing Kingston's adopted *Social and Affordable Housing Strategy, July 2020* (KSAHS).

Kingston Council has been an avid advocate for social and affordable housing requirements to be provided within the Planning Scheme and as part of new developments. The Planning Policy Framework contains strategies for housing choice and housing affordability which facilitate the supply of social and affordable housing; critically, however, a quantum of affordable or social housing provision is not explicitly required as a part of new development.

15.2 Affordable housing reform since 2012

Amendments VC187 and VC190, implemented in all Victorian Planning Schemes, streamline the planning and approvals process for government housing projects. The amendment introduced new particular provisions, 52.20 and 52.30, to remove planning permit triggers and streamline the planning permit process for housing projects by or on behalf of the Director of Housing:

In 2020, Amendment VC186 introduced a code for Secondary Dwellings to facilitate the development of one additional small dwelling on the same lot as an existing dwelling (Clause 51.06). This provision was introduced on a pilot basis into the Kingston, Murrindindi, Moreland, and Bendigo Planning Schemes as a pilot, facilitated by the DELWP Smart Planning team. The Victorian Government ended the Secondary Dwelling Pilot programme in 2021, and Clause 51.06 was deleted from the Kingston Planning Scheme in May 2022 via Amendment VC209.

Council also welcomed the appointment of the *Planning Mechanisms for Affordable Housing Ministerial Advisory Committee* in 2019 and recent changes to the *Planning and Environment Act 1987* to provide a stronger framework for Council to negotiate affordable housing outcomes via voluntary planning agreements.

The Municipal Association of Victoria (MAV) and Community Housing Industry Association (CHIA Vic) have developed the *Options for Delivering and Securing Affordable Housing Through the Planning System* guide. The guide aims to support appropriate models by which affordable housing will be realised because of a planning policy or agreement, and the mechanism that will be applied to ensure delivery and the securitisation of a contribution over time.

¹⁵ Southern Homelessness Services Network (SHSN), 2023, Facts about Homelessness in City of Kingston

¹⁶ *ibid*

Although these are positive developments, there is still limited direction in relation to the quantum of affordable housing to be provided. As a result, there has been little consistency in affordable housing outcomes under the current regime.

15.3 Reforms announced in September 2023

In September 2023 Amendment VC242 introduced a new Particular Provision into all Victorian Planning Schemes, to facilitate developments that provide a significant level of housing, including affordable housing. This implements new pathways for assessment and approval of development proposals with an affordable housing component of at least 10%.

Additional reforms announced by the Victorian Government in September 2023 include an Affordable Housing Investment Partnership and Regional Housing Fund, and other planning reforms including future changes to allow a small dwelling or granny flat (less than 60sqm) to be constructed in the rear of existing dwellings without a planning permit and reduce permit requirements for smaller extensions.

15.4 Current planning approaches to social and affordable housing

15.4.1 Kingston Social and Affordable Housing Strategy 2020

To assist in increasing the stock of social and affordable housing available to the vulnerable members of our community Council adopted the *Kingston Social and Affordable Housing Strategy* (KSAHS), July 2020 which sets out a range of strategies and actions that Council can pursue to assist households in Kingston affected by the lack of affordable accommodation.

The KSAHS highlights Council's role in affecting housing affordability in facilitating efficient housing markets. It calculates the unmet need for social and affordable housing to quantify this demand and arrives at a figure of 9.79%. The KSAHS explores options to increase contributions to affordable housing through regulation such inclusionary zoning and value capture, facilitation and partnership, direct investment, and advocacy.

A key objective of the KSAHS is to capture 50% of the value uplift of non-residential land rezoned to allow for residential uses. This contribution would have been allocated for the provision of social and affordable housing. However, the Victorian Government's Windfall Gains Tax which came into effect in July 2023, effectively supersedes this by applying a statewide tax on 'windfall' gains of land following residential re-zoning.

Other recommendations of the KSAHS involve the inclusion of planning policy to direct social and affordable housing into certain areas, particularly activity centres. This could be considered with future structure planning processes in Kingston's activity centres.

15.4.2 The PPF and the *Planning and Environment Act 1987*

Presently, the Kingston Planning Scheme does not contain a local policy in its PPF specifically relating to affordable housing. Council's planning staff rely on the *Planning and Environment Act 1987* and State PPF content at Clause 16.01-2S (Housing Affordability) to seek affordable housing contributions from developers.

While the amendments to the Act provide a starting point for the delivery of affordable housing through planning mechanisms, there is a dependence on the success of negotiated outcomes. A mechanism to mandate the provision of affordable housing would provide clarity to the development community and Council planning staff, and reduce uncertainty and delays encountered in negotiating contributions.

15.4.3 Negotiations

Council encourages planning permit applicants and residential rezoning proponents to provide for appropriate levels of affordable and social housing contributions. Some recent successful examples include:

- In 2011, Council successfully delivered an affordable and social housing outcome in partnership with MAB Corporation. The Moorabbin Affordable Housing development comprises 75 apartments on a Council owned car park site.
- The former Highett Gasworks site will successfully deliver up to 10 per cent affordable housing contribution as part of the Development Plan Overlay.
- As part of the recent consideration of Planning Scheme Amendment C199 – Kingswood Peninsula Golf Course, the proponent proposed a social and affordable housing contribution of 5 per cent of the total proposed dwellings. Council submitted to the committee that a 9.79 per cent was more appropriate outcome. This was ultimately not supported by the Minister for Planning, who included a 5% requirement in the gazetted Development Plan Overlay.
- Affordable housing contributions have been negotiated as a part of the approval process for some larger developments, including a contribution of 5% for a mixed-use development in Moorabbin, and affordable housing provision in a mixed-use development in Cheltenham.

15.4.4 Other partnerships

In 2021, Council approved a planning permit from Homes Victoria to locate six modular homes to be used for social housing in Oakleigh South. This project, also involving the Department of Transport, now provides temporary housing and support for people experiencing homelessness, enabling them to rebuild their lives.

Kingston, along with 13 other Councils, currently form an inter-council social and affordable housing forum and regularly meet to discuss key issues and developments in this space. The inter-council forum provides a united platform for Councils to push for appropriate housing outcomes.

15.5 Social and Affordable Housing - Recommendations

Council will continue to encourage the provision of social and affordable housing from residential development applications using controls available in the planning system. Council will also continue to deliver the actions and recommendations which are set out in the Kingston Social and Affordable Housing Strategy, July 2020.

Social and Affordable Housing		
No.	Recommendation	Related Council Plan Objective(s)
8.1	Continue to encourage the provision of social and affordable housing in residential and mixed-use development applications.	<p>Strategic Objective 1: Liveable</p> <p>Strategic Objective 1.1</p>
8.2	Deliver on the actions and recommendations set out in the Kingston Social and Affordable Housing Strategy, 2020.	Our city will be a vibrant, enjoyable, and easy place to live.

16 Economic Development

16.1 Economic Development– Commercial and Industrial Land

The City of Kingston contains significant commercial and industrial land, and along with the City of Greater Dandenong, has the highest employment density in the region. Kingston is recognised as one of Victoria's main employment centres and largest industrial sectors with more than 93,000 people employed across over 17,000 businesses. Almost 30% of the community also works locally.¹⁷

Kingston's significance as a contributor to jobs and economic output within the Southern Region is largely due to the scale and significance of its industrial and commercial precincts. The Moorabbin Airport and Braeside industrial precincts contribute strongly to this presence. Industrial land supply in Kingston is dwindling, with theoretical exhaustion of industrial land predicted by approximately 2030.

Kingston is also expected to experience an average 1.5% annual increase in growth in jobs per annum to 2031.¹⁸ Commercial floorspace requirements are also expected to increase significantly to service this jobs growth, particularly due to proposed development around the Suburban Rail Loop station in Cheltenham. Increasingly, pressure is being brought to bear on commercial and industrial land by demand for non-industrial uses in traditionally industrial areas.

The Council Plan places a strong focus on creating jobs within Kingston, underpinning the concept of the '20-minute' city, and seeks to

embrace the concept of a 20-minute neighbourhood, support the ongoing process of decentralisation and support people to live and work locally.

Outcome 1 of Plan Melbourne seeks to strengthen Melbourne's competitiveness for jobs and investment. Key to this is planning appropriately for commercial and economic land to support future jobs.

State and local policy in the PPF sets out the spatial framework that directs commercial and industrial land uses throughout the municipality. The Strategic direction for Kingston's commercial areas is to support the viability of strip shopping centres and activity centres, and to provide for the long-term sustainability of Kingston's restricted retail premises. The Planning Scheme also identifies the need to limit out-of-centre development.

The Planning Scheme also contains a number of strategies to protect Kingston's industrial land and to limit retail or other uses that are incompatible with 24-hour industrial operations. These include:

- The Municipal Planning Strategy (Clause 02) including the Retail and Commercial Land Use Framework Plans at Clause 02.04
- Clause 17.02- 1L-01 Retail and commercial land use
- Clause 17.02-1L-02 Parkdale Plaza Business Centre
- Clause 17.03-1L Industrial land supply in Kingston

This Review has identified that existing local policy content is not sufficient to plan for future structural, economic, and demographic change or emerging trends in commerce and industry impacting Kingston's commercial and industrial land. It also notes the critical need to support improved and more efficient planning permit processes for business. These gaps in the Planning Scheme will be addressed by current strategic work, principally the development of the Kingston Employment Land Use Strategy.

¹⁷ Economy.id, <https://economy.id.com.au/kingston>, accessed 14 July 2023

¹⁸ State of Victoria Department of Environment Land Water and Planning, Melbourne Commercial and Industrial Land Use Plan, p88

16.2 Industrial and commercial land use policy

Since 2012, planning reform relating to economic development has primarily involved reducing or removing planning permit triggers for commercial and industrial applications, with the aim of stimulating economic activity. Other Planning Scheme Amendments have been enacted to assist with economic growth throughout and post the COVID-19 Pandemic. A complete list of these amendments is provided at [Appendix 6](#) of this Review.

Notably, in September 2023, Amendment VC242 was introduced into all Victorian Planning Schemes. This provides alternative assessment pathways for projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.

16.2.1 Melbourne Commercial and Industrial Land Use Plan

The [Melbourne Industrial and Commercial Land Use Plan](#) (MICLUP) was released by the Victorian Government in April 2020 and extends upon the vision laid out in Plan Melbourne and its associated Plan Melbourne 2017-2050 Five-Year Implementation Plan.

MICLUP provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and establishes a planning framework to support state and local government to plan for future employment and industry needs more effectively. MICLUP designates several industrial areas within Kingston as Regionally Significant Industrial Land, with associated policies to protect and retain these areas for industrial and employment generating uses. These are the industrial precincts in Moorabbin Airport, Moorabbin, Mordialloc-Braeside, and Clayton South. Additionally, MICLUP provides policy direction for Kingston's remaining industrial land.

MICLUP notes that Kingston has the largest number of activity centres (49) within the Southern Region and estimates that by 2031, an additional 1.4 million square metres of commercial floor space will be required across the Southern region. Around one-third of the future commercial floorspace projected is expected to be located in Greater Dandenong and Kingston.

[Amendment VC215](#) was gazetted into all Victorian Planning Schemes on 3 March 2023. The amendment implements the Melbourne Industrial and Land Use Plan (MICLUP) in the Planning Policy Framework.

MICLUP will be an influential document in the preparation of the Kingston Employment Land Use Strategy.

16.2.2 Kingston Employment Land Use Strategy

Work has commenced on an Employment Land Use Strategy for Kingston. It is anticipated that this work will address gaps in the current planning framework identified in this Review.

The Strategy will develop a vision and framework for Kingston's Employment Land that will provide strategic direction for managing change over the next two decades. While this Strategy will have a focus on land use planning, it will also influence Kingston's approach to economic development and investment attraction by providing insight into the capacity of Kingston's Employment Land to support future change.

The Employment Land Use Strategy will clearly articulate a preferred role and future vision for Kingston's employment land within a metropolitan (Greater Melbourne) and regional (Southern Region) context to 2042. The focus of this vision will have consideration for:

- Delivering long-term growth in employment and economic output in Kingston.
- To maximise opportunities for local employment and employment self-containment – to help achieve the vision of a '20 minute' city.
- To consider employment density in addition to economic output when developing this vision.

The ELUS is critical in responding to issues identified by Council officers by providing clear guidance and policy on preferred land uses (including non-industrial uses in industrial areas) in Kingston's Employment Land. It will develop clear direction for Kingston's Regionally Significant Land, promote employment self-containment within Kingston to deliver a 20-minute city and review Council's existing Activity Centre hierarchy, Mixed Use and Commercial 2 Zoned land, and policy relating to out-of-centre development.

16.3 Other planning reform to support commercial and industrial development

16.3.1 Smart Planning and Rules Reform

The Department of Transport and Planning includes a Smart Planning team responsible for developing and implementing Rules Reform. The Rules Reform stream has sought to reduce inconsistency and contraction in planning controls; make planning easier to understand and interpret; reduce compliance and processing costs; and reduce assessment times for some planning permit applications. Of the reforms implemented, the introduction of VicSmart, and other rules reform in VC142 and VC148 have implications for dealing with commercial and industrial planning applications.

16.3.2 VicSmart

In 2014, Amendment VC114 introduced VicSmart, a new, shorter assessment process for specified planning permit applications. This included minor applications for car parking reductions, buildings and works and advertising signs in commercial and industrial areas.

In 2017, Smart Planning expanded the types of planning permits eligible for assessment under VicSmart. New VicSmart permit classes were added and some existing ones were broadened. The number of permit applications that can now being processed through VicSmart has doubled. This change led to an increase in VicSmart applications from 7 per cent to 16 per cent of all planning applications, making the planning system more proportionate and efficient.¹⁹

In response to the introduction of VicSmart classes of application via Amendment VC114, Council created a dedicated staffing resource within the Statutory Planning Department to deal with VicSmart applications.

This dedicated planner resource was recruited in 2017 and has improved Council's ability to reduce planning permit handling times for minor commercial and industrial applications. Demand for VicSmart applications has continued to be strong, with Council receiving 266 total applications in the 2021/22 financial year – well above the Melbourne metropolitan average of 218 applications.²⁰

Additional classes of VicSmart applications were announced in September 2023 and implemented via Amendment VC243. These include introducing VicSmart permits for single dwellings on lots less than 300sqm.

16.3.3 Change of use applications

There continues to be a trend towards applications and approvals for non-industrial uses in established industrial areas. Indoor Recreation Facilities, Motor Vehicle Sales and Food and Drink Premises comprised most of the change of use applications in the period between 2017 and 2022.

This has highlighted the need for more detailed policy direction relating to non-industrial uses in industrial areas.

The Kingston ELUS will include an assessment of current trends in planning permit applications in commercial and industrial areas and include direction on managing future change in these areas.

¹⁹ Department of Environment, Land, Water and Planning <https://www.planning.vic.gov.au/policy-and-strategy/smart-planning-program/rules>

²⁰ Department of Environment, Land, Water and Planning, Planning Permit Activity in Victoria 2021/22, [Legacy Planning Permit Activity Annual Reports](#)

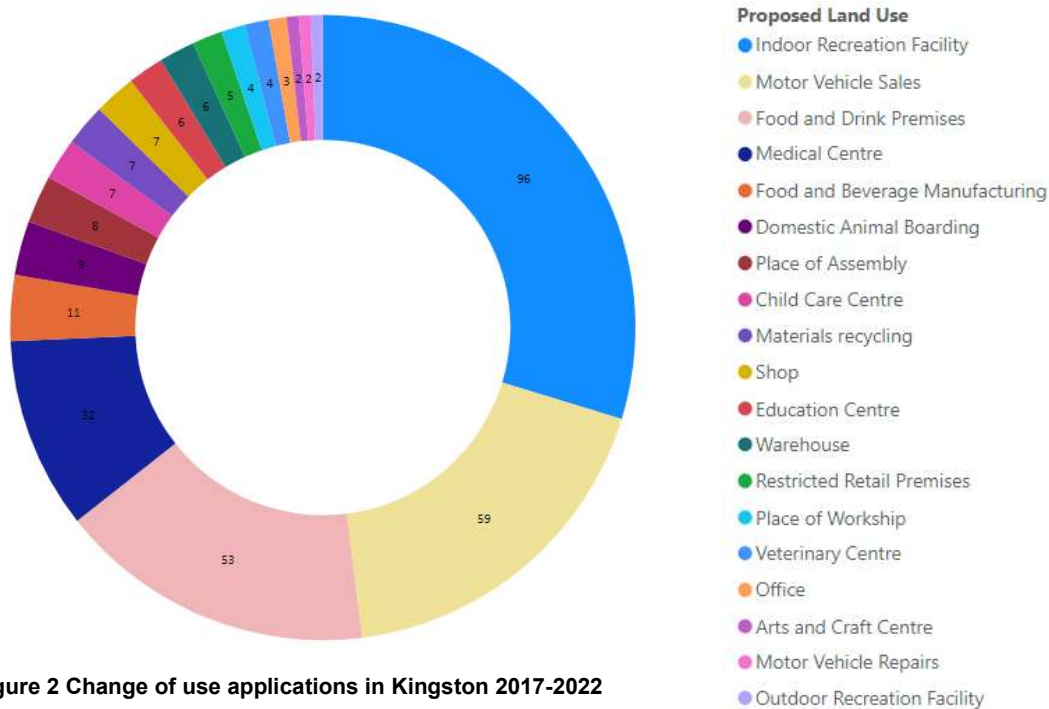


Figure 2 Change of use applications in Kingston 2017-2022

16.3.4 Better Approvals

In 2018, Council participated in the Better Planning Approvals Project, which led to the implementation of a more integrated approach to permit applicants seeking to start new businesses in Kingston and a dedicated concierge service for new applicants (the 'Bizwiz' service).

In 2020, Council participated in Better Approvals 2, whereby the Department of Jobs, Precincts and Regions (DJPR) and Small Business Victoria (SBV) re-engaged with Better Approvals Councils to assess reforms from the initial program. This resulted in an implementation plan that included improvements to Council's processes and online tools to assist permit applicants, such as an improved Business landing page.

A third iteration of Better Approvals, building on previous work, commenced in 2022. This identifies further priority areas for change for Kingston including:

- Increasing awareness of the role of Council in supporting business.
- Ensuring business applicants have the right information at the right time.
- Optimising an end-to-end service for permit applicants, across multiple areas of Council.
- Further reduce application processing times and/or improving the experience of businesses that are required to engage with Council.

Council officers will continue to participate in Better Approvals and monitor this work for any implications for the Planning Scheme.

16.4 Economic Development - Recommendations

Economic Development		
No.	Recommendation	Related Council Plan Objective(s)
9.1	Progress work on the Employment Land Use Strategy and implement recommendations from the ELUS into the Planning Scheme via a Planning Scheme Amendment.	<p>Strategic Direction 3: Prosperous</p> <p>Strategic Direction 3.1</p> <p>We will embrace the concept of a 20-minute neighbourhood, support the process of decentralisation and support people to live and work locally.</p>
9.2	Continue to participate in the Better Approvals program and other opportunities to collaborate on planning reform and monitor this work for any implications for the Planning Scheme.	
9.3	Continue to monitor and respond to further reform led by the Victorian Government, including Smart Planning and Rules Reform, and adapt Council processes to these as required.	

17 Safe and Sustainable Transport

17.1 Overview

Sustainable transport is an important aspect of the 20-minute neighbourhood concept. Its importance is underscored by its inclusion in the Kingston Council Plan and land use planning frameworks for Victoria.

Direction 3.3 of Plan Melbourne seeks to improve local travel options to support 20-minute neighbourhoods.

The Kingston Planning Scheme sets the following directions in relation to sustainable transport planning:

- Integrate land use and transport planning to create a more sustainable community.
- Support increased transport choices available to Kingston's residents and to ensure accessibility to services and open space areas.
- Promote the development of bicycle and pedestrian linkages between residential, commercial, industrial, and open space areas.

The planning and delivery of transport infrastructure is usually undertaken by local or the Victorian Government and often these projects are exempt from planning permission. For example, Amendment VC200 introduced a new Clause 53.21 (State transport projects) and exemptions for specified land use and development to facilitate transport projects delivered by or on behalf of the State of Victoria, to streamline the delivery of these projects.

Local policy content in the PPF can assist planners to better understand local transport priorities which can influence development outcomes. Kingston's Planning Scheme contains local content relating to Parking (Clause 18.02-4L) and Moorabbin Airport (Clause 18.02-7L-01 and 18.02-7L-02). Other local PPF content is contained in the Municipal Planning Strategy (Clause 02.03-08).

There has also been a shift by the Victorian Government in the way it considers transport. This is illustrated by the creation of Transport for Victoria, which is responsible for the planning and co-ordination of all transport systems in Victoria.

Ostensibly the creation of Transport for Victoria meant that sustainable modes of transport – for example walking and cycling – are now considered in an integrated way with all other transport and land use decisions affecting Victoria. This 'mode neutral' approach has been implemented in policy via Planning Scheme Amendments VC204 and VC205 (December 2021 and January 2022 respectively) to update Clause 18 of the State PPF and introduce a new Transport Zone to replace former Road and Public Use Zones, reflecting an integrated approach to transport planning. It is noted that Transport for Victoria is now part of the Department of Transport and Planning.

In October 2023, the Department of Transport and Planning released a discussion paper titled *Modernising car and bicycle parking requirements*, outlining proposed reforms to planning requirements for car parking and bicycle facilities. At a high level the following changes are proposed:

- Public transport accessibility level (PTAL) – Adopt a new PTAL-aligned car parking policy to remove or refine minimum car parking rates and apply maximum car parking rates.
- New land use groups – Remove outdated land use terms in Clause 52.06 and consolidate land use terms into seven categories based on car parking demand.
- Updated car parking rates – Implement updated car parking rates to align with public transport accessibility and the proposed PTAL parking policy.
- Bicycle parking and end of trip (EoT) facilities – Adopt new minimum rates and new design standards for bicycle parking and EoT facilities.
- A consolidated parking and EoT facilities requirement in the VPP

This approach considers the capacity, frequency and quality of public transport and aims to reduce the number of planning permits to reduce or waive car parking in such areas. Council will continue to monitor these proposed reforms.

17.2 Kingston's transport policies

17.2.1 Kingston Integrated Transport Strategy

In September 2020 Council adopted the Kingston Integrated Transport Strategy (KITS). The Strategy seeks to align with the State's vision by delivering a set of objectives and actions needed to achieve the municipality's vision of a city with a connected, integrated, and sustainable transport network that is safe, healthy, accessible, efficient, and reliable.

The KITS outlines a commitment to prioritising walking and cycling modes of transport, particularly for short trips, and improved public transport. It advocates for safe, inclusive, and sustainable travel. In relation to land use and development, the KITS seeks to promote land-use and transport choices that are sustainable and reduce journey times and distance by concentrating development in activity and neighbourhood centres close to public transport routes. This reinforces directions already contained in the Planning Scheme.

17.2.2 Climate and Ecological Emergency Response Plan 2021

A key priority area of the CEERP is to transition to sustainable transport. The CEERP aims to implement following key aspects of the KITS:

- Prioritise sustainable transport modes over private cars through a 'road user hierarchy'.
- Allocate more road space to sustainable modes (bus, cycle, pedestrians).
- Install bike lanes, paths and other cycling infrastructure throughout Kingston which link key public transport routes and destinations.

As part of the actions identified in the CEERP, Council has identified key areas where land should be set aside to support the strategic EV charging network. Council will be engaging a Charge Point Operator to deliver the infrastructure rollout of the network. Locations on public land do not generally require planning permission. Notably, however, the Particular Provision proposed to be introduced via the Elevating ESD Targets Planning Scheme Amendment contains some specific requirements relating to sustainable transport infrastructure, including EV preparedness in private developments, that would complement policy direction contained in the KITS and CEERP.

17.2.3 Kingston Cycling and Walking Plan

In October 2023, Council adopted the Cycling and Walking Plan (2023-2028). The objective of the Plan is to assist Council in making informed decisions about future investments in bicycle and pedestrian infrastructure and develop a capital program of works for improving bicycle and pedestrian facilities over the next five years. The Plan will feed heavily into the concept of the 20-minute neighbourhood outlined in the Council Plan. The Cycling and Walking Plan identifies over 60 priority projects that are categorised into Council projects, community projects, and advocacy projects. They can assist planners to understand local priorities and potential future changes to the urban context where future investment is planned. It is recommended that Council's Statutory Planning team continue to review these recommendations to ensure that major new development aligns with the priorities outlined in the Plan.

18 Moorabbin Airport

18.1 Moorabbin Airport

Moorabbin Airport is a general aviation airport that is an important regional and state aviation asset supporting the state's aviation industry and access to regional Victoria. Its importance is underscored by its inclusion in Plan Melbourne and land use planning frameworks for Victoria.

Direction 3.4 of Plan Melbourne 2017-2050 seeks to improve freight efficiency and increase capacity of gateways while protecting urban amenity.

Council currently relies on the following tools in decision making when assessing matters relating to Moorabbin Airport and aviation.

- The Planning Policy Framework at Clause 18.02-7S Airports and Airfields which seeks to strengthen the role of Victoria's airports and airfields within the state's economic and transport infrastructure, guide their siting and expansion, and safeguard their ongoing, safe and efficient operation.
- Clause 18.02-7L-01 Moorabbin Airport which seeks to ensure that the use and development of land around the Moorabbin Airport is sensitive to the long-term operation of the airport and protect the flight paths of the Moorabbin Airport from the further encroachment of incompatible land uses.
- Clause 18.02-7L-02 Noise abatement – Moorabbin Airport environs seeks to facilitate use and development of land that is compatible with the operation of the Moorabbin Airport in respect to the impact of aircraft noise on sensitive uses.
- Clause 45.02 Airport Environs Overlay (AEO) provides for permit triggers and requirements for the use of land and development within the AEO.
- Clause 43.02 Design and Development Overlay (Schedules 4 and 5) which are used as a complementary tool to the Commonwealth Regulations, to control development, to ensure there are no obstacles for take-off and landing).

18.2 Federal legislation and the Moorabbin Airport

Council has made previous submissions on aviation issues including submissions to the draft Moorabbin Airport Masterplan and to the Senate Committee on General Aviation. Kingston has a particular interest in general aviation specifically given the role the industry plays in Kingston.

In relation to the Moorabbin Airport and specific to urban planning matters, Council identified that there are issues primarily at a Federal level through the *Airports Act 1996*. Concerns include:

- Poor engagement of aviation stakeholders and surrounding communities including the limitations imposed on third party involvement in decision making.
- A lack of regulatory oversight of urban planning issues that has consequently led to expedient decisions that lack strategic planning rigour. Practical examples include:
 - Non-aviation related commercial developments built within the airfield thresholds creating a safety risk.
 - Non-aviation developments built within metres of residential boundaries creating outcomes that would not occur on non-Commonwealth places.
- No minimum standards being provided on airport sites with regard to mitigating any impacts on adjoining residential properties or the rights of these parties to review these matters.

- A need for genuine compliance with State and Local Planning laws or a process which provides for their independent appraisal providing for 'competitive neutrality' with the relevant State Planning jurisdiction.

Kingston Council believes that an urgent legislative review on the entire regulation is required to ensure the future of the general aviation industry is not irreversibly compromised.

Overall, it is considered that the existing aviation policy (at a federal level) which relates to Moorabbin Airport needs to be reconsidered to fundamentally address the issues identified above.

18.2.1 Melbourne Airport Environs Safeguarding Standing Advisory Committee (MAESSAC)

In 2021, The Victorian Government appointed the [MAESSAC](#) to provide advice on improvements to planning provisions, relevant guidance material and other tools and processes that may help safeguard airport environs in Victoria, in addition to Melbourne Airport. On this basis, the City of Kingston made submissions to the MAESSAC. These submissions identified issues with the drafting of the current planning controls relating to Moorabbin Airport and suggested improvements to drafting and additional tools to improve planning outcomes.

As per the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*, the Airport Environs Overlay can only be amended by DTP. Council requested, as part of the MAESSAC process, that an amendment be completed by the Victorian Government to change the wording in the AEO to reduce confusion and ambiguity.

18.2.2 Clause 45.02 – Airport Environs Overlay

Council has identified an issue with the wording of Schedule 1 to the AEO in that:

- A permit may be granted to use the land for a dwelling, provided no more than one is established on any lot.

Despite this, a permit may be granted to **subdivide** land. Given the intent of this AEO and local policy, it is clear these policies seek to control population density and limit the number of people living within the AEO1 thus limiting the potential impact of airport noise. Unlike other airport related overlays, this overlay does not include a minimum lot size requirement per dwelling, therefore there is no restriction on the minimum lot size associated with any dwelling on a site. Theoretically, an applicant could apply for a subdivision on a site within the AEO1 and this could be granted. This would obviously go against the intent of the control but is an illustration of the confusion the current drafting creates.

Council has requested, through submissions to the Melbourne Airport Environs Safeguarding Standing Advisory Committee (MAESSAC) that this be addressed via a clear policy expressly prohibiting the use of the land for more than one dwelling on a lot, with this logically extending to subdivision as well.

18.2.3 Design and Development Overlay Schedules 4 and 5

Design and Development Overlay (DDO) Schedules 4 and 5 are used as a complementary tool to the Commonwealth Regulations, to control development (particularly height), to ensure there are no obstacles for take-off and landing from the airport. Some concerns identified by Council regarding the drafting of these Schedules include:

- The need to address height restrictions for flagpoles and television antenna which in some instances do not require a planning permit.
- The height controls expressed in Schedules 4 and 5 duplicate existing Federal Regulations.
- The Schedules to each DDO4 and DDO5 do not extend to all prescribed airspace, therefore development impinging on flight paths may be approved by Council's planning officers. This is a particular risk where there is no DDO or policy to control height which could affect flight

paths/prescribed airspace and awareness of this issue is outside the scope of knowledge that could be expected of an applicant or planning officer.

- The Schedules to DDO4 and DDO5 state that a permit may not be granted for buildings and works exceeding a maximum height of 16 and 25 metres above AHD, respectively, unless with the consent of the Federal Department of Transport and Regional Services. This is a drafting error which should be measured from the natural ground level (NGL).

Council has advocated, through submissions to MAESSAC, that inefficiency and confusion in the approvals process for new development be reviewed. This would involve:

- Considering whether DDO4 and DDO5 are an efficient and appropriate use of the Victorian Planning Provisions (VPPs).
- The need for a practice note, advisory note or guideline to supplement or replace these Schedules.
- Exploring whether there is a need to develop a practice note, advisory notes and guidelines to assist in guiding decision makers, particularly in the circumstances where a DDO or AEO is not applicable to a site.
- Changes to drafting of Schedules to clarify the height at which proposed buildings should be referred to the relevant aviation authority, noting there are issues with the way heights are currently expressed in the Schedules.

A copy of Council's submission to MAESSAC, outlining proposed changes to the Planning Scheme (including suggested draft provisions) is attached to this Review at [Appendix 10](#).

Council cannot influence the drafting of the AEO1. However, there may be an opportunity for a Council-led review of Schedules DDO4 and DDO5.

18.3 Moorabbin Airport – Recommendations

Transportation – Moorabbin Airport		
No.	Recommendation	Related Council Plan Objective(s)
10.1	Continue to advocate to the Department of Transport and Planning to address Council's concerns regarding the drafting of planning controls and policies relating to aviation, including the Airport Environs Overlay.	<p>Strategic Direction 5: Safe</p> <p>Strategic Objective 5.1</p> <p>Our community will feel safe, and be safe, in all aspects of their lives.</p>
10.2	Consider a future Council-led planning scheme amendment process to update Design and Development Overlay Schedules 4 and 5.	

19 Stormwater Management

19.1 Stormwater Management - Overview

Kingston is positioned on Port Philip Bay, within the greater Dandenong water catchment and with significant drainage assets, including the Mordialloc Creek and Patterson River. Integrated water

management is of significant interest from both a stormwater quality and flood management perspective.

Kingston receives stormwater runoff from the Dandenong Ranges, via the Dandenong creek, and therefore, activities occurring in neighbouring LGAs impact on our waterways. For these reasons, Kingston has long recognised the need for regional collaboration on stormwater management issues and has a proud history of being pioneers in Integrated Water Management. Kingston has played an important role in stormwater quality and other related initiatives since the 1990s.

Kingston recognises the need to prepare for the impacts of climate change on the water cycle. This includes anticipated decreases in annual rainfall, rising sea levels and extreme rainfall events, an increase in hot days and heatwaves, and a need for more alternative water sources to irrigate our parks into the future.

Plan Melbourne recognises the need for Melbourne to be a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a much more integrated way. Direction 6.3 of Plan Melbourne is to Integrate urban development and water cycle management to support a resilient and liveable city.

The Kingston Planning Scheme supports a transition towards best practice stormwater management to address legacy issues and deliver stormwater management to a new standard. This includes a local policy (Clause 19.03-3L-01 and 19.03-3L-02) of the PPF. The local policy was, at the time of its gazettal, a pioneering approach to integrated water management in Victoria. This responded to a recommendation of the 2012 Planning Scheme Review which identified the need to incorporate new stormwater policy and requirements for private development.

19.2 Stormwater Management and the Kingston Planning Scheme

19.2.1 Clause 19.03-3L-01 Integrated Water Management

This Clause applies to smaller developments (for example, dual occupancies or smaller extensions) and contains requirements relating to on-site detention and management of water, including stormwater. Compliance with the Clause is generally managed by conditions on a planning permit. For example, dual occupancies are typically required to include a rainwater tank connected to new dwellings with water to be re-used for toilet flushing.

19.2.2 Clause 19.03-3L-02 Stormwater Management

This policy applies to medium scale and large-scale developments, as defined in the policy. Strategies include implementation of WSUD and stormwater reuse similar to those required for smaller developments. However, it also includes requirements to meet the best practice performance methods for treatment of water in addition to detention.

Clause 19 allows for Council to seek a stormwater quality in-leu developer contribution to integrated water management where best practice is not achieved by a development. This contribution is held by Council to be used in municipal projects for wider community benefit. This approach was introduced in 2017 and allows developers to apply to either install stormwater quality treatment measures on-site or pay a fixed in-leu contribution towards a Kingston Council fund that is used to construct larger and more cost-effective stormwater treatment and reuse projects.

These projects will be installed at prioritised locations throughout the municipality. The stormwater quality in-leu developer contribution scheme provides a range of benefits, such as:

- Accelerating the construction of Council projects, that have a comparatively better cost-benefit ratio, with better environmental outcomes.
- Transferring the cost and responsibility for maintaining stormwater treatment measures from future property owners to Council. This ensures that treatment systems are regularly

inspected as part of a robust asset management program to ensure their long-term sustainability.

- Avoiding a situation where developers need to install treatment measures in tight spaces or implement solutions that may be less effective.
- Simplifying the process for developers, as it by-passes the design and approval requirements for on-site measures.

Council's Statutory Planning and Drainage areas have noted that this scheme initially attracted some pushback, particularly for development in industrial areas. However, this approach is now commonly accepted and policy support for similar contribution schemes is now embedded in the VPP at Clause 19.03-3S. The adopted Integrated Water Management Strategy for Kingston provides direction for Council to spend these funds in accordance with the adopted Strategy.

Where measures are proposed on-site, again, it is necessary for a level of compliance checking to be undertaken to ensure stormwater infrastructure is both installed and maintained in accordance with the plans endorsed by Council.

19.3 Stormwater Management – Current Council actions

19.3.1 Kingston's Integrated Water Strategy 2022

In November 2022, Council adopted the Integrated Water Strategy 2022. This supersedes the Integrated Water Strategy 2012, which is a policy document in Clause 19.03-3L-02 of the Scheme. The 2022 Strategy contains strategic objectives, goals and targets, for both 2030 and 2050.

The Implementation Plan adopted with the 2022 Strategy includes the following actions:

- Work with Melbourne Water to update Kingston's planning requirements, like flood overlays and flood levels.
- Investigate emerging best-practice conditions for private building projects (to increase the effectiveness of design, construction, and maintenance outcomes) and update City of Kingston's guidelines for developers.
- Undertake sample audits of private developments to evaluate the effectiveness of integrated water assets (e.g., rainwater tanks and rain gardens), including construction standards and ongoing maintenance. Review and update Council documents and processes.

Kingston is currently working with Melbourne Water to update flood information which will inform a future Planning Scheme Amendment. This is detailed in Chapter 11 of this Review. Other actions identified, particularly those relating to the design of private development, will rely on Council's planners implementing existing policy and committing to a review of Council's existing guidelines.

As the 2022 replaces the 2012 Strategy it is recommended that Clause 19.03-3L-02 be updated to reflect the most recent adopted Strategy as a policy document.

19.4 Stormwater Management - Recommendations

Stormwater Management		
No.	Recommendation	Related Council Plan Objective(s)
11.1	Update Clause Clause 19.03-3L-02 of the Planning Scheme to replace the 2012 Integrated Water Strategy with the 2022 Integrated Water Strategy as a policy document.	<p>Strategic Objective 1: Liveable</p> <p>Strategic Objective 1.1</p> <p>Our city will be a vibrant, enjoyable, and easy place to live.</p>

20 Open Space

20.1 Public Open Space - What is the role of the Planning Scheme?

Public open space is discussed throughout the Council Plan and is at the core of the Community Vision which acknowledges the importance of the 20-minute neighbourhood and seeks to provide appropriately located local parks, green public spaces, community gardens and recreational facilities. The Kingston Council Plan 2021-2025 contains Strategy 2.3 – Protect and enhance our foreshore, marine environment, waterways and wetlands.

Direction 4.1 of Plan Melbourne 2017-2050 is to create more great public places across Melbourne. Direction 6.5 seeks to protect and restore natural habitats. This is expanded upon in Policy 6.5.1 which is to 'create a network of green spaces that support biodiversity conservation and opportunities to connect with nature.'

The Kingston Planning Scheme includes strategic directions to support the provision of open space areas and community infrastructure appropriate to the needs of the population. At the core of Kingston's strategic open space vision is its commitment to the Chain of Parks. This commitment is outlined in the MPS, which highlights support for the development of regional parks and the creation of a network of regional open space linkages, including the Chain of Parks.

Local policy content relating to the delivery of the Chain of Parks and public open space contributions are located at Clauses 19.02-6L-01 and 19.02-6L-01. Schedule 1 to Clause 53.01 (Public Open Space Contribution and Subdivision) sets out the requirements for public open space contributions for development in Kingston.

20.2 Public Open Space Contributions

The [Kingston Open Space Strategy](#) (2012) separates the municipality into ten precincts and provides a detailed classification of open space on a sub-precinct basis. This forms the strategic basis for the public open space contribution policy in the Planning Scheme, as it identifies the need for higher contribution rates in activity centres and strategic redevelopment sites. The Strategy identifies areas of shortfall in Cheltenham and Mentone, and areas at risk of shortfall by 2031, including parts of Parkdale, Mordialloc, Clarinda and Oakleigh South.

A Public Open Space Contributions Review May 2017 (POS Contributions Review) commissioned by Council as part of Amendment C153, noted that more suburbs in the City of Kingston are expected to experience a shortage (or be at risk of a shortage) in open space provision per capita, highlighting the need for careful acquisition of sites in areas with projected high population growth.

In 2018, Council implemented the Open Space Strategy 2012 into the Planning Scheme via Amendment C153. This introduced a local Public Open Space Policy in the Kingston PPF, in addition to mandating a public open space contribution of between 5% and 8% for applicable subdivisions. This also introduced Council's Clause 19.02-6L (Public open space contributions) which sets up a framework for the collection of both financial and land open space contributions to contribute to green infrastructure/open space in Kingston.

20.3 Public Open Space – Current Council actions

20.3.1 Update to Open Space Strategy

Council has recently finalised a new and updated Open Space Strategy (OSS). The Open Space Strategy will improve Council's future decision making related to the development and management of

open space. The OSS action plan is based on projected population growth, demographic changes, community access to the Green Wedge, LXRP improvements, COVID and changing behaviours and expectation with the way the public engage with open space. Community consultation to identify community needs, values and interests commenced in March 2022.

There may be a need to update local policy at Clause 19.02-2 Open Space and update Clause 19.02-6L-02 Public Open Space Contributions, once further consideration of the recommendations of the Strategy has been undertaken.

20.3.2 Housing Strategy Amendment C203king

Amendment C203king proposes to apply the Residential Growth Zone to parts of Kingston capable of accommodating higher order development. These areas are generally located around established activity centres.

Application of the RGZ is likely to result in increased population densities in some pockets of Kingston, and therefore a commensurate increase in demand for open space in these areas. As a result, there may be a need to review the current Public Open Space Contributions for Residential Growth zoned land once a decision on Amendment C203king is made by the Minister for Planning.

20.3.3 Chain of Parks

Council has strongly committed to the delivery of a series of open space areas to create a north-south green 'spine' extending from Warrigal Road, Moorabbin to Braeside Park, Braeside. This involves the conversion of former landfills and other open space areas into a series of linked parks. This concept dates to the early 1970s and has been broadly supported by successive councils and state governments. The core areas of parkland required to achieve the Chain of Parks is identified in the Open Space Framework Plan of the Kingston Planning Scheme.



Figure 13: The Open Space Framework Plan (Clause 02 of the Kingston Planning Scheme)

Clause 19.02-6L-01 of the Kingston Planning Scheme provides policy guidance for the Chain of Parks. This content will need to be updated through strategic work currently being undertaken on the Kingston Green Wedge Management Plan.

Kingston Council has been very active in progressing the Chain of Parks project. Beyond completing the Chain of Parks Masterplan, Council has:

- Undertaken upgrade works along the Barkers and Henry Street trails and installed a new cycling path along Old Dandenong Road.
- Opened the 37ha Spring Road Reserve in Dingley Village which was a former landfill in 2016 and now provides a significant recreational path network, new landscaping, and dog off-leash areas.
- Commenced in late 2020 developing the 4.3ha Elder Street South Reserve which will provide a unique heavily landscaped new park for the Clarinda community on a former landfill site. Stage 1 was completed in 2023 and Stage 2 works are now in progress.
- Worked with Cleanaway to develop a masterplan for the 32.5 ha proposed Victory Road Reserve which is expected to open to the public in mid-2023.
- Commenced masterplans for Spring Road, Heatherton Park, and Deals Road.
- Purchased private properties which are located immediately adjacent to land included in the Chain of Parks in Dingley Village and Clarinda.

An additional 83 hectares was purchased by the Victorian Government in November 2022 in Heatherton, Clarinda and Clayton South once rehabilitated they will form a connected chain of parks, trails, and open space.

20.3.4 Suburban Rail Loop and the Chain of Parks

The Suburban Rail Loop business case predicts that the project will generate significant population growth and additional visitors and workers to the Cheltenham and Clayton area, which is already facing significant population growth. This will even further create demand for sport. The Victorian Government has identified a 34-ha parcel of land located at 91 – 185 Kingston Road, Heatherton also known as the Delta Site as the location for the future Suburban Rail Loop train stabling yard. This site had previously been identified as a site well located for a major regional sporting destination playing a key role in the delivery of the required sporting infrastructure to address increasing demand.

For the Suburban Rail Loop East project, the Suburban Rail Loop Authority (SRLA) prepared an Environmental Management Framework. This includes a requirement to develop and implement a Public Open Space Framework. This Framework requires the SRLA to:

- Prepare a Public Open Space Management Plan for the Heatherton (Stabling Facility), to the satisfaction of the Minister for Planning that:
 - Identifies alternate land to be included in the Chain of Parks concept and set out a process for the acquisition of the replacement land.
 - Be prepared in consultation with the Kingston City Council and the Department of Transport and Planning (DTP).

In addition, the Suburban Rail Loop East Inquiry and Advisory Committee Report 2021, recommended that a suitable replacement site be provided to Council by the State Government to mitigate the loss of the Delta site. Council is advocating for the State Government and the SRLA to provide suitable land for the Kingston Fields project in the Green Wedge area of Dingley Village. The project will provide recreational and sporting fields to address the sporting demand of the growing regional population.

20.3.5 Kingston's golf courses

In 2015, Council adopted its Golf Course Policy. This policy reaffirms existing planning scheme policies to protect Kingston's sandbelt golf courses, including the application of the Special Use Zone over these courses. Golf's prominence in Kingston is recognised in Clause 02.03-9 of the Municipal Planning Strategy. It also states that where golf clubs are genuinely unable to be economically viable and golfing ceases on a site, Council would prefer the land to be used for public or private open space purposes that allow the land to retain its green and open vistas.

Council's Open Space Strategy notes the role of golf courses in contributing to sport and recreation in the municipality, as well as being large contributors to the overall make up of open space in some areas of Kingston. The role of golf courses in contributing to biodiversity outcomes in Kingston will be further explored in the review of Kingston's Biodiversity Strategy.

Once finalised, these strategies may provide a need for Council to review the Strategic Directions of Clause 02 of the Scheme or implement supporting policy to reflect the significant role of golf courses more appropriately in Kingston.

20.4 Public Open Space – Recommendations

Public Open Space		
No.	Recommendation	Related Council Plan Objective(s)
12.1	Support the Victorian Government to provide suitable land in the Green Wedge Area of Dingley Village to deliver a regional sport and recreation facility to offset the loss of the Delta site to the SRL project.	<p>Strategic Objective 1: Liveable</p> <p>Strategic Objective 1.1</p> <p>Our city will be a vibrant, enjoyable, and easy place to live.</p>
12.2	Review Public Open Space Contributions for areas where more enabling zoning provisions (such as the Residential Growth Zone) are applied via Amendment C203king.	
12.3	Consider updating content in Clause 02 of the Scheme (the Municipal Planning Strategy) to reflect any recommendations from Kingston’s Open Space or Biodiversity Strategy in relation to golf courses.	

21 Contaminated Land and Land Use Compatibility

21.1 Contaminated Land - What is the role of the Planning Scheme?

State environmental and planning legislation and policy seeks to ensure that land contamination from former and current uses do not affect environmental and/or human health. The planning system is the primary means for regulating land use and approving development and is an important mechanism for triggering the consideration of potentially contaminated land.

The *Planning and Environment Act 1987* requires a planning authority when preparing a planning scheme or planning scheme amendment to ‘*take into account any significant effects which it considers the scheme or amendment might have on the environment or which it considers the environment might have on any use or development envisaged in the scheme or amendment*’ (Section 12).

Ministerial Direction No. 1 - Potentially Contaminated Land seeks to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by any contamination.

The importance of remediating and applying appropriate planning controls to contaminated land is identified at a state level. Plan Melbourne 2017-2050 contains policy to ‘*facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development.*’

Due to Kingston’s location on the sandbelt and its history of landfills and other commercial and industrial uses, it is important to appropriately identify those sites with a history of use with higher potential contamination.

Council currently relies on the following tools in decision making when assessing matters relating to potential land contamination.

- The Planning Policy Framework at Clause 13.04-1S which seeks to ensure that contaminated and potentially contaminated land is used and developed safely.
- Clause 45.03 which seeks to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Kingston follows a framework for planning for potentially contaminated land, which is based on approaches developed by the Environment Protection Authority (EPA) and the Office of the Victorian Auditor General (VAGO). The land use planning framework for potentially contaminated land is largely established by policies and guidance from the Department of Transport and Planning as well as the Department of Energy, Environment and Climate Action.

Additionally, the Planning Scheme contains objectives and directions that seek to protect the community, amenity, human health, and safety by planning for new development to minimise adverse off-site impacts and to protect the safe operation of essential infrastructure. This is contained in Clause 13.07 of the Scheme. This content is relevant to planning for the City of Kingston due to the large areas of industrial land and other major infrastructure located within the municipality, including the Moorabbin Airport, materials recycling and quarrying operations, and the Westernport-Altona-Geelong Pipeline (WAG Pipeline).

21.2 2011 Victorian Auditor General's Office (VAGO) Report

In 2011, the VAGO released a report called [Managing Contaminated Sites in Victoria](#). This included a recommendation that all municipalities conduct a review of the potential risks of land contamination associated with historical land uses. Following that review an independent inquiry into the Environment Protection Authority commenced and recommendations were made in relation to the PPF for dealing with contaminated land.

Following feedback from the EPA, it was recommended that Council place an EAO on several properties that were former landfill sites scattered throughout the municipality.

21.3 Amendment C201king

Following the release of the VAGO report and the independent inquiry into the EPA, Council resolved to progress further investigation into contaminated land in Kingston, in accordance with VAGO recommendations. This formed the basis for [Amendment C201king](#).

At the time the Amendment C201king was exhibited it addressed the Ministerial Direction and the previous Planning Practice Note 30 Potentially Contaminated Land (PPN30) by identifying several land uses which have a potential for causing land contamination. These included petrol stations, drycleaners, landfill, and mechanics. 47 sites were identified as being a priority for an EAO. The Amendment was gazetted in July 2022.

Council anticipates several amendments to address the VAGO report due to the scale of potentially contaminated land across the municipality and to respond to the legislative and policy changes of 2021.

Therefore, Amendment C201king represents the first round of Planning Scheme Amendments for the Council to address potentially contaminated land. Council will continue to work through the list of uses in the updated PPN30 which may require additional Planning Scheme Amendments.

Amendment C201king was gazetted into the Kingston Planning Scheme in June 2023.

21.4 Environment Protection Act 2017

The *Environment Protection Act 2017* ('EPA Act') establishes the environmental audit system, established under the EPA Act, is designed to provide assurances regarding the suitability of land for a

proposed use. It does not specify the triggers that necessitate the use of the environmental audit system. Rather, it is the requirements of the planning system that trigger requirements for sensitive uses.

In 2017, the EPA Act was changed and introduced a set of duties, including the duty to manage contaminated land. The EPA Act also introduced a preliminary risk screen assessment in the environmental audit scheme, to help ensure assessments are proportionate to risks from contamination.

21.5 Amendment VC203

In September 2021 the Victorian Planning System was updated via [Amendment VC203](#) to integrate environment protection reforms into land use planning. This included updating state content in the PPF in a number of policy areas, updating application requirements and decision guidelines to reflect current Victorian policy documents, and updating the Environmental Audit Overlay to ensure alignment with the updated Environment Protection Act and to include references to the Preliminary Risk Screen Assessment (PSRA) as an assessment tool.

21.6 Amendment V10

In 2021 Amendment V10 inserted Clause 44.08 Buffer Area Overlay (BAO) into the Victoria Planning Provisions. This amendment only changed the VPP. It did not apply the BAO to any land or introduce it into any local Planning Scheme. A BAO Schedule 1 and 2 have since been applied to the Kingswood Golf Course site as part of its rezoning to residential, to recognise the proximity of the site to the former landfill opposite on Spring Road.

21.7 Environment Protection Authority submission

The Environment Protection Agency provided the following response as a result of public consultation. Council's response is included in the third column of the table below:

Review section or recommendation	EPA comment	Council Response
Section 1.3.13 - Stormwater Management & section 19.2 - Stormwater Management and the Kingston Planning Scheme	<p>The Review highlights the strength of Kingston's current local policy (Clause 19.03-3L-01 and 19.03-3L-02 of the PPF) in achieving successful outcomes for stormwater treatment and management in new developments. Specifically, Clause 19.03-3L-02 outlines an objective:</p> <p style="text-align: center;"><i>Design development to meet the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victoria Stormwater Committee 1999).</i></p> <p>In 2021, EPA published the Urban stormwater management guidance (publication 1739.1). This guideline complements and adds to the state of knowledge established through previous guidance, including the Best Practice for Environmental Management and planning requirements. Noteworthy is</p>	<p>Council currently applies the Victorian best practice guidelines published by the CSIRO in 1999, in accordance with State policy framework content in Clause 19. These contain similar requirements to the EPA document.</p> <p>The Victorian Government is best placed to consider the inclusion of the EPA guidelines to state policy content at Clause 19.</p>

	<p>the inclusion of performance indicators for suspended solids, total phosphorus and total nitrogen in Table 1, titled 'Quantitative performance objectives for urban stormwater'. It is suggested that Council consider including this guideline under clause 19.03-3L-02.</p>	
<p>Section 1.3.15 - Contaminated Land & Section 21 - Contaminated Land</p>	<p>Recommendation 14.1 is to undertake <i>“further work to identify sites as potentially contaminated and seek to apply an EAO through Planning Scheme Amendments”</i>. EPA has previously provided written comments on earlier planning scheme amendments with a similar objective, including C201. EPA are open to engaging in future discussions regarding this recommendation and will share our written views in accordance with MD19.</p>	<p>Noted - Council will engage with the EPA as further work on a future EAO is progressed.</p>
<p>Section 1.3.15 - Contaminated Land & Section 21 - Contaminated Land</p>	<p>The Review notes that “Kingston follows a framework for planning for potentially contaminated land, which is based on approaches developed by the EPA and the Office of the Victorian Auditor General”.</p> <p>To provide further clarification it is suggested that Council update this section to clarify that the land use planning framework for potentially contaminated land is largely established by policies and guidance from the Department of Transport and Planning as well as the Department of Energy, Environment and Climate Action.</p>	<p>This suggestion has been incorporated into the body of the Review.</p>
<p>Section 1.3.15 - Contaminated Land & Section 21 - Contaminated Land</p>	<p>“Environmental Protection Agency” should be amended to “Environment Protection Authority”.</p>	<p>Noted – this change has been actioned</p>
<p>Section 1.3.15 Contaminated Land & Section 21 Contaminated Land</p>	<p>The Review mentions that “[t]he Environment Protection Act 2017 ... ensures land marked for sensitive use, including residential uses and those with a high risk of contamination, be assessed and cleaned up”.</p> <p>However, it is important to note that this statement does not align with the objectives of the <i>Environment Protection Act 2017</i> (EP Act 2017). The environmental audit system, established under the EP Act 2017, is designed to provide assurances regarding the</p>	<p>This suggestion has been incorporated into the body of the review.</p>

	<p>suitability of land for a proposed use. However, it does not specify the triggers that necessitate the use of the environmental audit system. Rather, it is the requirements of the planning system that trigger requirements for sensitive uses.</p>	
Section 1.3.15 Contaminated Land & Section 21 Contaminated Land	<p>The Review states that “the (Environment Protection) Act (1970) was changed”. It is important to clarify that the <i>Environment Protection Act 1970</i> (EP Act 1970) was not amended, instead it was repealed and replaced with the EP Act 2017.</p>	Noted.
Section 1.3.15 Contaminated Land & Section 21 Contaminated Land	<p>The Review indicates that the EP Act 2017 applies ‘contaminated land duties to anyone in management or control of contaminated land’. While this captures an aspect of the duty to manage, it may be an oversimplification of the duty. To enhance clarity, it could be simplified to state that the EP Act 2017 introduced a set of duties, including the duty to manage contaminated land.</p>	Noted and actioned in the body of the Review report.
Section 21.6 - Amendment V10	<p>The Review includes information on the Buffer Area Overlay (BAO) in chapter 21, which addresses contaminated land. Although the BAO may have some potential applications for contaminated land and groundwater, it is important to note that the primary emphasis of the overlay is on amenity issues, such as odour or dust. It is suggested that consideration be given to whether this section should remain within the contaminated land chapter or be placed elsewhere to more accurately reflect its focus on amenity concerns.</p>	Noted but no change to the location of this content is proposed. Expanded discussion of amenity is included in Section 21.1 of the Review.
Section 16.3.3 - Change of use applications	<p>The Review highlights the need for more detailed policy direction relating to non-industrial uses in industrial areas. EPA expresses a willingness to participate in future discussions on this subject.</p>	Noted.
Section 23 - Review of Overlays	<p>The Review notes the potential introduction of a new schedule to the Environmental Significance Overlay aimed at controlling development of sensitive uses that could potentially impact the operation of the Eastern Treatment Plant.</p> <p>According to Planning Practice Note 92, “[t]he BAO is a purpose-built tool to manage buffers through the planning system and replaces the use of ESOs for buffer purposes”. EPA agrees that</p>	Noted.

	the BAO serves as a more fitting and appropriate tool for managing the Eastern Treatment Plant buffer.	
Section 23 - Review of Overlays	<p>The Review indicates that there are no concerns or requests to change Schedule 4 to Clause 42.01 Environmental Significance Overlay. This schedule specifically addresses issues related to landfilling and the potential impact on adjoining or surrounding land, including the migration of landfill gas and/or groundwater contaminated with leachate.</p> <p>According to Planning Practice Note 92, it is noted that “existing ESOs that have been used to manage buffers can remain in place, although in some cases replacement with a BAO may be desired”.</p> <p>Considering the introduction of a more fit for purpose overlay being introduced into the planning scheme, it is suggested that Council may want to contemplate transitioning this overlay to a Buffer Area Overlay for a more purposeful alignment with the current planning framework.</p>	Noted. This may be considered as part of future work proposed to identify potentially contaminated sites and apply relevant Overlays to these sites.

21.8 Viva Energy Submission

A summary of the Viva Energy response received during consultation is provided below.

Viva Energy manages The Western – Altona – Geelong Pipeline (WAG or Pipeline Licence 65). The WAG pipeline is 136km long and runs through the Kingston City Council Local Government Area. It is the only crude oil Pipeline to the Geelong Refinery. The Viva Energy response to the Review notes the need for safety controls or considerations where there are proposed development or land use changes within a certain distance of the Pipeline. Viva considers this particularly critical for sensitive uses, such as hospitals, schools, prisons and aged care facilities, in addition to some sites to be developed for other uses, including heavy industry or multistorey residential uses.

Viva Energy Australia notes it will not permit sensitive uses within the Pipelines Measurement Length and requests planning controls in the form of a buffer overlay be implemented to prevent their construction within 152m of the Pipeline. The response further notes that below safety conditions need to be included in the planning controls:

1. No sensitive uses to be allowed within the Measurement Length of each Pipeline. (Sensitive uses include schools, hospitals, childcares, aged care facilities and prisons, as per AS2885).
2. The density of dwellings is not to exceed 50 dwellings per hectare.
3. A Safety Management Study led by Viva Energy Australia is required for any Planning Permit within any Pipeline Measurement Length.

4. Structures and Buildings cannot be built above or in close proximity to the Pipeline.
5. Roads and Railway Reserves are not to be placed above any Licensed Pipeline, other than a crossing.
6. Road and rail crossings are to be perpendicular to pipeline route.
7. The Pipelines are clearly displayed in the Strategy.

In response to this submission, Council notes that there is State policy content relating to Major Hazard Facilities contained in Clause 13.07-2S of the Planning Scheme, however, Viva Energy is not currently a determining or recommending referral authority in Clause 66 of the Scheme. Therefore, a referral under Section 55 of the Act is not possible and there is no specific trigger for a planning permit or referral to Viva Energy currently contained within the Scheme.

A possible change could be made through a planning scheme amendment led by the Victorian Government, to include Viva Energy as a determining referral authority for development within the Pipeline Measurement Length, similar to the current regime for managing applications for use or development in proximity to a major electricity line or easement (Clause 66.02-4). As the Pipeline extends beyond Kingston's boundaries and crosses several local government areas, it is considered appropriate for the Department of Transport and Planning to assume responsibility for the development of more detailed policy content, referral requirements and/or Overlays that would apply to the total extent of the Pipeline area, and not just Kingston.

In the interim, the City Development team has a process for identifying planning permit applications within the Pipeline Measurement Length, and currently provides notice of these applications to Viva Energy under Section 52 of the *Planning and Environment Act*. As a part of giving notice to Viva Energy for planning permit applications within the Pipeline Measurement Length, Viva Energy have the opportunity to comment and often provide recommended conditions and/or notes to be placed on the planning permit. Viva Energy, on submission of their comments to a planning permit application, would also then have appeal rights to the Victorian Civil and Administrative Tribunal if they do not agree with Council's decision.

21.9 Contaminated Land – Recommendations

Contaminated Land		
No.	Recommendation	Related Council Plan Objective(s)
13.1	Undertake further work to identify sites as potentially contaminated and seek to apply an EAO through Planning Scheme Amendments.	<p>Strategic Direction 5: Safe</p> <p>Strategic Objective 5.1</p> <p>Our community will feel safe, and be safe, in all aspects of their lives.</p>

22 Anomalies

22.1 Anomalies – Recommendations from the 2012 Review

The Planning Scheme Review 2012 identified anomalies within the Kingston Planning Scheme. The anomalies generally related to the application and mapping of zones and overlays. The process of identifying and addressing anomalies is an ongoing one, which has been partially addressed through Amendments C149king and C197king, in 2020 and 2022 respectively.

22.2 Anomalies – Current Council actions

Council lodged Amendment C206king for Approval in September 2023. The Amendment applies to 61 properties and seeks to implement various corrections to the mapping of zones and overlays, to resolve anomalies and errors in the Kingston Planning Scheme.

Council is also aware of remaining anomalies within the Kingston Planning Scheme where dual zones apply across commercial and residential land. Council is awaiting the recommendations of the Employment Land Use Strategy to determine the appropriate zoning of these sites. Please refer to section 16.2.2 for detailed information regarding the Employment Land Use Strategy.

Council officers have also identified a need to correct Section 4.3 of Schedule 1 to the Activity Centre Zone, which currently states that a permit is required to construct or extend one dwelling. This ostensibly conflicts with a separate permit requirement outlined in text above, which clearly states that a permit is not required for a dwelling on a lot of more than 300 square metres. It is proposed to correct this anomaly by inserting the words 'on a lot less than 300 square metres' into the requirement to construct or extend one dwelling. This may be addressed in a future anomalies amendment and would be consistent with Schedules 2 and 3 of the Activity Centre Zone.

Council continuously reviews the Kingston Planning Scheme and the application of zones and overlays. When an anomaly is identified it is entered into a database. Once sufficient properties are identified a Planning Scheme Amendment is progressed to address the issues.

22.3 Anomalies - Recommendations

Anomalies		
No.	Recommendation	Related Council Plan Objective(s)
14.1	Continue to monitor and address anomalies in the Kingston Planning Scheme	<p>Strategic Direction 6: Well Governed</p> <p>Strategic Direction 6.1</p> <p>Council will be collaborative, accountable, transparent, responsive, well-informed, and efficient.</p>

23 Review of Zones

A full review of Zones contained in the Kingston Planning Scheme has not been completed, because a significant review of zoning will be completed through proposed planning scheme amendments to implement the Housing Strategy and Neighbourhood Character Study, Employment Land Use Strategy, Green Wedge Management Plan and future structure planning work for Activity Centres. However, through the course of the current Review the following has been identified in relation to the application of the Transport Zone in Osborne Avenue, Clayton South.

Osborne Avenue, Clayton extends from Westall Road to the east and Clayton Road to the west, at which point it becomes Bourke Road. The Road is currently zoned Transport Zone 2 (Principal Road Network). Osborne Avenue is divided into two sections by an unmade portion of the road. The unmade road portion is located at the rear of five properties, to which the TRZ2 applies.

VicRoads have confirmed in writing that Osborne Avenue is not an arterial road under their management. To the east across Westall Road, Osborne Avenue extends into the City of Greater Dandenong, where it is zoned TRZ2.

The five properties affected by this unmade portion of road are identified above and are as follows:

- 185-189 Osborne Avenue, Clayton South
- 94 Fairbank Road, Clayton South
- 90 Fairbank Road, Clayton South
- 86-88 Fairbank Road, Clayton South
- 6/80 Fairbank Road, Clayton South
- 180 Osborne Avenue, Clayton South

It is noted that a building was approved and has been constructed over the TRZ2 area of 6/80 Fairbank Road, Clayton South via planning permit KP 769/2005.

In light of VicRoads' confirmation that the Osborne Avenue, Clayton is not an arterial road, Council is currently considering a Planning Scheme Amendment to remove the TRZ2 from Osborne Avenue, including to the unmade portion and apply the substantive zoning of the properties to the land.

23.1 Review of Zones - Recommendation

Review of Zones		
No.	Recommendation	Related Council Plan Objective(s)
15.1	Consider a Planning Scheme Amendment to remove the Transport Zone 2 from Osbourne Avenue, Clayton South.	<p>Strategic Direction 6: Well Governed</p> <p>Strategic Direction 6.1</p>

		Council will be collaborative, accountable, transparent, responsive, well-informed, and efficient.
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24 Review of Overlays

24.1 Review of Overlay Provisions

A review of local schedules to Overlays in the Kingston Planning Scheme was completed as part of this Review. Feedback relating to required updates or redundant content is contained below. Notably, many updates to overlays will be contemplated as part of current or future strategic work. The complete review is below.

OVERLAYS	COMMENTS
Environmental and Landscape Overlays	
Clause 42.01 Environmental Significance Overlay (ESO)	
The schedule to the ESO is used to identify areas of environmental significance within Kingston. It includes a statement of the environmental significance and environmental objectives to be achieved.	
Schedule 1 to Clause 42.01 Environmental Significance Overlay	No concerns or requests for changes have been identified during this Review.
Schedule 2 to Clause 42.01 Environmental Significance Overlay	ESO2 relates to the Edithvale Seaford Wetlands Buffer Zone (comprising Edithvale Common and Chelsea Public Golf Course). The ESO2 is not currently mapped. This is likely to be addressed with work being undertaken to update Kingston's Biodiversity Strategy .
Schedule 3 to Clause 42.01 Environmental Significance Overlay	The Significant Tree register in ESO3 will be reviewed as part of current work being progressed by Council's Vegetation team and an update to ESO3 is likely to be required as a result. This is discussed in Section 10.5.6 of this Review.
Schedule 4 to Clause 42.01 Environmental Significance Overlay	No concerns or requests for changes have been identified during this Review
Schedule 5 to Clause 42.01 Environmental Significance Overlay	No concerns or requests for changes have been identified during this Review

<p>Environmental Significance Overlay</p>	<p>The 2012 Review recommended that a new schedule to the ESO be added to the scheme to identify land located on the south-east corner at the intersection of the Mornington Peninsula Freeway and Thompson Road (Patterson Lakes Recreation Reserve). This was requested by Melbourne Water to control development of odour-sensitive uses on the site, which might compromise the operation of the Eastern Treatment Plant.</p> <p>Further investigation is required to determine whether the ESO is still appropriate and to consider whether another Overlay, such as the Buffer Area Overlay, may now be a more appropriate tool to manage the interface between this land and the Eastern Treatment Plant. This may be considered as part of a future planning scheme amendment process to deal with other contaminated land.</p>
<p>Clause 42.02 Vegetation Protection Overlay (VPO) The VPO is specifically designed to protect significant native and exotic vegetation in an urban or rural environment. It can be applied to individual trees, stands of trees or areas of significant vegetation.</p>	
<p>Schedule 1 to Clause 42.02 Vegetation Protection Overlay</p>	<p>The VPO1 currently applies to some NRA areas identified in the Kingston Biodiversity Strategy. Further recommendations may emerge as work is being progressed to update Kingston's Biodiversity Strategy.</p>
<p>Schedule 2 to Clause 42.02 Vegetation Protection Overlay</p>	<p>VPO2 does not contain a corresponding map in the Planning Scheme that indicates the area to which the Overlay is to be applied. It is preferable for this to be mapped. This may be undertaken via a Planning Scheme Amendment process to implement recommendations from Chapter 10 of this Review.</p>
<p>Heritage and Built Form Overlays</p>	
<p>Clause 43.01 Heritage Overlay (HO) The Schedule to the Heritage Overlay identifies places of heritage significance within Kingston.</p>	
<p>Schedule to Clause 43.01 Heritage Overlay</p>	<p>Several minor errors were identified in this Schedule relating to the drafting and addresses of heritage places. Amendment C206king, which addresses these errors, was adopted by Council in 2023 and is currently with the Minister for Planning for a decision.</p>
<p>Clause 43.02 Design and Development Overlay (DDO) The DDO is a planning tool that is applied to areas which need specific requirements relating to the built form and design of new development. They set requirements for the height, form, and the general design of buildings.</p>	
<p>Schedule 1 to Clause 43.02 Design and Development Overlay</p>	<p>Historically, concerns have been raised over time in relation to the wording of DDO1. Concerns include a lack of clarity about buildings and works triggering a permit, and a lack of guidance around roof decks. The DDO1 is being amended as part of Amendment C203king to clarify the intent of the</p>

	<p>control and to be more explicit about the buildings and works which do trigger a permit.</p>
<p>Schedule 2 to Clause 43.02 Design and Development Overlay</p>	<p>Investigate the potential to update DDO2 (Patterson Lakes Residential Waterways Area), to clarify identified concerns with drafting of the control, which lacks clarity in some respects, including relating to setback requirements.</p> <p>Proposed Amendment C206king seeks to update DDO2. The purpose of the DDO2 is to capture the land that directly abuts the water via an easement. As some properties only partially abut the waterways, DDO2 should only apply to the relevant parts of the sites. Amendment C206king seeks to delete the parts of the DDO2 from properties that do not directly abut the waterways. Amendment C206king is currently with the Minister for Planning for a decision.</p>
<p>Schedule 3 to Clause 43.02 Design and Development Overlay</p>	<p>The Parkdale Plaza has previously been flagged as requiring review with a view to deleting this from the Scheme. This was identified in the 2012 Review and will be considered as part of current work being undertaken in the ELUS.</p>
<p>Schedule 4 to Clause 43.02 Design and Development Overlay</p>	<p>There is potential for this to be reviewed (refer to Chapter 18 of this Review).</p>
<p>Schedule 5 to Clause 43.02 Design and Development Overlay</p>	<p>There is potential for this to be reviewed (refer to Chapter 18 of this Review).</p>
<p>Schedule 6 to Clause 43.02 Design and Development Overlay</p>	<p>The IPO2 and DDO6 apply to the Kingston Lodge Site. This has been largely developed, however there are complex agreements in place which require further investigation to determine whether they are still relevant.</p> 

Schedule 7 to Clause 43.02 Design and Development Overlay	Historically there has been a query about the definition of ‘foreshore reserve boundary’ as described in DDO7 (Urban Coastal Foreshore Setback Control Area). This means there has been some uncertainty about where setbacks requirements apply on lots with foreshore abutments. DDO7 is proposed to be deleted and incorporated into DDO1 as part of Amendment C203king which includes an updated definition of foreshore reserve boundary, to add clarity to this control. Refer to Chapter 14 of this Review.
Schedule 8 to Clause 43.02 Design and Development Overlay	DDO8 (Station Street, Chelsea) applies to part of the Chelsea activity centre and will be reviewed as part of future strategic work on the Chelsea Structure Plan. Refer to Chapter 8 of this Review.
Schedule 9 to Clause 43.02 Design and Development Overlay	There is potential to review DDO9 (2 And 4 Bear Street, 2 Park Street and 76 Albert Street, Mordialloc) as part of future strategic work being undertaken in Mordialloc (refer Chapter 8 of this Review). This is because the land along Bear St is within the area where the Mordialloc Level Crossing project is being undertaken, which may change the context of the site. It is also noted that the balance of the land is developed.
Schedule 10 to Clause 43.02 Design and Development Overlay	DDO10 is proposed to be amended as part of Amendment C203king to reflect the built form outcomes identified in the Housing Strategy and Neighbourhood Character Study (2021). Refer to Chapter 14 of this Review.
Schedule 12 to Clause 43.02 Design and Development Overlay	<p>Residential areas of Highett were strategically reviewed as part of the Housing Strategy. Amendment C203king updates part of the language in DDO12 to clarify expectations around development in residential areas. It also rezones some residential areas to align with desired housing outcomes in this area.</p> <p>A typo has been identified in Section 3.0 of the Schedule (Buildings and Works) under Areas H5 and H6. This may be corrected through a future anomalies process or alternatively as part of a broader review of DDO12.</p> <p>There is potential to review the balance of DDO12 (Highett Activity Centre) as part of future strategic work which will consider structure planning for the whole activity centre, in the wake of SRL and level crossing removal announcements. This will also consider compliance with the Ministerial Direction on Form and Content for Planning Schemes. Refer to Chapter 8 of this Review.</p>
Schedule 13 to Clause 43.02 Design and Development Overlay	Potential to remove DDO13 (Former Nylex Site Residential Design) from the Kingston Planning Scheme as the residential development it seeks to control has now been completed.

<p>Schedule 14 to Clause 43.02 Design and Development Overlay</p>	<p>Potential to remove DDO14 (116-118 Gladesville Boulevard, Patterson Lakes) from the Kingston Planning Scheme as this development is completed.</p>
<p>Schedule 15 to Clause 43.02 Design and Development Overlay</p>	<p>This Overlay was applied to the Dingley Village Shopping Centre via Amendment C95 in 2010, to facilitate the expansion of the shopping centre. The shopping centre has been redeveloped since this time in accordance with the planning permit approved as part of the amendment process. It may be appropriate to revisit these controls in the future, however this is not currently a priority given the significant other work in activity centre planning currently being undertaken by Council.</p>
<p>Schedule 20 to Clause 43.02 Design and Development Overlay</p>	<p>No concerns or requests for changes have been identified during this Review.</p>
<p>Schedule 21 to Clause 43.02 Design and Development Overlay</p>	<p>The DDO21 (1231-1237, Part 1239 Nepean Highway, 60 – 64 Matthieson Street, Hihett) contains some spelling and formatting errors. However, the site has an active planning permit and there is no current need for the control</p>

	to be further reviewed. These errors could be addressed in a future anomalies amendment, if required.
Schedule 22 to Clause 43.02 Design and Development Overlay	DDO22 – Mentone Junction was not nominated for review or changes as a result of internal consultation, it is noted however that this Overlay will be amended via Amendment C203king to ensure that proposed new residential zones are reflected consistently in the DDO22. Mentone AC is discussed in Chapter 8 of this Review.
Schedule 24 to Clause 43.02 Design and Development Overlay	A review of this overlay did not identify any proposed changes or concerns. However, it is recognised that the announcement of the SRL may influence planning in this area in the future. Refer to Chapter 8 of this Review.
<p>Clause 43.03 Incorporated Plan Overlay (IPO)</p> <p>The IPO is a tool to support the implementation of detailed development plans or master plans for land. An Incorporated Plan prepared under this Overlay is incorporated into the Planning Scheme and can only be changed through an amendment to the Planning Scheme.</p>	
Schedule 1 to Clause 43.02 Incorporated Plan Overlay	A review of this overlay did not identify any proposed changes or concerns. However, it is recognised that the announcement of the SRL may influence planning for Westfield Southland and, in turn, may trigger a review of the Schedule to the IPO. This is discussed in Chapter 8 of this Review.
Schedule 2 to Clause 43.02 Incorporated Plan Overlay	Consider removing IPO2 (Kingston Lodge) from the Kingston Planning Scheme as it is considered no longer to be relevant. This is because the development it seeks to direct has now been completed.
Schedule 3 to Clause 43.02 Incorporated Plan Overlay	Consider removing IPO3 (Aspendale Gardens) from the Kingston Planning Scheme – refer to DDO6.
<p>Clause 43.04 Development Plan Overlay (DPO)</p> <p>The DPO is a tool to support the implementation of detailed development plans or master plans for land. A DPO involves the preparation of a development plan which is endorsed by the planning authority, and which can be amended without a planning scheme amendment.</p>	
Schedule 1 to Development Plan Overlay	Remove DPO1 (Epsom Training Facility) from the Kingston Planning Scheme as it is considered no longer to be relevant. This is because the development it seeks to direct has now been completed. Local policy content relating to this estate was largely removed from the PPF as a result of the PPF translation and subsequent Amendment C200king.

Schedule 2 to Clause 43.04 Development Plan Overlay	Investigate the potential to remove DPO2 (land in Bonbeach bounded by the Patterson River Country Club) from the Kingston Planning Scheme as it is considered no longer to be relevant. This is because the development it seeks to direct has now been completed.
Schedule 3 to Clause 43.04 Development Plan Overlay	Investigate the potential to remove DPO3 (20 Levanto Street, Mentone) from the Kingston Planning Scheme as it is considered no longer to be relevant. This is because the development it seeks to direct has now been developed.
Schedule 4 to Clause 43.04 Development Plan Overlay	Investigate the potential to remove DPO4 (61-111 Rosebank Avenue, Clayton South) from the Kingston Planning Scheme as it is considered no longer be relevant. This is because the development it seeks to direct has now been completed.
Schedule 5 to Clause 43.04 Development Plan Overlay	There is potential to delete Schedule 5 to Clause 43.04 from the Kingston Planning Scheme, as the development of the former Nylex site has been completed.
Schedule 6 to Clause 43.04 Development Plan Overlay	Investigate the potential to remove DPO6 (29-63 Breeze Street, Bonbeach) from the Kingston Planning Scheme as it is considered no longer be relevant. This is because the development it seeks to direct has now been completed.
Schedule 7 to Clause 43.04 Development Plan Overlay	The Highbett Gasworks DPO is still current and does not require further review unless changes are proposed by the Victorian Government as a result of strategic work being undertaken in relation to the SRL.
<p>Clause 43.05 Neighbourhood Character Overlay (NCO)</p> <p>The NCO applies to areas that have been identified as having a distinctive existing or preferred character. The NCO identifies these areas and introduces controls to ensure that new development in the area respects the neighbourhood character.</p>	
Schedule 1 to Clause 43.05 Neighbourhood Character Overlay	This Schedule is proposed to be amended as part of Amendment C203king to include a reference to the Housing Strategy and Neighbourhood Character Study (2021). An additional precinct (Ormond Street Mordialloc) is also proposed for inclusion in the NCO as a result of Amendment C203king.
<p>Land Management Overlays</p>	
<p>Clause 44.04 Land Subject to Inundation Overlay (LSIO)</p> <p>The Schedule to the LSIO identifies properties that are affected by flooding associated with waterways and open drainage systems. Such areas are commonly known as floodplains. These overlays require a planning permit for buildings and works.</p>	
Schedule to Clause 44.04 Land Subject to Inundation Overlay	Changes may be proposed as a result of work being progressed by Melbourne Water in relation to flood mapping. Refer to Chapter 11 of this Review.

Clause 44.05 Special Buildings Overlay (SBO)	
The SBO identifies areas prone to overland flooding. The purpose of the SBO is to set appropriate conditions and floor levels to address any flood risk to developments. These overlays require a planning permit for buildings and works.	
Schedule to Clause 44.05 Special Buildings Overlay	Changes may be proposed as a result of work being progressed by Melbourne Water in relation to flood mapping. Refer to Chapter 11 of this Review.
Other Overlays	
Clause 45.01 Public Acquisition Overlay (PAO)	
The Schedule to the PAO identifies land reserved for a public purpose and indicates that this land could be compulsory acquired in the future.	
Schedule to Clause 45.01 Public Acquisition Overlay	No concerns or requests for changes have been identified during this Review.
Clause 45.02 Airport Environs Overlay (AEO)	
The AEO is used to identify areas which are or will be subject to high levels of aircraft noise and ensure that land use and development are compatible with the operation of airports.	
Schedule to Clause 45.02 Airport Environs Overlay	Council's advocacy for changes to the AEO are discussed in Chapter 18 of this Review.
Clause 45.03 Environmental Audit Overlay (EAO)	
The EAO identifies land that is potentially contaminated and applies planning controls to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.	
The EAO is discussed in Chapter 21 of this Review.	
Clause 45.04 Road Closure Overlay (RXO)	
The RXO identifies a road that is closed by an amendment to the planning scheme.	
No concerns or requests for changes have been identified during this Review	
Clause 45.12 Specific Controls Overlay (SCO)	

The SCO applies specific controls to an area where a particular land use and development outcome is to be achieved in extraordinary circumstances, for example, the Mornington Peninsula Freeway and the Suburban Rail Loop.	
Schedule to Clause 45.12 Specific Controls Overlay	No concerns or requests for changes have been identified during this Review

24.2 Review of Overlay Provisions - Recommendations

Review of Overlays		
No.	Recommendation	Related Council Plan Objective(s)
16.1	Include a map to identify the extent of Environmental Significance Overlay Schedule 2.	<p>Strategic Direction 6: Well Governed</p> <p>Strategic Direction 6.1</p> <p>Council will be collaborative, accountable, transparent, responsive, well-informed, and efficient.</p>
16.2	Include a map to identify the extent of Vegetation Protection Overlay Schedule 2.	
16.3	Undertake a Planning Scheme Amendment process to delete redundant Overlays including Design and Development Overlay Schedule 6 (Patterson Lakes Waterways/Kington Lodge), Design and Development Overlay Schedule 13 (former Nylex site) and Design and Development Overlay Schedule 14 (Gladesville Boulevard).	
16.4	Undertake a Planning Scheme Amendment process to delete redundant Development Plan Overlays where development has been completed, including Development Plan Overlay Schedules 1, 2, 3, 4, 5 and 6.	
16.5	Investigate a future planning scheme amendment process to apply an Environmental Significance Overlay or Buffer Area Overlay to the Patterson Lakes Recreation Reserve to control sensitive use and development being undertaken on land in proximity to the Eastern Treatment Plant.	

25 Review of Particular Provisions

A review of the existing Particular Provisions was undertaken as part of this Review.

Clause 52.28 -4 and 52.28-5 of the Kingston Planning Scheme prohibit the installation and use of gaming machines in shopping complexes and shopping strips specified in the Schedule to Clause

52.28. One shopping area not included in the Schedule is the Mentone shopping area surrounding Balcombe Road, Mentone Parade, and Florence Street. Mentone appears to have been excluded by accident when a list of shopping strips was prepared by Council ahead of changes to the planning schemes to implement new gambling legislation in the late 1990s. The Planning Scheme Review 2012 stated:

An opportunity exists for Council as part of this review to correct an anomaly and include the Mentone Shopping Centre within Clause 52.28-4. This will ensure that social issues that would result from providing a gaming venue in the Mentone Shopping Centre can be addressed and provide for consistency in decisions for all shopping centres within the municipality.

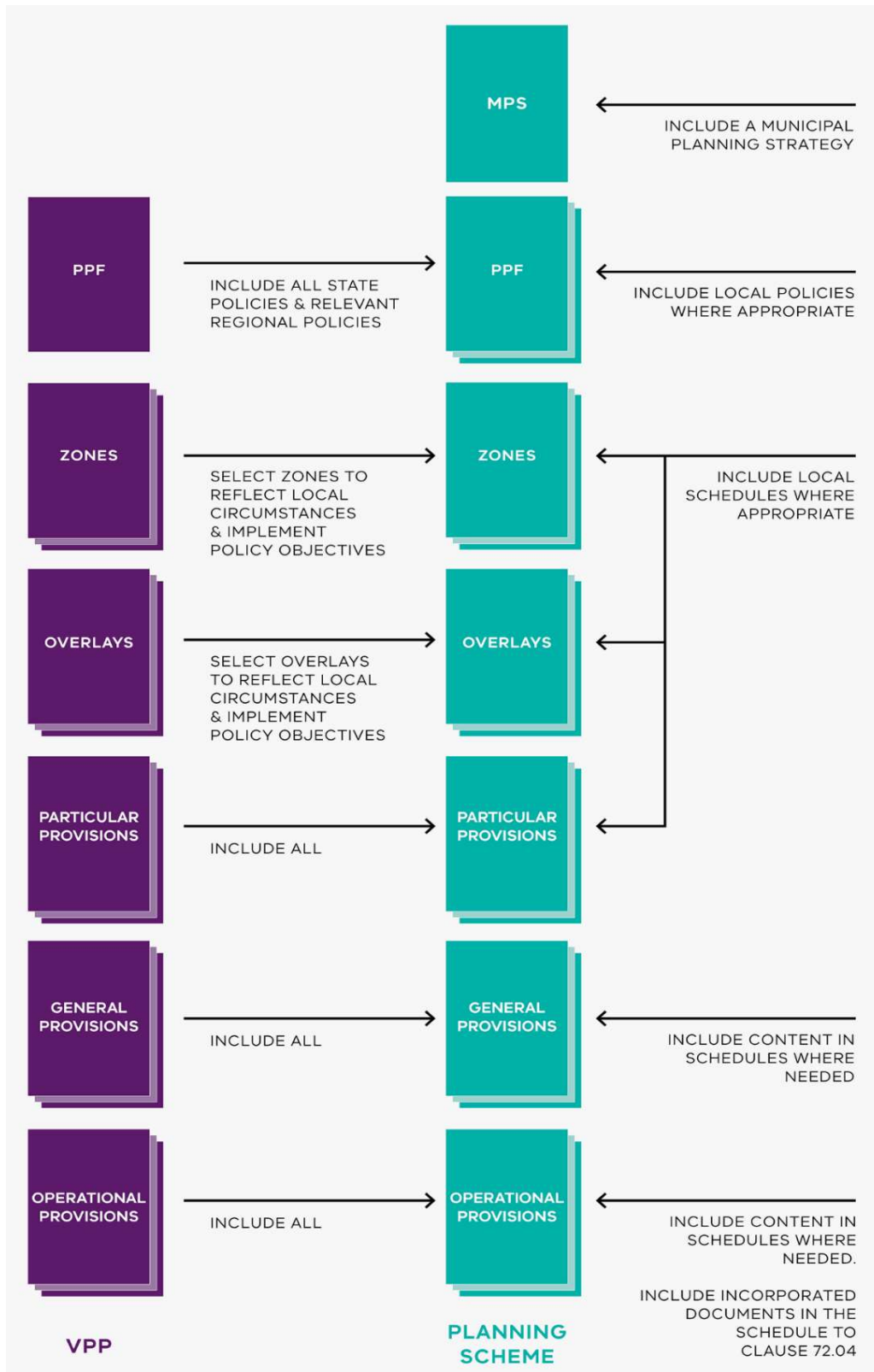
Further work may be required to investigate whether this is a suitable inclusion in a future anomaly amendment. Regardless, in 2020, Council adopted its Gambling Policy which states that additional electronic gaming machines or new venues should not be located in areas where people go about their everyday business, in addition to the prohibited shopping strips identified in Council's Planning Scheme (e.g., a concentration of shops, major community facilities or key public transport modes).

25.1 Review of Particular Provisions - Recommendation

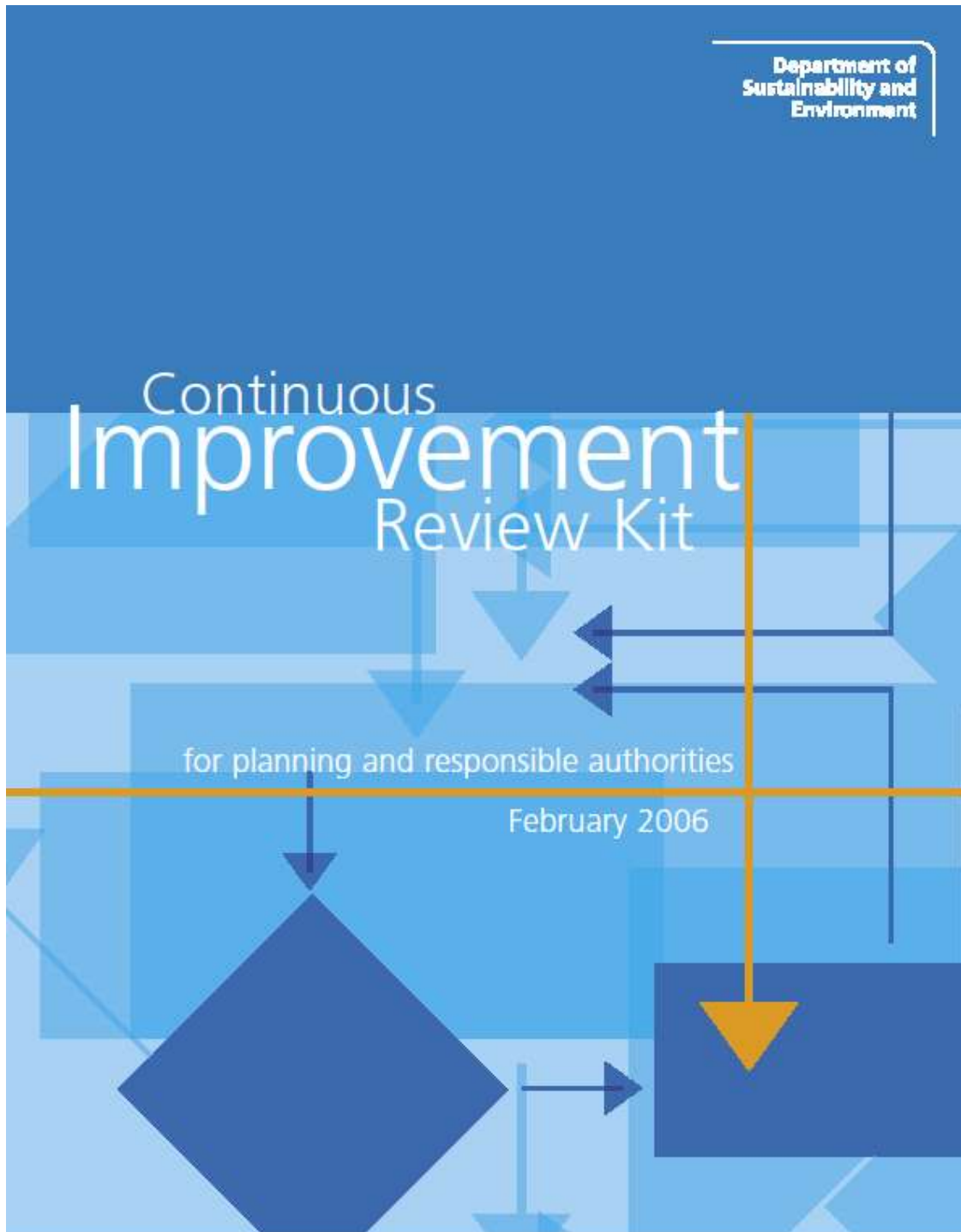
17. Review of Particular Provisions		
No.	Recommendation	Related Council Plan Objective(s)
18.1	Investigate whether the Mentone shopping area may be included in the Schedule to Clause 52.28 (Gaming) of the Kingston Planning Scheme as part of an anomalies process.	<p>Strategic Direction 5: Safe</p> <p>Strategic Objective 5.1</p> <p>Our community will feel safe, and be safe, in all aspects of their lives.</p>

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26.2 Appendix 2 – Creating a Local Planning Scheme from a VPP



26.3 Appendix 3 – Continuous Improvement Review Kit



A Victorian Government Initiative



26.4 Appendix 4 – Progress against recommendations of the 2012 Planning Scheme Review

Clause	Recommendation	Comment	Status
Municipal Strategic Statement			
21	Align with the key themes of the SPPF	Implemented via Amendment C132 Recommendations from the 2012 Review included implementing changes to the former LPPF or SPPF to remove inconsistencies and repetition, updating reference documents and strengthening local policy relating to environment, urban design, residential land use, transport and community health and wellbeing. Many of these recommendations were implemented via Amendment C132king, and the PPF translation project.	Complete
	Create new introduction to the MSS	Implemented via Amendment C132	Complete
	Review the 'Vision' section of the MSS	Implemented via Amendment C132	Complete
	Incorporate new policies relating to: <ul style="list-style-type: none"> • Environment • Urban Design • Residential Land Use • Transport • Community Health and Wellbeing 	For Environment refer to Chapters 10, 11 and 12 of this Review. For Urban Design refer to Chapter 8 of this Review For Residential Land Use refer to Chapter 14 of this Review For Transport refer to Chapter 17 of this Review. Throughout the course of this Review, it was noted that State PPF content relating to Community Health and Wellbeing is sufficient to achieve appropriate planning	Complete

		outcomes in Kingston without the need for additional local policy. No additional changes or additions were recommended as a part of this Review.	
	Align with the key themes of the SPPF	Implemented via Amendment C132	Complete
	Create new introduction to the MSS	Implemented via Amendment C132	Complete
Settlement			
	Implement key objectives and strategies of the Open Space Strategy	<p>The 2012 Planning Scheme Review identified the need to strengthen open space policy. In response to the recommendations of the Planning Scheme Review, Kingston introduced public open space contribution requirements via Planning Scheme Amendment C153 which was gazetted on 26 April 2018. The Amendment:</p> <ul style="list-style-type: none"> • Amended the Schedule to Clause 52.01 Public Open Space Contributions to specify public open space contribution rates of 8% for all land within the Mordialloc, Highett, Moorabbin, Cheltenham, and Mentone Activity Centres • At least 8% for Strategic Redevelopment Sites (where a rezoning of non-residential land for residential development was proposed) • 5% for all other land in the Municipality. <p>A new local policy at Clause 22.19 of the former Local Planning Policy Framework was also introduced to provide guidance as to where land contributions should be sought over cash contributions. This applied to all non-exempt subdivisions.</p> <p>The local policy 22.19 was relocated to Clause 19.02-6L-02 as part of the PPF translation and reviewed to ensure that key content was retained. The 2012 Open Space Strategy was retained as a policy document.</p>	Complete

	Implement the Kingston Green Wedge Plan once adopted	<p>The 2012 Planning Scheme Review identified the need to review the Green Wedge policies. The following recommendations were made:</p> <ul style="list-style-type: none"> • Implementation of actions identified in the Kingston Green Wedge Plan 2012; and • Review the Kingston Green Wedge Management Plan which will include updating the Enterprise Sites, the South-East Non-Industrial Area, and the Sandbelt Open Space policies. <p>The Kingston Green Wedge Management Plan 2012 ('KGWMP 2012') was adopted in 2012 and partially implemented via Amendment C143 in 2015 which rezoned land north of Kingston/Heatherton Roads from a Special Use Zone Schedule 2 Earth and Energy Resources to the Green Wedge A Zone to prohibit materials recycling.</p>	Partially Complete/ In progress
Environment and Landscape Values			
	Apply the VPO to significant local examples of indigenous vegetation in the Springvale Industrial estates and in the vicinity of Lance Close, Aspendale Gardens	Significant vegetation will be identified as part of strategic work being undertaken to update the Significant Tree Register and the Biodiversity Strategy, both discussed in Chapter 10 of this Review.	Further Work
	Apply the PPRZ to provide for the management of natural environments by public agencies	Zoning and Overlay controls will be reviewed when implementing the strategic work being undertaken to update the Significant Tree Register and the Biodiversity Strategy, both discussed in Chapter 10 of this Review	Further work
	Apply the PCRZ to significant areas of remnant vegetation at the Grange Heathland Reserve,	As part of this Review these areas have been assessed and the PCRZ applies to these areas.	Complete

	Rowan Woodland, Bradshaw Park, and the former Epsom Training Facility		
Built Environment and Heritage			
	Neighbourhood Character Guidelines updated to reflect 2003 documents	Amendment C203king to implement Kingston’s Housing Strategy, including the proposed implementation of a Neighbourhood Character Study, is discussed in Chapter 14 of this Review. The Amendment is currently with the Minister for adoption.	In progress
	Explore the use of an appropriate overlay to protect those areas identified within Kingston’s Neighbourhood Character Guidelines as being of “Special Character”	Amendment C203king to implement Kingston’s Housing Strategy, including the NCO, is discussed in Chapter 14 of this Review. The Amendment is currently with the Minister for adoption.	In progress
Housing			
	Update the Strategic Framework Land Use Plan to remove “residential opportunity” sites that have been development such as Bonbeach, Westall Timber Yard and Quest Apartments, Heatherton	Implemented via Planning Scheme Amendment C132	Complete
	Refine the Municipal Profile section to reflect the most available ABS date and	Implemented via Planning Scheme Amendment C132	Complete

	Kingston's published population projections		
Economic Development			
	Update references to the Scheme to reflect the Retail and Commercial Strategy 2006 update	Implemented via Planning Scheme Amendment C132	Complete
	Update map at Clause 21.06 to remove reference to C99	Implemented via Planning Scheme Amendment C132	Complete
	Examine changing nature of advanced manufacturing and determine whether use of alternative zoning may yield improved employment densities	The Kingston Employment Land Use Strategy will include consideration of the future of manufacturing in Kingston and develop policy accordingly. This is discussed in Chapter 16 of this Review.	In progress
	Evaluation of the proposed car parking overlay may be useful in seeking to improve or provide direction as to how car parking should be provided in existing industrial areas	<p>In 2018 Council undertook a Car Parking Study and developed an Issues and Opportunities Paper relating to car parking in Kingston. At the Ordinary Council Meeting of 19 August 2019 Council resolved to</p> <ul style="list-style-type: none"> • Receive feedback on results of public consultation regarding an application to the Victorian Government to amend the Planning Scheme. <p>2. Not proceed with the Planning Scheme Amendment process to manage residential parking and pursue alternative ways to achieve similar outcomes.</p>	No longer required

	Should a new Parking Overlay be introduced to the VPPs, identify a list of priority locations in which to focus on using the PO in Kingston.	A PO is no longer proposed across Kingston as a result of a Council resolution.	No longer required
	Proposals to improve connectivity (pedestrian and cycle links) with residential areas	Work being undertaken by Council to respond to opportunities presented through major infrastructure projects are discussed in Chapter 8 and 17 of this Review. Transport is otherwise discussed in Chapter 17 of this Review.	Ongoing / advocacy
	Implement recommendations of structure planning for activity centres in relation to transport, movement and access	Structure planning for Activity Centres is discussed in Chapter 8 of this Review. Since 2012, the following Planning Scheme Amendments have been undertaken in Major Activity Centres: <ul style="list-style-type: none"> - Amendment C121 in 2015 (implemented the Moorabbin Activity Centre Structure Plan) - Amendment C117 in 2012 (implemented the Cheltenham Activity Centre Structure Plan) - Amendment C160 in 2016 (implemented the Mentone Activity Structure Plan) The Chelsea Activity Centre Structure Plan is currently being prepared by Council officers.	Ongoing
Infrastructure			
	Complete the community facilities review and give appropriate recognition to key	The Planning Policy Framework Translation project emphasised the need for local content to be directly relevant to planning decisions. A review of Planning Scheme	Removed

	initiatives within the Planning Scheme.	content in the State PPF has indicated that there is sufficient content for local decision making and no additional local content is required.	
Local Planning Policy Framework			
Clause 22.01 – Cheltenham Business Centre Policy	Current work on the implementation of the Cheltenham SP seeks to remove the application of this policy as it relates to the activity centre.	In 2012, Amendment C117 implemented the Cheltenham Activity Centre Structure Plan into Schedule 1 of the Activity Centre Zone of the Kingston Planning Scheme. This responded to recommendations of the 2012 Review, which identified a need to implement the Structure plan through zoning and policy changes.	Complete
Clause 22.02 – Springvale Industrial Park Area Policy	Feedback indicates that the two industrial estates to which this policy is applicable are fully developed, in which case a base exists to remove this policy.	Implemented via Amendment C132	Complete
Clause 22.03 – Sandbelt Open Space Project Policy	All policies and strategies of the Kingston Planning Scheme applicable to areas included within the Green Wedge area of the City will not be reviewed as part of this review.	Since 2012 a need to update existing policy in relation to Kingston’s Green Wedge has been identified and local policy content was ‘sunsetting’ as a part of Amendment C200king. A proposal to update the Green Wedge Management Plan and associated planning scheme content is discussed in Chapter 6 of the Review.	In progress
Clause 22.04 – Southeast Non-Urban Area Policy	As per clause 22.03	This content was deleted from the Planning Scheme as part of Amendment C200king (PPF translation) as it had been superseded by subsequent planning scheme changes, such as the application of the Green Wedge and development of the Waterways estate, or otherwise repeated requirements in other parts of the Scheme.	In progress
Clause 22.05 – Moorabbin	Intention that this policy be reviewed in consultation with	The 2012 Planning Scheme Review identified the need to review the Moorabbin Airport Environs Policy. It also advocated for improved content in the State Planning Policy	Ongoing

Airport Environs Policy	feedback received from Moorabbin Airport.	<p>Framework around the role of the different airports in Victoria to address concerns regarding safety at Moorabbin Airport.</p> <p>In 2022, the Victorian Government introduced changes to the Victoria Planning Provisions to Clause 18.02-7S and 18.02-7R via Amendment VC218. The Amendment updated the Planning Policy Framework to further implement the National Airports Safeguarding Framework (NASF) in Victoria.</p> <p>Council's advocacy in relation to local policy and overlays relating to the Airport are discussed in Chapter 18 of this Review.</p>	
Clause 22.06 – South Road Industrial Gateway	Considered that this policy no longer relevant as it applies to a small pocket of adjoining industrial zoned land to which the policy does not apply.	Implemented via Amendment C132	Complete
Clause 22.07 – Enterprise Sites Policy	As per clause 22.03	Since 2012 a need to update existing policy in relation to Kingston's Green Wedge has been identified and local policy content was 'sunsetting' as a part of Amendment C200king. A proposal to update the Green Wedge Management Plan and associated planning scheme content is discussed in Chapter 6 of the Review.	In progress
Clause 22.08 – Park View Industrial Estate Policy	As much of the estate is now development, it is timely that relevant policy be retained in Clause 21 and to remove outdated elements and duplication altogether from the planning scheme	Implemented via Amendment C132	Complete

Clause 22.09 – Parkdale Plaza Business Centre Policy	This policy is considered unnecessary and repeats objectives and policy contained in other sections of the Planning Scheme. It is proposed to remove it from Clause 22 and utilise a DDO to capture key elements	This policy and associated DDO will be reviewed as part of the Kingston Employment Land Use Strategy discussed in Chapter 16 of this Review.	In progress
Clause 22.10 – Former Epsom Training Facility and Environs Policy	A review of this policy is considered necessary following the review.	Policy was deleted as part of the PPF translation (Amendment C200king) as the Epsom estate is largely developed.	Complete
Clause 22.11 – Residential Development Policy	A review of this policy would be incorporated into a wider Residential Strategy and Neighbourhood Character Study and guidelines.	<p>Amendment C203king to implement Kingston’s Housing Strategy is discussed in Chapter 14.</p> <p>Additional state-led reform to Victoria’s residential zoning has occurred since the Planning Scheme was last reviewed in 2012. This has been directed towards streamlining planning processes and in delivering improved amenity outcomes in line with community expectations of housing. Amendments include:</p> <ul style="list-style-type: none"> • July 2014 – Amendment VC148 introduced reformed residential zones into the Kingston Planning Scheme. A direct translation of zones was applied to residential land in Kingston. • September 2014/March 2017 – Amendments VC114 and VC134 introduced VicSmart planning assessment provisions into the Victorian Planning Provisions. This streamlined requirements for certain types of residential applications, including fences, outbuildings and other minor buildings and works applications including single storey extensions on lots under 300sqm. 	In progress

		<ul style="list-style-type: none"> • March 2017- Amendment VC110 implemented Garden Area into the Scheme. • April 2017 – Amendment VC136 introduced a new Particular Provision at Clause 58 (Apartment developments) to introduce new requirements for apartment developments of 5 or more storeys and made subsequent changes to zoning provisions to ensure consideration of Clause 58 where applicable. 	
Clause 22.12 – Carrum Activity Centre	Policy still relevant and should be retained with minor revisions	<p>In 2003, the City of Kingston adopted the Carrum Urban Design Framework. In November 2004, the objectives of the Urban Design Framework were introduced into local policy (later translated into Clause 11.03-1L-04) via Amendment C02. The 2012 Review recommended the following in relation to Clause 22.12 Carrum Activity Centre policy:</p> <ul style="list-style-type: none"> • update references to SPPF policies which have changed via amendments in 2006. • include reference to proposed new local policy relating to rooftop terraces. • remove repetition with other policy, particularly ResCode. <p>These recommendations were partially actioned via Amendment C200king, which deleted repetitious content as part of the PPF translation. In addition, Amendment C203king (Housing Strategy) introduces new policy in relation to rooftop terraces.</p>	Further work
Clause 22.13 – Clayton South Framework Policy	Policy still relevant and should be retained with minor revisions	<p>Land located within the Policy area is largely developed.</p> <p>Local policy related to Clayton South (Clause 16.01-1L-02) was reviewed as part of the current Housing Strategy and is proposed to be removed from the Kingston Planning Scheme via Amendment C203king and replaced with updated guidance for development in this area.</p>	In progress
Clause 22.14 – Mordialloc Activity Centre Policy	Delete once a new schedule to the ACZ is drafted and implemented.	The 2012 Review recommended that the Mordialloc Structure Plan be implemented through the introduction of a new Schedule in each of the Activity Centre Zone, and local policy in Clause 11 (formerly Clause 22) be updated to be consistent with the new controls. This will be reviewed as part of work discussed in Section 8.3.5 of the Review.	Further work

Clause 22.15 – Outdoor Advertising Signage Policy	Review following the completion of the State Government Advertising Signage Provisions review.	A review of Clause 22.15 was undertaken as part of the PPF translation and updated policy was implemented with Amendment C200king. The PPF translation updated the local policy to ensure consistency with the State direction and removed repetitive content. The updated local policy relating to signs is now located at Clause 15.01-1L-02 of the Planning Scheme.	Complete
Clause 22.16 – Heritage Policy	Recommended that Council upgrade the policy intent to the MSS and delete this policy or sections of, should policy contained in the new Clause 21 be limiting in its applications.	A review of Clause 22.16 was undertaken as part of the PPF translation and updated policy was implemented with Amendment C200king. Additionally, Council is currently undertaking a review of the Kingston Heritage Study which may result in further Planning Scheme Amendment to update policy and the Schedule to the Heritage Overlay.	Complete
Clause 22.17 – Highett Activity Centre	Policy still relevant and should be retained with minor revisions	In May 2006, the City of Kingston adopted the Highett Structure Plan. In November 2008, the objectives of the Structure Plan were introduced into the local policy and Schedule 12 to the Design and Development Overlay via Amendment C73. The 2012 Review recommended that Clause 22.17 (Highett Activity Centre) be updated to remove repetition with other policy, including Rescode). The introduction of level crossing removals and Suburban Rail Loop will influence planning in this Precinct.	Further work
Clause 22.18 – Materials recycling in the green wedge	As per clause 22.03	Since 2012 a need to update existing policy in relation to Kingston’s Green Wedge has been identified and local policy content was ‘sunsetting’ as a part of Amendment C200king. A proposal to update the Green Wedge Management Plan and associated planning scheme content is discussed in Chapter 6 of the Review.	In progress

New policy recommended	Discretionary land uses	No discretionary land uses have been specifically identified for review by Council's Statutory Planning team.	Removed
New policy recommended	Water Sensitive Urban Design (WSUD)	<p>Council adopted the <i>Kingston Integrated Water Cycle Strategy</i> in 2012. Key actions included fostering partnerships for integrated water projects in the Green Wedge and implementing targets for treatment of urban land to best practice stormwater management requirements, including public and private land. Planning Scheme Amendment C152 implemented this Strategy and associated policy.</p> <p>Kingston was a pioneer of integrated water policy within metropolitan Melbourne. Amendment C152 introduced a new Stormwater Management policy into the Planning Scheme that provided a framework for the early consideration of stormwater management and Water Sensitive Urban Design (WSUD) at the initial building design stage in order to achieve improved stormwater quality.</p> <p>Overall, the Panel commended Council for initiating the Amendment, noting:</p> <p><i>...Ahead of any regional response, the Amendment proposes to implement a local stormwater planning policy which would apply to defined development types ranging from single to multiple dwellings.</i></p> <p>The resulting local policy (Clause 22.12) set out objectives and application requirements for new developments to incorporate water sensitive urban design. Where application requirements for development are not able to be achieved on-site, the PPF allowed for a developer contribution to manage stormwater for net community benefit. Amendment C152 foreshadowed reform to the State PPF, implemented in 2018 through VC154. Is now an approach that has been adopted by the Victorian government and formalised through the introduction of Clause 53.18 into the VPP.</p> <p>As part of the PPF translation project, content from Council's local policy (Clause 22.12) was relocated to Clause 19.03. This retains the requirements for on-site detention and stormwater quality for different scales of development:</p> <ul style="list-style-type: none"> • Clause 19.03-3L-01 (Integrated Water Management) applies to smaller residential, mixed use and non-residential development. 	Complete

			<ul style="list-style-type: none"> 19.03-3L-02 (Stormwater Management) applies to larger developments. <p>Clause 19.02-3L-02 will be deleted via a sunset clause if an equivalent provision is introduced by the Victorian Government.</p>	
New policy recommended	Ecological Development	Sustainable	<p>The 2012 review of the Kingston Planning Scheme noted the need for improvements to local policy to strengthen decision making and recognise current State and local policy in areas of waste, pollution, biodiversity, environmental, water, sustainable development, climate change, sea level rise, coastal erosion, role of trees for carbon offset, protection of natural assets.</p> <p>State-led Planning Scheme Amendments have been implemented since 2012 that have partially filled the policy gaps identified in the Review. In October 2018, Amendment GC110 introduced Clause 22.13 – Environmentally Sustainable Development into the Kingston Planning Scheme, applying specific ESD requirements to identified categories of development. Clause 22.13 was retained with the PPF translation and relocated to Clause 15.01-1L.</p> <p>The growing concern and recognition of a climate emergency has resulted in a number of Planning Scheme Amendment detailed below, which have been driven by the Victorian Government.</p> <ul style="list-style-type: none"> October 2018 – Amendment VCC149 changed (inter alia) the Victoria Planning Provisions (VPP) by amending the VPP and all planning schemes to introduce new requirements for the assessment of residential solar energy facility overshadowing. Implement the wind energy facility recommendations of the Independent Inquiry into the Environment Protection Authority October 2018 – VC154 updated the VPP to introduce a new Clause 19.03-3S (Integrated Water Management) in addition to introducing a Particular Provision at Clause 53.18 and amending other parts of Clause 55 to address stormwater management. 	Complete

		<ul style="list-style-type: none"> • November 2019 – Amendment VC161 amends the Victoria Planning Provisions and all planning schemes to introduce new requirements for renewable energy facilities and a State planning policy for the protection of declared irrigation districts, and makes an administrative correction in relation to Amendment VC157. • December 2021 – VC174 implemented revised Better Apartment Design Standards, which in part imposes greater requirements for canopy planting and more emphasis on retaining existing trees, where possible. • May 2022 – VC220 supports the efficient delivery of neighbourhood batteries into the electricity distribution network by updating Clause 73.03 of the Scheme. • June 2022 – Amendment VC216 updates the PPF to strengthen ESD policy. This implemented (in part) the Victorian Government’s commitment to ESD outlined in <i>Plan Melbourne 2017-2050</i>. Additionally, Amendment VC216 introduced a new purpose of the Planning Scheme – <i>to support responses to climate change</i>. • August 2022 – VC221 – facilitates all-electric developments to support implementation of Victoria’s Climate Change Strategy 2021 (Strategy) and Gas Substitution Roadmap 2022 (Roadmap). The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by amending clauses that require developments to be connected to reticulated gas and amending the referral requirements. 	
New policy recommended	Affordable Housing	<p>The 2012 Planning Scheme Review identified the need to incorporate new affordable housing policy. The following recommendations were made:</p> <ul style="list-style-type: none"> • Restructure the MSS at Clause 21 (now referred to as the MPS at Clause 02) to incorporate new policies in the Planning Scheme Review relating to affordable housing. • Provide new local planning policy relating to affordable housing. <p>Council adopted its Kingston Social and Affordable Housing Strategy in 2020.</p>	Complete

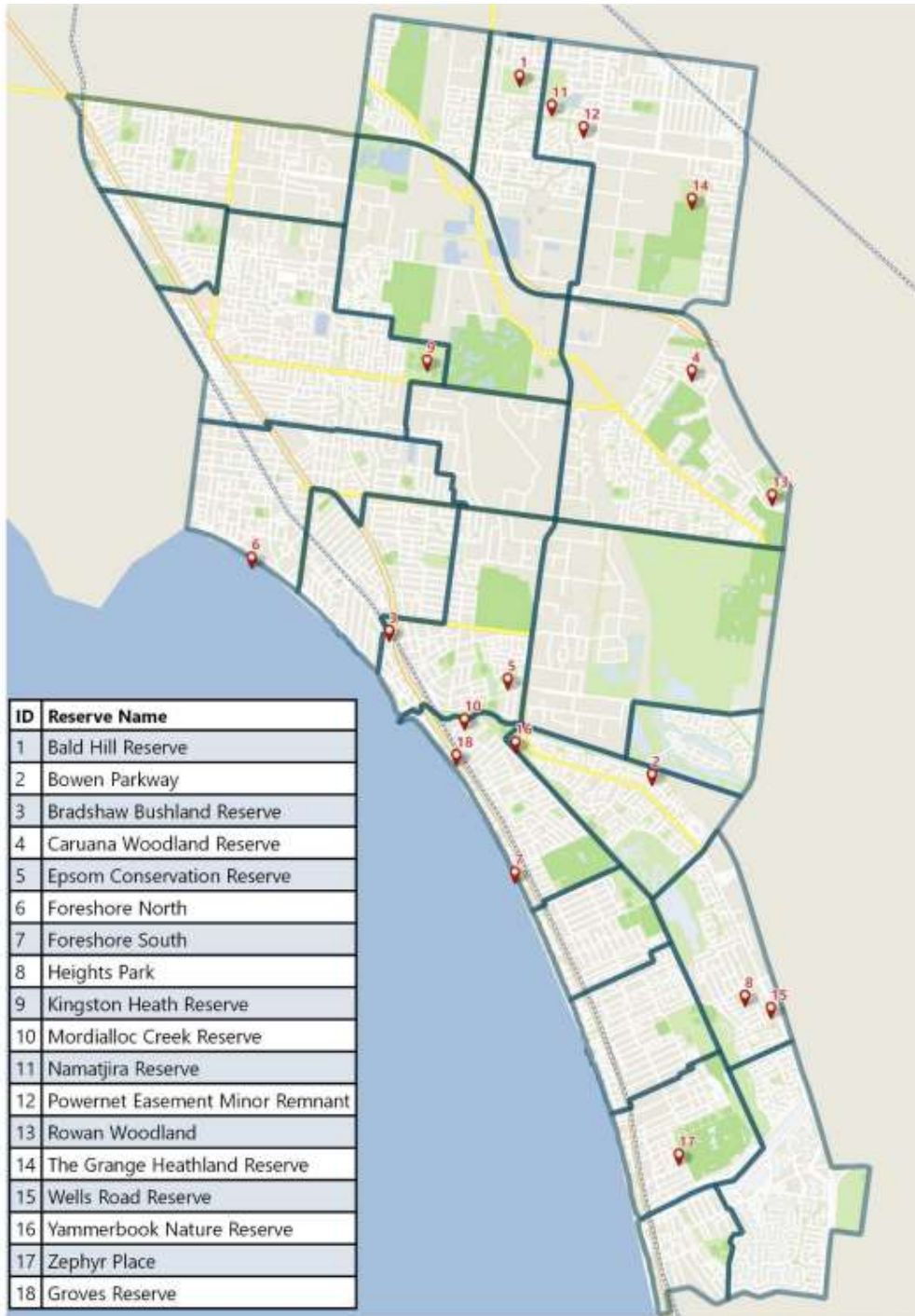
Overlays			
Environmental Significant Overlay	Six new trees should be included in the ESO3.	Zoning and Overlay controls will be reviewed when implementing the strategic work being undertaken to update the Significant Tree Register and the Biodiversity Strategy, both discussed in Chapter 10 of this Review	Further work
	Add a new schedule to the ESO to identify land sustained on the south-east corner at the intersection of the Mornington Peninsula Freeway and Thompson Road (at the request of Melbourne Water)	The 2012 Review recommended that a new schedule to the ESO be added to the scheme to identify land located on the south-east corner at the intersection of the Mornington Peninsula Freeway and Thompson Road (Patterson Lakes Recreation Reserve). This was requested by Melbourne Water to control development of odour-sensitive uses on the site, which might compromise the operation of the Eastern Treatment Plant. Further investigation is required to determine whether the ESO is still appropriate and to consider whether another Overlay, such as the Buffer Area Overlay, may now be a more appropriate tool to manage the interface between this land and the Eastern Treatment Plant. This may be considered as part of a future planning scheme amendment process to deal with other contaminated land.	Further work
	Possible introduction of a new ESO to protect environmentally significant streetscapes.	An audit of street trees is proposed as part of the Kingston Urban Forest Strategy which may identify significant streetscapes requiring further protection. This is discussed in Chapter 10 of this Review	Further work
Heritage Overlay	Give consideration to a further heritage review.	The 2012 Planning Scheme Review identified the need to conduct an updated heritage review to identify and investigate any new significant places and precincts, including twentieth century development. A review of the Heritage Study 2000 is discussed in Chapter 13 of this Review.	In progress
	Correct 4 properties are mapped incorrectly.	To correct HO errors identified in the 2012 Planning Scheme Review, Amendment C206king was prepared. The Amendment proposes to make changes to ordinance, zones and overlays mapping to resolve anomalies and errors in the Kingston Planning Scheme. The Amendment has been lodged with the Minister for Planning for consideration.	In progress

	ACHS – places of significance to be included	Pre-European contact sites will not be considered as part of the current Heritage Study Review.	Removed
Environmental Audit Overlay	A number of sites require the EAO to be removed and some require the EAO to be placed on the site	Completed/Ongoing Amendment C201King was introduced into the Kingston Planning Scheme in June 2023. This is anticipated to be the first of successive Amendments aimed at identifying potentially contaminated land in Kingston. This is discussed in Chapter 21 of this Review.	
Public Acquisition Overlay	Delete PAO3 as this land has been acquired and constructed.	Implemented via Amendment C149King	Completed
Special Building / Land Subject to Inundation Overlay	Work is required to update these overlays.	Work being progressed to update to the SBO and LSIO, in partnership with Melbourne Water, is discussed in Chapter 11 of this Review	In progress
Design and Development / Development Plan Overlays	A number of recommendations were made to update these Overlays or reflect current conditions. These have either been completed, or form part of current work	A complete review of current DPOs and DDOs, with accompanying recommendations is contained in Chapter 23 of this Review.	In progress/ further work
Development Contributions Plan Overlay	Noted that Council may seek to implement development contributions.	A Development Contributions Plan Overlay has not been considered at this stage and does not form part of any current work programme.	Removed

Particular Provisions	Mentone Shopping Centre should be included in Clause 52.28-4 (Gaming).	<p>Clause 52.28 -4 and 52.28-5 of the Kingston Planning Scheme prohibit the installation and use of gaming machines in shopping complexes and shopping strips specified in the Schedule to Clause 52.28. One shopping area not included in the Schedule is the Mentone shopping area surrounding Balcombe Road, Mentone Parade, and Florence Street. Mentone appears to have been excluded by accident when a list of shopping strips was prepared by Council ahead of changes to the planning schemes to implement new gambling legislation in the late 1990s. The Planning Scheme Review 2012 stated:</p> <p><i>An opportunity exists for Council as part of this review to correct an anomaly and include the Mentone Shopping Centre within Clause 52.28-4. This will ensure that social issues that would result from providing a gaming venue in the Mentone Shopping Centre can be addressed and provide for consistency in decisions for all shopping centres within the municipality.</i></p> <p>Further work may be required to investigate whether this is a suitable inclusion in a future anomaly amendment. Regardless, in 2020, Council adopted its Gambling Policy which states that additional electronic gaming machines or new venues should not be located in areas where people go about their everyday business, in addition to the prohibited shopping strips identified in Council's Planning Scheme (e.g., a concentration of shops, major community facilities or key public transport modes).</p>	Further work
Reference and Incorporated Documents	The planning scheme should be amended to delete outdated documents and reference new ones as appropriate	All reference, policy and incorporated documents were reviewed and updated with the implementation of the PPF translation (Amendment C200king)	Complete
Anomalies	Identified 506 sites that have mapping anomalies.	In September 2020 Amendment C149king was gazetted. The Amendment applied to 243 properties and implemented various corrections to the mapping of zones and overlays, to resolve anomalies in the Kingston Planning Scheme. These anomalies included mapping errors, redundant overlay provisions, land affected by multiple zones and land where the zone is inconsistent with its use or ownership.	Ongoing

		<p>In Map 2022 Amendment C197king was gazetted. The Amendment applied to 57 properties and corrected various zone and overlay anomalies in the Kingston Planning Scheme. The anomalies include mapping errors, redundant overlay provisions, land affected by multiple zones and land where the zone is inconsistent with its use.</p>	
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26.5 Appendix 5 – Map of Kingston’s Natural Resource Areas (NRAs)



26.6 Appendix 7 – Overview of Climate Change Policy in Victoria

Energy	Transport
<ul style="list-style-type: none"> Victorian Renewable Energy Roadmap - 2015 	<ul style="list-style-type: none"> Victorian Cycling Strategy – 2018
<ul style="list-style-type: none"> Renewable Energy Action Plan (REAP) - 2017 	<ul style="list-style-type: none"> Growing our Rail Network 2018 - 2025
<ul style="list-style-type: none"> Victorian Renewable Energy Targets 	<ul style="list-style-type: none"> Victorian Infrastructure Plan – 2017
<ul style="list-style-type: none"> Victoria’s Climate Change Framework – 2016 	<ul style="list-style-type: none"> Regional Network Development Plan – 2016
<ul style="list-style-type: none"> Climate Change Adaptation Plan – 2016 	Waste and recycling
<ul style="list-style-type: none"> Victorian Energy Efficiency and Productivity Strategy - 2017 	<ul style="list-style-type: none"> State-wide Waste and Resource Recovery Infrastructure Plan (SWRRIP) – 2018
Natural environment	<ul style="list-style-type: none"> Recycling Victoria: A new economy - 2020
<ul style="list-style-type: none"> Protecting Victoria’s Environment – Biodiversity 2037 – 2017 	Water
<ul style="list-style-type: none"> Victorian Memorandum for Health and Nature 	
Air & Noise	<ul style="list-style-type: none"> Yarra River Action Plan – 2017
<ul style="list-style-type: none"> Victorian Air Quality Statement 	<ul style="list-style-type: none"> Water for Victoria - 2016
<ul style="list-style-type: none"> State Environment Protection Policy (Air Quality Management) 	<ul style="list-style-type: none"> Port Phillip Bay Environmental Management Plan – 2017
<ul style="list-style-type: none"> State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) 	

Policies influencing Environmentally Sustainable outcomes in planning. Source: DELWP
https://www.planning.vic.gov.au/_data/assets/pdf_file/0025/491227/Environmentally-sustainable-development-of-buildings-and-subdivisions-A-roadmap-for-Victorias-Planning-System.pdf

26.7 Appendix 8 – City of Kingston submission to the Parliamentary Inquiry into Planning and Heritage Protections

Introduction

The City of Kingston welcomes the opportunity to submit to the Parliamentary Inquiry into the protections within the Victorian Planning Framework. This submission is made without prejudice **and at an officer level, noting it is consistent with Council's adopted strategies or positions on the issues covered.**

Response to Parliamentary Inquiry Terms of Reference

Council's response to the Terms of Reference is outlined below:

1. The high cost of housing including social and affordable housing provision

Kingston confronts the same challenges as many other Councils across the metropolitan region. Escalating housing costs relative to incomes are resulting in increased levels of rental stress, mortgage stress, displacement and homelessness. Support for the development of affordable housing options, including social and community housing, is embedded in the **City of Kingston's Council Plan 2021-2025.**

Council adopted its *Kingston Social and Affordable Housing Strategy (KSAHS)* in July 2020. The **KSAHS highlights Council's role in affecting housing affordability in facilitating efficient housing markets.** It calculates the unmet need for social and affordable housing to quantify this demand and arrives at a figure of 9.79%. The KSAHS explores options to increase contributions to affordable housing through regulation such as inclusionary zoning and value capture, facilitation and partnership, direct investment, and advocacy.

Council welcomed the appointment of the *Planning Mechanisms for Affordable Housing Ministerial Advisory Committee* in 2019 and recent changes to the *Planning and Environment Act 1987* to provide a stronger framework for Council to negotiate affordable housing outcomes via voluntary planning agreements. However, these changes offered limited direction in relation to the quantum of affordable housing to be provided. As a result, there has been little consistency in affordable housing outcomes under the current regime.

Most recently, Council expended significant resources engaging external consultants to advocate for affordable housing outcomes as part of the Golf Course Standing Advisory Committee Hearing, seeking social and affordable housing contribution in line with adopted policy. This amount was contested by the proponent, and the result has been significant uncertainty in both the eventual quantum and delivery mechanism of affordable housing on the land.

The above experiences reinforce the significance of **the Minister for Planning's announcement** on 18 February 2022 in relation to the implementation of mandatory social and affordable housing contribution (SAHC) effective July 2024. While the implementation of the SAHC may now be in doubt, its implementation would be welcomed by Council and is an outcome directly **sought through Council's adopted Social and Affordable Housing Strategy.** The certainty provided through this mechanism, once implemented, would largely address the issues outlined above which Council continues to experience as it seeks to negotiate voluntary affordable housing contributions with developers.

Noting Council's support for the implementation of a mandatory SAHC, further work and engagement with local government is required to determine the role Council's will play in its implementation and to ensure the establishment of strong working partnerships between local, State, Commonwealth, private and not for profit sectors.

26.8 Appendix 9 – List of Planning Scheme Amendments impacting Economic Development

List of Victorian Government-led Planning Scheme Amendments affecting commercial and industrial development since 2012

Amendment	Description
GC6 June 2014	The Amendment removes floor space restrictions from zones and overlays in activity centres, commercial centres, and employment areas in metropolitan Melbourne planning schemes which previously restricted retail and other associated commercial uses.
VC100 July 2013	The amendment introduced reformed zones for Commercial and Industrial land including to allow a supermarket up to 1800sqm and associated shops without a permit in an Industrial 3 Zone.
VC114 September 2014	The amendment introduced a new Clause 90 to create a new class of application – VicSmart. This fast-tracked permit applications and assessment processes for minor commercial and industrial applications.
VC135 March 2017	The amendment introduced additional classes of application into the VicSmart provisions and increased the 'cost of development' threshold of some existing VicSmart buildings and works classes of application, therefore extending the types of applications able to be 'fast tracked'.
VC143 May 2018	The Amendment changes the Victoria Planning Provisions and all planning schemes by (among other changes) Amending Clause 32.07 (Residential Growth Zone) to remove Food and drink premises and Shop from Section 1 – Permit not required and make them Section 2 – Permit required uses subject to conditions.
VC148 July 2018	The amendment changed the planning scheme to reduce planning permit triggers for some uses in industrial zones, and to delete specific requirements for car wash, motor vehicle, boat, or caravan sales, and reduce car parking provision requirements in some circumstances.
VC149 October 2018	This introduced a new Commercial 3 Zone

VC181 April 2020	The amendment changed the Victoria Planning Provisions by inserting a new Clause 52.18 (State of emergency exemption), to facilitate deliveries and other services in COVID
VC193 October 2020	The amendment amended clause 52.18 (State of emergency exemption) to include temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.
VC194 March 2021	This introduced Clause 52.30 and 52.31 to include exemptions from planning permission for some state and local government infrastructure projects

26.9 Appendix 10 – Kingston Submission to MAESSAC

Kingston Submission for the AESSAC regarding Moorabbin Airport and Planning Provisions.

The City of Kingston (Kingston) welcomes the opportunity to make a submission to the Melbourne Airport Environs Safeguarding Standing Advisory Committee (the Committee) on behalf of the **Minister for Planning**. **Council has addressed this submission by way of putting forward a "Airport Policy Package" with suggested outcomes to address the planning provision issues Council currently deals with.**

1.0 Background

Moorabbin Airport is located on a 294 hectare parcel of land owned by the Commonwealth Government, 21 kilometres east of the Melbourne CBD. Moorabbin Airport is recognised as one of the nation's busiest airports due the majority of flight movements being related to pilot training which results in concentrated aircraft activity in the vicinity of the airport. Aircraft movements are approximately 300,000 each year.

The airport is operated by Moorabbin Airport Corporation (MAC), a private company, which in 1998 was granted a 50 year lease with a 49 year renewal option. The Airport has a significant non-aviation commercial centre including the Kingston Central Plaza, the Direct Factory outlet (DFO) and large format retailers such as Costco.

The Kingston Planning Scheme uses two planning controls to ensure appropriate outcomes surrounding and near the Moorabbin airport:

- Design and Development Overlay (Schedule 4 and 5)
- Airport Environs Overlay (Schedule 1 and 2).

Clause 22.03 'Moorabbin Airport Environs' Local Policy also applies which covers a large part of the central area of the municipality as illustrated in the figure below.

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