

Agenda

Special Council Meeting

Monday, 14th August 2023

Commencing at 6.30pm

Council Chamber
1230 Nepean Highway, Cheltenham

kingston.vic.gov.au

Peter Bean
Chief Executive Officer
Kingston City Council

**City of Kingston
Special Council Meeting**

Agenda

14 August 2023

Notice is given that a Special Meeting of Kingston City Council will be held at 6.30pm at Council Chamber, 1230 Nepean Highway, Cheltenham, on Monday, 14 August 2023.

1. Apologies

2. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.

3. Planning and Place Reports

- 3.1 Planning Scheme Amendment C203 – Kingston Housing Strategy
and Neighbourhood Character Study 5

4. Confidential Items

Nil

3. Planning and Place Reports

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Agenda Item No: 3.1

PLANNING SCHEME AMENDMENT C203 – KINGSTON HOUSING STRATEGY AND NEIGHBOURHOOD CHARACTER STUDY

Contact Officer: Tanya Sokolowski, Principal Strategic Planner

Purpose of Report

This report provides the findings of the Planning Panel that considered Planning Scheme Amendment C203 and recommends that Council adopt Amendment C203, with some changes and submit it to the Minister for Planning for approval.

Disclosure of Officer / Contractor Conflict of Interest

No Council officer/s and/or Contractor/s who have provided advice in relation to this report have declared a Conflict of Interest regarding the matter under consideration.

RECOMMENDATION

That Council:

1. Receive the Planning Panel report considering Amendment C203;
2. Adopt Amendment C203 to the Kingston Planning Scheme with changes to address:
 - a) Panel recommendations: 1, 3, 7, 8, 10 a), 12, 13, and 14.
 - b) Panel recommendation 2, excluding the proposed addition of residential zoning anomalies in the Residential Framework Plan and changes to the table at Clause 02.03-6.
 - c) Panel recommendation 9, excluding the proposed changes to the definition of a small tree.
 - d) Panel recommendation 11 excluding the recommendation to remove the private open space variations for ground floor areas.
 - e) Panel recommendation 15, excluding the recommendation that the Design and Development Overlay (Schedule 1) require a planning permit for a fence.
3. Authorise the General Manager Planning and Place to approve further policy neutral, administrative changes to planning ordinance as required through the lodgement process;
4. Submit Amendment C203 to the Minister for Planning for approval; and
5. Notify submitters to Amendment C203 of the above resolutions.

1. Executive Summary

A Planning Panel hearing to consider Planning Scheme Amendment C203 and related submissions was held over nine days in March and April 2023. The hearing concluded on 27 April 2023. A Planning Panel report was subsequently prepared and received by Council on 26 June 2023. A copy of the report is provided at Appendix 1. The report was publicly released on 10 July 2023.

The Panel report is generally supportive of the exhibited amendment, noting that the application of zones is acceptable subject to some minor changes. Importantly, the Panel has found that the amendment will enable sufficient growth to meet Council's forecast demand for housing – including more diverse housing options and that overall, the housing capacity provided by the amendment is appropriate.

The report makes 15 recommendations, some of which are relatively minor in nature, or seek refinements to drafting of planning controls that are broadly acceptable. More substantive recommendations seek changes to remove private open space requirements and some tree planting requirements in zone schedules, which are only partly supported.

The Panel report also makes several recommendations about the proposed Schedule 1 to the Design and Development Overlay (DDO1). Recommendations include further refinements to the drafting and mapping of the DDO1, and a review of where the DDO1 applies in commercial areas, the walkable catchments of Mentone and Parkdale activity centres, the private schools in Mentone and The Bridge Hotel. The Panel has recommended the Neighbourhood Residential Zone should be replaced with the General Residential Zone in the walkable catchments of Mentone and Parkdale activity centres within the DDO1 and the current zones of the private schools in Mentone and The Bridge Hotel be retained.

While refinements to the drafting and mapping of the DDO1 are acceptable, the recommendations to change the application of zones within some DDO1 areas prior to any strategic review of the DDO1 in these locations are considered problematic. It is considered that applying or retaining zones that are inconsistent with the DDO1 would be premature, in the absence of strategic work to support this approach. Noting that the DDO1 is a control that was introduced by the State Government to multiple municipalities on Port Phillip Bay, it is considered that the strategic purposes of the DDO1 and where it is applied would be more appropriately considered in a holistic approach led by the State Government should this be a matter it wished to pursue further. These matters are discussed in detail in Section 3.

It is recommended that Council adopt Amendment C203 subject to changes to address the majority of recommendations in the Planning Panel report. A detailed discussion of the Panel recommendations is provided in Section 3, along with an Officer assessment of the recommendations that are not supported and those that should be accepted either partly or in full.

2. Background

Previous resolutions of Council

Over the life of this project several Council resolutions have been made regarding a variety of matters. Below is a summary of the most recent and relevant resolutions.

- On 23 April 2019 Council resolved to endorse a draft Housing Strategy and Neighbourhood Character Study (HS & NCS) for the purpose of consultation and endorsed a community consultation program to be undertaken over a six-week period.

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- On 9 December 2019 Council received a summary of the findings from community consultation, prepared by Ethos Urban. It was also noted that a further report would be brought back to Council with the changes recommended by Ethos Urban to the Housing Strategy and Neighbourhood Character Study and seeking adoption of the finalised Strategy.
- On 27 April 2020 Council resolved to advise DEWLP of the delay in Council's consideration and subsequent consultation in relation to the HS & NCS due to the impact of COVID-19.
- On 5 August 2020, which was a continuation of the Ordinary Council meeting of 27 July 2020, Council resolved to adopt the Housing Strategy and Neighbourhood Character Study, with changes:
 1. *Note the report of recommendations prepared by Ethos Urban (Appendix 1) and the changes made to the Housing Strategy and Neighbourhood Character Study in response to submissions received and feedback from the Department of Environment, Land, Water and Planning.*
 2. *Adopt the Kingston Housing Strategy and Neighbourhood Character Study 2020, Ethos Urban (Appendix 2), subject to the following changes to:*
 - a) *Include all of the incremental change area as shown in the 25 March 2019 version of the Kingston Housing Strategy and Neighbourhood Character Study, in the Neighbourhood Residential Zone.*
 - b) *Include all of the Garden Suburban character type as shown in the 6 July 2020 version of the Kingston Housing Strategy and Neighbourhood Character Study, in the Neighbourhood Residential Zone.*
 - c) *Amend the following areas of Residential Growth Zone (RGZ) to Neighbourhood Residential Zone (NRZ):*
 - *the areas of RGZ bounded by Nepean Highway and Balcombe Road to the north, Dolomore Reserve to the south-east, Queen Street and Mitchell Street to the south, and Como Parade East to the west.*
 - *the areas of RGZ generally bounded by Balcombe Road to the south, Collins Street to the north, commercial properties fronting Nepean Highway to the east and Precinct 2A of Activity Centre Zone Schedule 2 of the Kingston Planning Scheme to the west.*
 - *the areas of RGZ bounded by Southland shopping centre to the north, Nepean Highway to the east, Cheltenham Activity Centre Zone to the south, and the railway line to the west.*
 - d) *Retain the present policy to allow no more than two units on an average-size lot (proportionally more on larger lots) in sensitive parts of the Neighbourhood Residential Zone, including areas covered by flood overlays and areas likely to be inundated by a sea level rise of 1.6m.*
 - e) *Require stairwells to rooftop decks to be unenclosed.*
 - f) *Make any necessary changes to all relevant documentation to implement the above amendments.*
 3. *Adopt the Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines 2020, Hansen (Appendix 3), subject to the deletion of all exotic species from the Common Tree Species list in the appendices.*
 4. *Ask the consultants or failing that officers to amend the Housing Strategy report, maps and Planning Scheme Amendment in accordance with this resolution.*
 5. *Request authorisation from the Minister for Planning to prepare Planning Scheme Amendment C189 in accordance with the Planning and Environment Act 1987 to implement the Housing Strategy & Neighbourhood Character Study and Kingston Landscape Character Assessment as amended.*

6. *Exhibit Planning Scheme Amendment C189 outside of and preferably after the Council caretaker period (22 September to 24 October 2020) in accordance with the Planning and Environment Act 1987 should authorisation be granted by the Minister for Planning to prepare the Amendment.*
 7. *Endorse the community engagement program to be undertaken during a proposed 6 week exhibition period as outlined under Section 3.6 of this report, with the addition of three town hall meetings preceded by information sessions should the Covid-19 restrictions be eased by then so as to make such meetings possible.*
 8. *Note that a further report will be presented to Council following the close of the exhibition period upon review of the submissions received.*
- On 25 October 2021 Council resolved to:
 1. *Note the attached correspondence from the Minister for Planning (Appendix 1).*
 2. *Adopt the amended Kingston Housing Strategy and Neighbourhood Character Study, 2021, Ethos Urban (Appendix 2).*
 3. *Adopt the amended Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines 2021, Hansen (Appendix 3).*
 4. *Abandon Amendment C157, noting that C157 which proposes changes to the Schedule 1 of the Design and Development Overlay, is being incorporated into the current Amendment.*
 5. *Request authorisation from the Minister for Planning to prepare a Planning Scheme Amendment in accordance with the Planning and Environment Act 1987 to implement the Housing Strategy & Neighbourhood Character Study and Kingston Landscape Character Assessment.*
 6. *Exhibit the Planning Scheme Amendment in accordance with the Planning and Environment Act 1987 should authorisation be granted by the Minister for Planning to prepare the amendment.*
 7. *Endorse the community engagement program to be undertaken during a proposed 6 week exhibition period as outlined under Section 3.3.5 of this report.*
 8. *Note that a further report will be presented to Council following the close of the exhibition period upon review of the submissions received.*

Following the resolution of Council in October 2021, a request was lodged on 17 December 2021 seeking authorisation from the Minister for Planning to commence Amendment C203.

Authorisation subject to conditions, was provided on 2 June 2022. The conditions of authorisation covered a range of matters that were broadly administrative in nature and included a requirement to translate all local policies into the new Planning Policy Framework (PPF) once Amendment C200king was gazetted. A condition also required amendments to the names of character areas and consequential changes to the applicable zone schedules.

Exhibition of Amendment C203 was undertaken from 18 August 2022 for a six-week period. A total of 506 submissions, including one petition were subsequently considered at a Council meeting on 12 December 2022.

On 12 December 2022 Council resolved to:

1. *Receive the consultation summary report (Appendix 1).*
2. *Request the Minister for Planning appoint a Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider submissions and report on Amendment C203.*
3. *Receive a further report at the conclusion of the Planning Panel process.*

An additional seven late submissions were received following the Council meeting, that were also referred to the Planning Panel for consideration.

Panel hearing

The Minister for Planning appointed a three-member Planning Panel on 20 December 2022.

The Panel hearing was held over nine days commencing on 27 March and finishing on 27 April. The hearing was conducted using a hybrid format, held in person at Council offices, and online via Zoom.

Council was represented by Nick Tweedie SC, and Sarah Porritt, who were instructed by Russell Kennedy lawyers. Council called expert evidence from John Glossop (Glossop Town Planning) on planning matters, Gerhana Waty (Hansen Partnership) on urban design matters, Julian Szafraniec (SGS Economics and Planning) on demographics and housing capacity matters, and Brendan Papworth (Papworth Design Pty Ltd) on landscape architecture matters.

Forty-one (41) submitters in addition to Council, advised the Panel that they wished to be heard at the hearing. One submitter (AS Residential Property No. 1 Pty Ltd) called Sophie Jordan to give expert evidence in the field of planning, addressing matters relating to the proposed rezoning of three parcels of (existing) residentially zoned land at the former Kingswood Golf Course in Dingley Village.

Panel report

The Panel report was provided to Council 26 June 2023. Council made the report available to the public on 10 July 2023. Council officers sought corrections to the report where there were believed to be clerical errors. A final version of the corrected report was received on 5 July.

3. Discussion

3.1 Amendments made to exhibited documentation during the hearing

Council led expert evidence in the fields of Planning and Urban Design, where John Glossop and Gerhana Waty both made recommendations to aspects of the drafted planning controls. On the final day of the hearing, Council presented an amended version of planning ordinance that was informed by this evidence.

Changes were primarily made to the drafting of local policy in Clause 15, with content relocated and refined. Some changes were also proposed to several zone schedules and the size of tree specified in tree planting requirements, to provide greater consistency with Council's adopted Landscape Character Guidelines.

A summary of the changes is provided below:

- Amended Clause 02.03-6 table to reintroduce a category of housing change for 'Large Residential Opportunity sites'.
- Amended Clause 15.01 (Built environment and heritage) to provide for:
 - o A new Clause 15.01-1L (Design in substantial change areas) with relocated content primarily from Clause 15.01-5L-01 (Neighbourhood Character).
 - o A new Clause 15.01-1L (Landscape design) with relocated content primarily from Clause 15.01-5L-02 (Landscape Character).
 - o A new Clause 15.01-2L (Building design – Kingston) with relocated and refined content from elsewhere in Clause 15.
 - o Refinements to Clause 15.01-5L-01 (Neighbourhood Character) and Clause 15.01-5L-02 (Landscape Character).

- Deleted Clause 16.01-1L-01 (Housing supply – Kingston) and relocate the strategy to Clause 02.03-6 and relocate the Residential Framework Plan to Clause 02.04.
- Inclusion of site coverage and site permeability requirements for Schedule 6 to the Neighbourhood Residential Zone.
- Amendments to the size of trees specified in the landscaping requirements of Schedules 2,3,4,6 & 7 of the Neighbourhood Residential Zone, Schedule 1 to the General Residential Zone and Schedule 4 to the Residential Growth Zone.
- Amendments to Schedule 1 to the Design and Development Overlay to refine the overlay objectives and decision guidelines, clarify the meaning and location of the foreshore reserve and its boundary, clarify and refine the expression of mandatory requirements and to provide for instances where the exercise of discretion is warranted, and a permit can be sought to vary the foreshore setback requirement where a site has more than one boundary to the foreshore reserve.
- Minor amendments to Schedules 10, 12, 25 and 26 to the Design and Development Overlay to correct clerical errors or remove redundant diagrams.
- Minor amendments to Schedule 2 to the Neighbourhood Character Overlay to improve drafting and ensure wording is consistent with the format of ResCode standards where the table seeks to vary requirements.

The Planning Panel has generally accepted the proposed drafting changes, and this is reflected in recommendation 1. The Panel has made recommendations for further refinements to policy and zone schedules which are discussed below.

3.2 Panel recommendations

1. *Include the changes to Policy, Zone and Overlay Schedules proposed in Council's Final positions on the Amendment (Document 68) except as specifically recommended.*

As discussed above, this recommendation supports the amendments made to the drafting of local policy, zone schedules and overlays which were provided to the Panel and parties on the final day of the Panel hearing.

The changes made to the drafting of policy and planning controls was informed by the evidence of Council's experts in the fields of Planning and Urban Design. The changes have been made to improve the clarity and useability of the planning ordinance and are considered appropriate. The planning ordinance is provided in Appendix 2, with amendments made to Clauses 02.03, 15, 16, zone schedules, Schedules 10,12, 25 and 26 to the Design and Development Overlay and Schedule 2 to the Neighbourhood Character Overlay.

The most substantive changes have been made to Clause 15, with a rearrangement of policy and where it sits in this section of the planning scheme. The creation of new sub-Clauses relating to design in substantial change areas, building design and landscape design are considered to be logical new headings, with easier to find policy.

Officer recommendation: Support recommendation 1.

2. *Include all residentially zoned land on the Residential Framework Plan, and in the table to Clause 02.03-6.*

The Panel report noted that the proposed Residential Framework Plan has excluded land in Chelsea that is subject to a separate Structure Plan process

and the existing Residential Growth Zone at the Highett Gasworks site which is proposed to remain. The Panel has recommended that all residentially zoned land be included on the Framework Plan which is considered appropriate for the two abovementioned precincts. There is also residentially zoned land that sits outside the Urban Growth Boundary in Dingley Village and land associated with the Mornington Peninsula Freeway which are both considered anomalies and are not appropriate for residential development.

In amending the Residential Framework Plan to address the Panel recommendation the following changes have been made:

- Included the Zone schedule numbering to correspond to the applicable character area – consistent with the Panel version and to assist in its useability.
- A new category included under ‘Substantial change’ assigned to the Highett Gasworks site.
- A new category included under ‘Increased change’ assigned to the existing Schedule 2 to the General Residential Zone in Chelsea. This is consistent with the current Residential Land Use Framework Plan in Clause 16.01-1L-01 (Housing supply – Kingston) which designates these areas for ‘increased housing diversity’.
- A new category included under ‘Incremental change’ assigned to the existing Schedule 3 to the General Residential Zone in Chelsea. This is consistent with the current Residential Land Use Framework Plan in Clause 16.01-1L-01 (Housing supply – Kingston) which designates these areas for ‘incremental housing change’.

The part of the recommendation that requires the addition of these areas into the table at Clause 02.03-6 is considered unnecessary if the above changes are made to the Residential Framework Plan, and a change area designation is provided on the Plan. The amended Residential Framework Plan is provided in Appendix 3.

Officer recommendation: Support part of recommendation 2 to amend the Framework Plan, with the exception of the zoning anomalies that are not considered appropriate for residential development.

3. *In the table to Clause 02.03-6:*

- a. *Add ‘or 800’ after 400 in the distance description of walkable catchments*
- b. *Add ‘up to’ before three storeys.*

In relation to recommendation 3a) the current wording of the description of ‘substantial change areas’ in the table in Clause 02.03-6 is being applied ‘in areas generally within a 400 metre walkable catchment of activity centres’. This is the case for how substantial change has generally been applied, however the Panel has observed that some areas may be a larger catchment – this is particularly the case for Clayton South where areas of substantial change fall outside the catchment of the Clayton Major Activity Centre but are located within the Monash National Employment and Innovation Cluster. The proposed wording change is considered acceptable.

The table at Clause 02.03-6 currently describes development in ‘increased housing change areas’ as development of 3 storeys. The Panel recommends inserting the words ‘up to 3 storeys’ to reflect the likely development outcomes

that will occur in these areas i.e. there is likely to be a mix of building heights of one, two and three storeys. This change is considered acceptable.

Officer recommendation: Support recommendation 3.

4. *Rezone residential land within the walkable catchment of Mentone and Parkdale activity centres to General Residential Zone Schedule 5.*
5. *Do not change the current zones of:*
 - a. *The Bridge Hotel and treat it in policy in the same way the area around Chelsea is treated.*
 - b. *Private schools in the coastal character area.*
6. *Review the Design and Development Overlay Schedule 1 as it applies to General Residential Zone areas and commercial areas.*

Recommendations 4 - 6 are assessed and discussed collectively as they relate to issues raised by the Panel about the application of the Schedule 1 to the Design and Development Overlay (DDO1) and proposed residential zones in the DDO1.

Amendment C203 proposes to apply the Neighbourhood Residential Zone to areas that are currently located within the DDO1. These areas were assessed by the Housing Strategy and Neighbourhood Character Study as being within the Coastal Suburban character type and are split into three separate precincts which have informed the drafting of the Schedules of the Neighbourhood Residential Zone that apply to these areas. The Neighbourhood Residential Zone has a mandatory two storey building height, which applies to dwellings and residential buildings.

Amendment C203 proposes to combine the current Schedules 1 and 7 to the Design and Development Overlay. The new DDO1 seeks to simplify and clarify these controls to improve their useability. The new DDO1 retains current mandatory requirements regarding foreshore building setbacks and a mandatory building height of two storeys that applies to all buildings (not just residential buildings and dwellings).

It should be noted that the proposal for a new DDO1 was originally considered by Council as Amendment C157. The amendment was deemed necessary to rectify inherent drafting issues in the Schedules 1 and 7 which have been difficult to interpret and have resulted in numerous applications to the Victorian Civil and Administrative Tribunal. Council resolved to commence the planning scheme amendment process for Amendment C157 in 2018 and received authorisation from the Minister for Planning in 2019. Due to the amendment requiring extensive exhibition to affected property owners and occupiers it was recommended that the amendment be incorporated with Council's Amendment C203. The purpose of Amendment C157 was to improve the drafting of the planning control only, and it was not intended to review the application of the DDO1.

Through extensive consultation and workshops with the former Department of Environment, Land, Water and Planning (DELWP) now Department of Transport and Planning (DTP) the application of the Neighbourhood Residential Zone was applied to areas within the DDO1. Council officers were advised that the zone to be applied to the DDO1 areas needed to be consistent with the two-storey height control of the DDO1. This advice is reflected in the guidance provided by Planning Practice Note 91.

The Panel considered whether the application of the Neighbourhood Residential Zone is acceptable in all coastal character precincts and has concluded that there are some areas where the General Residential Zone should be applied, this includes the walkable catchments of the Mentone and Parkdale activity centres.

The Panel has noted that for these areas in the walkable catchments of two activity centres, that if not for the existence of the DDO1, they would likely be appropriate to be in the General Residential Zone – the same treatment as the other areas of these catchments that are not in the DDO1. The Panel also considers that there is sufficient strategic work to justify the application of the Garden Urban designation to these areas and the Schedule 5 to the General Residential Zone (GRZ5), which would enable three storey residential development.

Council officers are unclear where the Panel has found the strategic basis for this change in character designation in the background work. In addition, no strategic work has been undertaken to review the application of the DDO1.

Recommendation 4 which seeks to apply a zone with a three-storey height that is inconsistent with the current and proposed DDO1 is not accepted, as it is contrary to the guidance provided in PPN91, and the approach agreed upon through consultation with DTP officers. Importantly, in the absence of strategic work to support the removal of the DDO1 in these locations, the application of the GRZ5 would be inappropriate. While recommendation 6 requires undertaking a review of the application of the DDO1, proper planning would require this work would come first before seeking to apply the GRZ5.

The DDO1 has its origins in a foreshore development height control that was initiated by the State Government which came into effect in 1985 and was applied between Elwood and Frankston. The controls were introduced after concern was expressed by Councils and residents that the Melbourne foreshore needed to be safeguarded from inappropriate development that did not reflect the unique coastal environment. The height limits that came into effect extended from the foreshore to between 200-1000 metres inland. The foreshore height control continues in the planning schemes of Council's along the foreshore of Port Phillip Bay and is a planning control that many residents have a strong interest in retaining. Any review of this foreshore height control should be considered holistically by the State Government, the initiator of this control.

The Panel also considered two submissions made by private schools in Mentone and The Bridge Hotel, which raised concerns about the proposed application of the Neighbourhood Residential Zone and the perceived limitations that this zone would apply to these sites. Through recommendation 5, the Panel advises that the current Schedules 2 and 3 of the General Residential Zone (GRZ2 and GRZ3) should be retained on these land parcels, and the application of the DDO1 be required to be reviewed by recommendation 6.

As noted above in relation to the walkable catchment areas of Mentone and Parkdale, applying a zone and height control that is inconsistent with the DDO1 is not supported. There is insufficient justification for the removal of the DDO1, particularly with regard to private schools that are close to the foreshore. It's unclear if the Panel has considered the location of Mentone Girls Grammar on Beach Road (a third private school in Mentone that has not made a submission to the amendment), that would fall in the ambit of the recommendation. The proposed application of the NRZ to The Bridge Hotel site is considered acceptable and will still enable redevelopment of the site to occur, subject to satisfying appropriate consideration of the existing planning parameters on the site such as the heritage overlay.

Retention of the existing Schedules 2 and 3 to the General Residential Zone is only considered appropriate where it has been proposed in Chelsea, where it is subject to a separate Structure Plan process. These zones will be reviewed and ultimately replaced as part of that process. Retention particularly of the GRZ3 elsewhere in the municipality is not desirable, as it is a non-conforming zone which Council has been directed by State Government to remove, and this is intended to be dealt with via Amendment C203.

Officer recommendation: Do not support recommendations 4 - 6.

7. *Include in the dot point list before Table 1 in Clause 02.03-6 a new dot point:*

- *Consider site responsive approaches on large sites that present an opportunity for residential development that can establish their own character within the centre of the site.*

This recommendation is relatively minor in nature and is a logical inclusion in policy in Clause 02.03-6. It embeds a generally accepted principle that larger development sites can establish their own character at the centre of sites, which tend to be separated from existing and established urban forms on or near development site boundaries. The underlying intended zoning parameters are not changed by supporting this recommendation.

Officer recommendation: Support recommendation 7.

8. *Redraft the zone schedule objectives to ensure consistency of expression and transfer precinct specific policy issues from Clause 15.01-5L-01 and 15.015L-02 to the appropriate schedule, so that the Planning Policy Framework no longer includes precinct specific policy.*

Further drafting work has been undertaken to review the zone schedule objectives in light of this recommendation. In Appendix 2 are the proposed redrafted schedules, which also incorporate the amendments that were provided to the Panel that were informed by Council's expert witnesses.

A review of Clause 15.01-5L-01 (Neighbourhood character) and Clause 15.01-5L-02 (Landscape character) alongside zone schedules has resulted in some fine tuning of schedule objectives or a transfer of policy content into a schedule objective. As a consequence of this recommendation, precinct specific policy has now been deleted so that the zone schedules are the primary source of character area specific guidance. This was supported by the Panel as a more efficient and clearer way of providing character policy for new development. The

refinement of policy that has been relocated elsewhere in Clause 15 under headings that are specific to urban design, building design and landscape design are considered to be located in policy sections that are logical, and will assist in directing better design outcomes for all residential development.

There is content in both Clause 15.01-5L-01 and Clause 15.01-5L-02 which relates to strategies that are applicable for all residential areas and these are proposed to be retained. There is also existing landscape related policy that is proposed to be retained by Amendment C203, and these general strategies should continue to remain in Clause 15.01-5L-02 (Landscape character).

Officer recommendation: Support recommendation 8.

9. *Review the text and tables of Clause 15.01-5L-02 relating to 'Tree sizes, required soil volumes and minimum in ground area requirements' to ensure consistency with the Landscape guidelines.*

It is noted that the amended planning ordinance provided to the Panel on the final day of the hearing, which is reflected in recommendation 1 above, has relocated the tables referred to in this recommendation to the new Clause 15.01-1L-03 (Landscape Design).

The tables have been reviewed to ensure consistency with Council's adopted Landscape Character Guidelines. One aspect of the Guidelines that is not reflected in the proposed table 1 of Clause 15.01-1L-03 is the defined mature height of a small tree. The table 1 specifies a small tree being a tree with a mature height of 6-8 metres, whilst the Landscape Guidelines specify 4-8 metres.

Council officers preferred version is consistent with the definition of a small tree that currently exists in the Planning Scheme in Clause 58, which applies to apartment development. It is considered important that the tree definition proposed for dwellings is consistent with the existing Planning Scheme definition.

Officer recommendation: Support recommendation 9, with the exception of the definition of small trees.

10. *Revise the variations to Landscaping – Standard B13 in all the zone schedules to:*
- a. *Delete the proposed requirements for tree planting in-side setbacks and make necessary changes to policy.*
 - b. *Delete requirements for trees in Private open space.*

The Panel in its consideration of submissions and the amendment noted support for Council's aim to increase canopy trees in Kingston and the important role that trees play in providing amenity for residents and responding to environmental challenges. The Panel acknowledged that trees and landscaping help integrate new development within a neighbourhood and can create attractive areas for existing and new residents.

The Panel in weighing the proposed requirements in zone schedules with the ability to deliver new housing, raised concerns with how far the requirements go. The Panel has referred to the Housing Strategy and Neighbourhood Character

Study and noted it does not propose the tree planting requirements found in the zone schedules. However, it is noted that it's the Landscape Character Guidelines that have been used to inform zone schedule planting requirements and is the strategic background work that was undertaken by an appropriately qualified landscape architect. The size of trees specified has been considered with regard to the preferred landscape character outcome, as well as the physical spaces that will accommodate them.

The Panel has broadly supported the proposed planting requirements but raised concerns regarding planting in side setbacks and private open spaces. In relation to side setback plantings the Panel's concerns that this requirement may impede development opportunities on development sites and adjacent properties is acknowledged. It is also acknowledged that from a practical perspective that infrastructure and site services are often located in side setbacks and tree planting could impact this. It is therefore considered reasonable and acceptable that this requirement is removed from zone schedules.

The Panel's concern regarding the requirement for planting in private open spaces appears to relate to this resulting in a confusing double up between front and rear setbacks where private open space may also be located. It is considered that this confusion can be alleviated by varying a decision guideline in zone schedules which currently reads:

'Where a tree planting requirement is specified for private open space, and the space is in a rear and/or side setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.'

Deleting the requirement to provide tree planting in private open space areas would be a backward step from Council's current practice. Council's Vegetation Officers currently specify landscaping requirements that usually include planting in private open spaces where it can be accommodated. It's considered important that this aspect of the proposed tree planting requirements is retained if Council is to make any progress in increasing tree canopy coverage in residential areas. This requirement in zone schedules is still discretionary and is a matter that would still need to be considered on a case-by-case basis.

The Panel's concern can be addressed by an amendment to the above decision guideline to include consideration of front setbacks (and delete the side setback wording to reflect the deletion of this planting requirement from schedules):

'Where a tree planting requirement is specified for private open space, and the space is in a rear ~~and/or~~ front side-setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.'

Officer recommendation: Support recommendation 10 a), do not support recommendation 10 b), subject to varying the relevant decision guideline in zone schedules.

11. *Abandon proposed Schedule variations to Private open space – Standards A17 and B28.*

Amendment C203 proposes several variations to the provision of private open space. In some schedules of zones, the variation relates to the overall size

and/or width of balconies or roof top areas. The variation to balcony or roof top area requirements has been sought to improve amenity outcomes for future residents – particularly as these requirements are for dwellings not apartments, where accommodating private open spaces commensurate to larger dwelling sizes is considered a desirable outcome. It is acknowledged through the Panel's comments that the strategic background work did not include recommendations to vary this requirement, on this basis this part of the Panel's recommendation should be accepted and the variation to balcony or roof top areas be removed from zone schedules.

In some schedules of the Neighbourhood Residential Zone a variation to the area of private open space at ground level is proposed to require 60 square metres in total, of which 40 square metres is to be provided with a minimum 5 metre dimension. It's proposed to apply this variation to single dwelling development as well as multi-dwelling development. This proposed variation to the private open space requirement is considered to have an appropriate strategic justification in the Housing Strategy and Neighbourhood Character Study.

The areas where this ground floor area requirement applies mostly correlate with the current Schedule 3 to the General Residential Zone (GRZ3). The GRZ3 has a sliding scale requirement for private open space linked to the number of bedrooms, starting at 40 square metres for one bedroom, 60 square metres for two bedrooms and a maximum area of 80 square metres for 3 or more bedrooms. The drafting of this private open space variation doesn't comply with format content rules of the Department of Transport and Planning and is not able to be retained in its current form. The proposed requirement for a total area of ground floor open space of 60 square metres is considered appropriate and has a strategic basis in Council's background work, it is not recommended to remove this requirement from zone schedules and this would be seen as a significant retrograde step in the appropriate design of contemporary medium density housing in the Neighbourhood Residential Zone.

Officer recommendation: Support part of recommendation 11 to remove the private open space variations to balconies and roof top areas.

12. *Apply General Residential Zone Schedule 5 to 465-469 Clayton Road, Clayton South.*

At the Panel hearing, submitter 296 advocated for the application of the General Residential Zone Schedule 5 (GRZ5) to be applied to their site at 465-469 Clayton Rd, Clayton South. The site is on the corner of Newport Road and Clayton Road, with Newport Road forming the boundary between the GRZ5 and NRZ.

The process of applying zones and determining the boundaries of zones has sought to use roads and streets as the boundary wherever possible. In this case the site is within the walkable catchment of the Clayton Major Activity Centre, however properties in the same block of Clayton Road further south are outside the catchment. The decision to use Newport Road as the boundary was to ensure that only properties within the catchment were located within the GRZ, and within a consolidated precinct bounded by roads.

The Panel has considered the size of the site enables medium density development that can be sensitively designed to limit offsite impacts. It's

considered that this context, and the site's location within the catchment make it suitable for the GRZ5. It's noted that residents have not been notified of this potential change, however given the ability for this site to ameliorate potential impacts, the confined nature of this change to one single site, and limited number of adjoining properties, this change is acceptable.

Officer recommendation: Support recommendation 12.

13. *Apply General Residential Zone Schedule 5 to the north side of Edithvale Road in Edithvale from Nepean Highway up to and including 35 Edithvale Road.*

The Panel heard from two submitters that are residents of Edithvale Road. Submitter 226 in particular advocated for the application of the GRZ5 to the section of Edithvale Road that is the subject of this recommendation. Similar to the above discussion regarding recommendation 12, the properties in question are within the walkable catchment of the Edithvale activity centre, with No. 35 Edithvale Rd at the edge of the catchment. The use of the nearest road as the zone boundary, being Clydebank Road, has resulted in the exclusion of some properties that are within the walkable catchment from the GRZ5.

The Panel considered whether in this instance reflecting the same application of the GRZ5 on the south side of Edithvale Road is an acceptable outcome and using a property boundary as the break between different zones instead of a road. The Panel concluded that in this instance it is acceptable. As above, residents have not been notified of this proposed change, but it is a matter that was discussed during the public Panel hearing. This change is not unreasonable and is confined to a relatively small number of properties and is supported.

Officer recommendation: Support recommendation 13.

14. *Apply General Residential Zone Schedule 5 to 7,9, and 11 White Street, Parkdale.*

The three sites that are the subject of this recommendation are located adjacent to the Parkdale Plaza and form an isolated residential pocket with no other residential abuttal. The Panel heard from a representative of the owner of 9 and 11 White Street who advocated for the application of the GRZ5 to their property.

The Panel has considered the abuttal of these sites to the Parkdale Plaza, and the lack of sensitive interfaces that makes them suitable for a medium density development. Given this context and relatively confined nature of these sites from other residential properties, this recommendation should be supported. Similar to the above sites, residents have not been notified of this potential change, however given the limited number of impacted properties, this change is acceptable.

Officer recommendation: Support recommendation 14.

15. *Refine Design and Development Overlay Schedule 1 by:*

- a. *Mapping the foreshore as a precinct on planning scheme maps.*
- b. *Refining the text based on the approach presented in Appendix F.*

During the Panel hearing there was lengthy discussion regarding the ongoing issues with the current control, how the exhibited version has attempted to

address those issues and the best approach to fix these. During the hearing Council put forward its position that following submissions and hearing from all parties, if the Panel were inclined to receive a redraft to resolve the issues put forward by parties seeking further clarification of the control, then Council would do that. The Panel indicated that further redrafting of the DDO1 would be beneficial, and Council circulated a 'final day' version of the control, with changes to address the substantive matters raised by the Panel and parties.

During the hearing there was discussion around the difference between a zone control (where mandatory provisions occasionally appear) and that of a Design and Development Overlay. The way in which the exhibited version is drafted includes mandatory provisions whereby an applicant either complies or does not comply. The final hearing day version that was circulated (and largely adopted by the Panel) has resolved that issue around mandatory provisions and refined the language used so that while most requirements are mandatory, there are limited occasions where a permit can be sought – this is particularly of value where discretion is able to be exercised for properties that have more than one boundary to the foreshore reserve.

The Panel considered all the issues raised by parties and has largely agreed with the final day version with the addition of a 'precinct' area shown on a map to better define the 'foreshore reserve' and 'foreshore reserve boundary'. With regard to recommendation 15 a) and mapping of the precinct area, Officers agree with this change and maps have been prepared to demonstrate this.

In response to recommendation 15 b), Officers are generally supportive of the Panel's preferred version of the DDO1 – noting that this version is very similar to the final day version prepared by Council, except for the Panel's inclusion of a 'conditions box'. The conditions box clearly outlines the mandatory requirements of the control and is considered to be clear and user friendly. It is however considered appropriate to delete that a fence requires a permit (except for those that are located on the foreshore reserve, and which exceed a height of 1.8 metres). Fences are captured by Amendment C203 and respective zone schedules. The introductory wording in Clause 5.0 is also recommended to be amended to comply with form and content requirements. The amended DDO1 and mapping of the foreshore precinct is provided in Appendix 4.

Officer recommendation: Support recommendation 15, subject to deletion of fences requiring a permit.

3.3 Options

Section 27 of the *Planning and Environment Act 1987* directs that the Planning Authority must consider the Panel's report before deciding whether or not to adopt the amendment with or without changes.

Having considered the report, Council may:

Option 1 - Abandon the amendment pursuant to section 28 of the *Planning and Environment Act 1987*.

Option 2 - Adopt the amendment without changes pursuant to Section 29 of the *Planning and Environment Act 1987*.

Option 3 - Adopt the amendment with changes pursuant to Section 29 of the *Planning and Environment Act 1987*.

It is recommended that Option 3 is exercised, and the amendment is adopted with changes reflective of the Officer recommendations contained in Section 3.2 of this report.

4. Consultation

4.1 Community Consultation:

Formal exhibition of Amendment C203 was undertaken in accordance with Section 19 (1) of the *Planning and Environment Act 1987*. The details of the exhibition process and engagement activities were outlined in the previous report to Council on 12 December 2022.

The Panel hearing was held in a hybrid format with participants able to join the hearing either in-person at Council's offices or online using Zoom.

Notice of the hearing and associated information on how to access the hearing was provided directly to submitters and via Council's *Your Kingston Your Say* platform.

Group	Method
Key Stakeholders: Property owners and occupiers of land affected by Amendment C203	Landowners and occupiers of affected properties were notified at the start of exhibition of the amendment, and people who have made a submission have received updates on the amendment process since the close of exhibition. The Panel report has been provided to all submitters and they have been notified of the next steps including the timing of Council's consideration of the amendment and Panel report.
General community	A consultation page was used on Your Kingston Your Say throughout the life of the project including the amendment process. A copy of the Panel report is available on this page as well as project updates. Regular project updates have been emailed to people who have registered interest in receiving updates.
Government Agencies	As part of the amendment process letters were sent to prescribed Ministers, and referral authorities. A public notice was published in The Age and notice of the amendment was published in the Government Gazette.
Advisory Committees	N/A
Targeted groups	N/A

5. Compliance Checklist

5.1 Council Plan Alignment

Strategic Direction: Liveable - Our city will be a vibrant, enjoyable, and easy place to live.

Strategy: Plan for changes in the population and the community's housing needs
The Housing Strategy and Neighbourhood Character Study provides a twenty-year plan to meet Kingston's housing needs.

In line with the directions and strategies provided in Plan Melbourne and the Planning Policy Framework, the Strategy seeks to focus the greatest level of housing growth to areas with the infrastructure and services to support increased residential densities. Different rates of housing change will be facilitated through the application of new residential zones across the municipality.

5.2 Governance Principles Alignment

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

The Planning Scheme Amendment process is a formal statutory process that is undertaken in accordance with the requirements set out in the *Planning and Environment Act 1987* (The Act). The Act specifies requirements that must be met by Council, including notification of affected parties, and sets the parameters for how people can engage in an Amendment process through making submissions. The Act also outlines the process for the next steps to be undertaken by Council.

**5.3 Financial Considerations
Projected costings**

Minor costs associated with staff time have been incurred in the preparation of amended ordinance to lodge the amendment for approval.

There is a minimal cost of approximately \$500 associated with submitting the amendment for approval by the Minister.

Staff Resources


Additional significant staff resourcing is not foreseen beyond the work undertaken to lodge the amendment with the Minister for Planning.

5.4 Risk considerations

The previous Minister for Planning has provided clear direction to all Councils with non-conforming residential zones as to the timeframe within which to update their residential zones. If Council decided to abandon Amendment C203 at this stage, this would give rise to the potential risk of the Minister for Planning intervening to implement a mandatory translation of the zones.


Council has now completed very substantial work with its community over many years through the development of the housing strategy and neighbourhood character study and then planning scheme amendment. Completing this work also helps demonstrate to the State Government the credibility of Council's work to plan for identified population growth.

Appendices

Appendix 1 - Planning Panel report (Ref 23/184928)  [↓](#)

Appendix 2 - Planning ordinance (Ref 23/198852)  [↓](#)

Appendix 3 - Residential Framework Plan (Ref 23/195547)  [↓](#)

Appendix 4 - DDO1 and maps (Ref 23/198881)  [↓](#)

Author/s: Tanya Sokolowski, Principal Strategic Planner
Reviewed and Approved By: Rita Astill, Team Leader Strategic Planning
Paul Marsden, Manager City Strategy
Jonathan Guttman, General Manager Planning and Place

3.1

PLANNING SCHEME AMENDMENT C203 – KINGSTON HOUSING STRATEGY AND NEIGHBOURHOOD CHARACTER STUDY

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**Kingston Planning Scheme Amendment C203king
Kingston Housing Strategy and Neighbourhood Character Study**

Panel Report

Planning and Environment Act 1987

26 June 2023

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

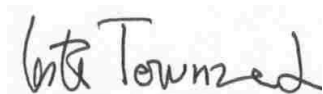
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Kingston Planning Scheme Amendment C203king

Kingston Housing Strategy and Neighbourhood Character Study

26 June 2023



Lester Townsend, Chair



Rodger Eade, Member



Annabel Paul, Member

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Glossary and abbreviations

Council	Kingston City Council
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
GRZ	General Residential Zone
HIA	Housing Industry Association
<i>Housing and Character report</i>	<i>Kingston Housing Strategy and Neighbourhood Character Study, August 2021, Ethos Urban</i>
Landscape guidelines	<i>Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines 2021, Hansen</i>
MAC	Major Activity Centre
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
NAC	Neighbourhood Activity Centre
NCO	Neighbourhood Character Overlay
NRZ	Neighbourhood Residential Zone
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PPRZ	Public Park and Recreation Zone
ResCode standards	Standards in Clause 54 and Clause 55 of planning schemes
RGZ	Residential Growth Zone
RZSAC	Residential Zones Standing Advisory Committee
UFZ	Urban Floodway Zone
UGB	Urban Growth Boundary
VCAT	Victorian Civil and Administrative Tribunal
VIF	Victoria in Future
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Kingston Planning Scheme Amendment C203king
Common name	Kingston Housing Strategy and Neighbourhood Character Study
Brief description	Implements the <i>Kingston Housing Strategy and Neighbourhood Character Study, 2021</i> in the Kingston Planning Scheme by updating the Planning Policy Framework and planning controls to achieve various scales of housing growth and change across the municipality to accommodate the housing needs of the existing and future community and to direct development to respond to identified preferred character statements
Subject land	Land throughout the municipality zoned residential or land affected by Design and Development Overlay Schedules 1 and 7
Planning Authority	Kingston City Council
Authorisation	2 June 2022
Exhibition	18 August to 29 September 2022
Submissions	514 (see Appendix A)

Panel process

The Panel	Lester Townsend (Chair), Annabel Paul, Rodger Eade
Supported by	Chris Brennan, Senior Project Officer
Directions Hearing	15 February 2023 by video
Panel Hearing	27, 28, 30 and 31 March and 3, 4, 5 and 6 April 2023 in person with video, Council Chambers at 1230 Nepean Highway, Cheltenham 27 April 2023 by video
Site inspections	Unaccompanied, 21 March 2023, with further inspections made by individual members of the Panel
Parties to the Hearing	See Appendix B
Citation	Kingston PSA C203king [2023] PPV
Date of this report	26 June 2023

Executive summary

Kingston Planning Scheme Amendment C203king (the Amendment) proposes to change planning policy for housing in Kingston, and to replace existing residential zones with new residential zones across most of Kingston, and to introduce new, or to amend existing, overlays in some areas.

A Housing Strategy and Neighbourhood Character Study provides the strategic basis for the implementation of the new residential zones.

Issues raised in submissions ranged from broad concerns about growth and sustainability to site specific concerns on the application of the zones.

The Amendment develops a Residential Framework that seeks to balance the need for housing growth, neighbourhood character, and coastal landscape constraints. This leads to the identification of 16 new precincts, on top of some existing zones that will remain. Two precincts apply to the bulk of residential areas:

- 'Garden Urban' which will have General Residential Zone Schedule 5 applied
- 'Garden Suburban' which will have Neighbourhood Residential Zone Schedule 7 applied.

The Residential Growth Zone is proposed for 'Urban renewal areas'. Areas covered by an existing Design and Development Overlay (DDO1) that limits buildings to two storeys in height are designated as having a coastal character and will have the Neighbourhood Residential Zone applied.

A detailed capacity analysis confirms that the Amendment will deliver housing capacity consistent with policy.

In response to submitter concerns the Panel concludes:

- Council and the community need to recognise that the current work will not be the last say on housing intensification in Kingston. The work will need to be reviewed in the future and in all likelihood that review will identify further areas for intensification, and potentially taller development in existing areas identified for intensification, as Melbourne continues to grow and change.
- Three-storey development including three-storey apartment development has an important role to play in meeting Melbourne's housing needs and this form of development can sit comfortably next to single storey development if designed well.

The Panel supports the general approach of the Amendment but concludes:

- The nuances between character precincts and zone schedules are difficult to justify in places and the end effect of the approach taken by Council and its consultants will produce a planning scheme that in all likelihood will be difficult for the non professional user to navigate and to readily understand.
- The Panel does not believe the DDO1 should be taken as a strategic driver of the housing strategy in Kingston without clear justification for its controls under current policy settings. Because this strategic work did not reconsider DDO1 the appropriate balance has not been demonstrated between housing strategy and character protection for the areas covered by DDO1 within the walkable catchments of Mentone and Parkdale.

Council submitted proposed changes to the exhibited Municipal Planning Statement in closing which the Panel supports, including recognising Large Residential Opportunity Sites, but further clarification on identifying these areas is required.

For each character type (managed by different zones and schedules) objectives are proposed in the zone schedules, together with specific policy at:

- Clause 15.01-5L-01 (Preferred Character Statements)
- Clause 15.01-5L-02 (Preferred Landscape Character Statements).

Mr Glossop, giving evidence on planning for Council, considered that the zone schedules should be used as the primary mechanism for guiding development, with the objectives within the schedules providing a key indicator for the character outcomes to be achieved. The Panel agrees. The Panel notes overlaps between policy statements and schedule objectives. Together with a lack of consistency in the expression of the policy statements, the Panel considers that the proposed policy should be reviewed before the Amendment is approved. This review should transfer the specific policy statements into the objectives of the schedules so that future decision makers only need look in one place for precinct specific policy.

The zone schedules propose a number of ResCode variations. The Panel broadly support these changes (with the revision proposed by Council in its closing) with three exceptions:

- The Panel does not support the requirement for tree planting in side setbacks in the proposed variations to Landscaping – Standard B13. Providing sufficient space for tree planting in side setbacks, which typically serve an access and service function, will inevitably be at the expense of more usable space, within the dwelling or as private open space, and the Panel is not convinced that such planting is an existing valued characteristic of Kingston or justifies as a new approach.
- The Panel does not support the requirement for tree planting in private open space in the proposed variations to Landscaping – Standard B13 because this requirement confusingly overlaps with additional requirements for planting in front and rear setbacks and may undermine the use of the open space for more general gardening, or recreational uses.
- The Panel does not support proposed variations to private open space – Standards A17 and B28. The strategic justification for these changes is unclear, particularly to Standard A17 which may well reduce the requirement for open space for new single dwellings.

In terms of the application of the zones the Panel generally supports the exhibited Amendment outside of the coastal character areas but recommends three relatively minor extensions of the General Residential Zone Schedule 5 (Garden Urban) based on specific local conditions.

The Amendment proposes to consolidate and refine Schedule 1 'Urban Coastal Height Control Area' and DDO7 'Urban Coastal Foreshore Setback Control Area' into a revised and renamed DDO1 to address current issues with usability. The Panel supports this intention but has identified a number of refinements to address drafting issues.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Kingston Planning Scheme Amendment C203king be adopted as exhibited subject to the following:

1. Include the changes to Policy, Zone and Overlay Schedules proposed in Council's Final positions on the Amendment (Document 68) except as specifically recommended.
2. Include all residentially zoned land on the Residential Framework Plan, and in the table to Clause 02.03-6.
3. In the table to Clause 02.03-6:
 - Add 'or 800' after 400 in the distance description of walkable catchments

- **Add 'up to' before three storeys**
4. **Rezone residential land within the walkable catchment of Mentone and Parkdale activity centres and within Design and Development Overlay Schedule 1 to General Residential Zone Schedule 5.**
 5. **Do not change the current zones of:**
 - a) **the Bridge Hotel and treat it in policy in the same way the area around Chelsea is treated**
 - b) **private schools in the coastal character area.**
 6. **Review Design and Development Overlay Schedule 1 as it applies to General Residential Zone areas and commercial zones.**
 7. **Include in the dot point list before Table 1 in Clause 02.03-6 a new dot point:**
 - **Consider site responsive approaches on large sites that present an opportunity for residential development that can establish their own character within the centre of the site.**
 8. **Redraft the zone schedule objectives to ensure consistency of expression and transfer precinct specific policy issues from Clauses 15.01-5L-01 and 15.01-5L-02 to the appropriate schedule, so that the Planning Policy Framework no longer includes precinct specific policy.**
 9. **Review the text and tables of Clause 15.01-5L-02 relating to 'Tree sizes, required soil volumes and minimum in ground area requirements' to ensure consistency with the Landscape guidelines.**
 10. **Revise the variations to Landscaping – Standard B13 in all the zone schedules to:**
 - **Delete the proposed requirements for tree planting in side setbacks and make necessary changes to policy.**
 - **Delete requirements for trees in Private open space.**
 11. **Abandon proposed Schedule variations to Private open space – Standards A17 and B28.**
 12. **Apply General Residential Zone Schedule 5 to 465-469 Clayton Road, Clayton South.**
 13. **Apply General Residential Zone Schedule 5 to the north side of Edithvale Road in Edithvale from the Nepean Highway up to and including 35 Edithvale Road.**
 14. **Apply General Residential Zone Schedule 5 to 7, 9 and 11 White Street, Parkdale.**
 15. **Refine Design and Development Overlay Schedule 1 by:**
 - a) **Mapping the foreshore as a precinct on planning scheme maps**
 - b) **Refining the text based on the approach presented in Appendix F.**

1 Introduction

1.1 Overview

Amendment C203king (the Amendment) proposes to change planning policy for housing in Kingston, and to replace existing residential zones with new or amended residential zones across most of Kingston, and to introduce new, or to amend existing, overlays in some areas.

Kingston is a diverse municipality with regionally significant industrial precincts, six major activity centres, the Moorabbin Airport, over 13 kilometres of coastal foreshore, Ramsar wetlands, and Green Wedge areas.

The Kingston *Housing Strategy and Neighbourhood Character Study (Housing and Character report)* provides the strategic basis for the implementation of the new residential zones and as submitted by Council “seeks to direct the greatest levels of housing growth to areas best serviced to accommodate increased residential densities. The Housing Strategy has considered the unique characteristics of suburbs and activity centres and proposes a tailored response to each of these centres.”

1.2 What is proposed

(i) Policy

The current Municipal Planning Strategy (MPS) identifies preferred residential outcomes for different areas. The Amendment proposes updates to refresh the descriptions and policy directions in the MPS, change the designations of housing change, and, importantly, identify ‘Substantial change areas’.

Table 1 Areas identified in Table 1 at Clause 02.03-6

Existing Areas	Proposed areas (Council final position)
Activity Centres	Activity Centres
Large Residential Opportunity sites	Large Residential Opportunity sites
Mixed Use Areas	Substantial change - Mixed Use Zone areas
—	Substantial change areas
Increased housing diversity areas	Increased housing change areas
Incremental housing change areas	Incremental housing change areas
Minimal housing change areas	Limited change areas
Residential renewal areas	—
Areas of Special Character	

The exhibited Amendment presents the ‘Residential Framework Plan’ in Clause 16.01-1L-01 (Housing supply – Kingston). This policy is proposed to read:

16.01-1L-01 (Housing supply – Kingston)

Policy application

This policy applies to land as shown on the Residential Framework Plan to this clause where a planning permit is required to:

- Construct or extend one dwelling on a lot of less than 300 square metres.
- Construct a dwelling if there is at least one dwelling on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a residential building.

Strategies

Promote housing change in accordance with Table 1 at Clause 02.03-6 and the preferred character areas in the Residential Framework Plan.

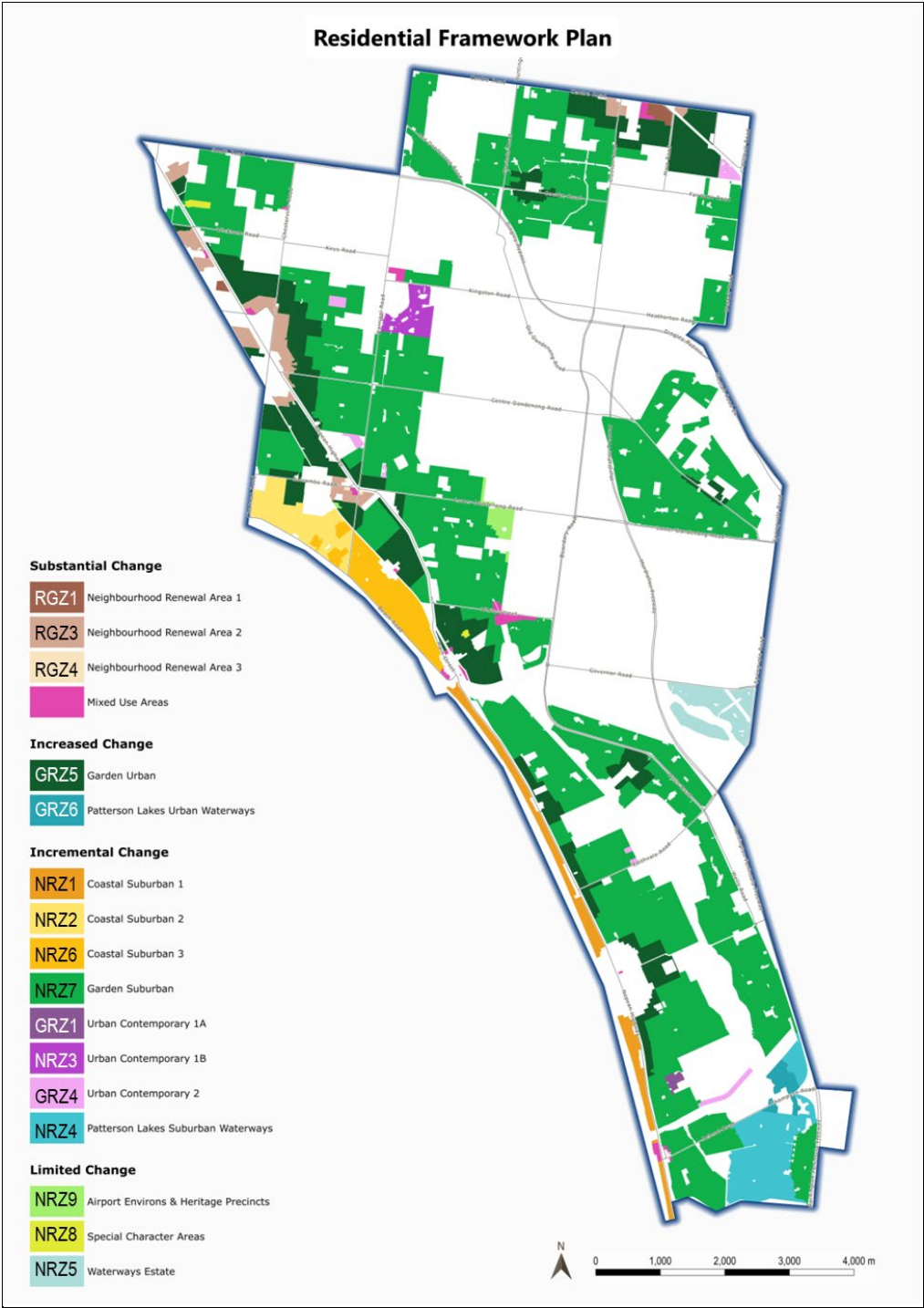
The Planning Policy Framework (PPF) is proposed to be updated as follows:

- Clause 11.03-1L-01 (Activity centres – Kingston)
 - minor policy change
- Clause 11.03-1L-02 (Cheltenham-Southland Major Activity Centre)
 - greater policy support for development up to four storeys in residential areas around the centre
- Clause 11.03-1L-03 (Mordialloc Major Activity Centre)
 - minor policy change
- Clause 11.03-1L-04 (Carrum Neighbourhood Activity Centre)
 - deleting policy dealing with architectural style and expanding the 'Mixed Use Activity Area' by three lots
- Clause 11.03-1L-05 (Highett Neighbourhood Activity Centre)
 - replacing areas of 'Increased Density – Highway West' with a new 'Substantial change area' for four storey apartment buildings, and identifying the remaining Highway West area for apartment buildings ranging from 5 storeys to 8 storeys
- Clause 13.05-1L (Noise abatement)
 - deleting the local policy
- Clause 13.07-1L (Land use compatibility – Kingston)
 - removing policy duplication
- Clause 15.01-1L-01 (Urban design – Kingston)
 - adding a new objective and strategies to support well-designed development with positive architectural and urban design outcomes
- Clause 15.01-5L-01 (Neighbourhood character – Kingston)
 - adding preferred character statements for housing precincts
- Clause 15.01-5L-02 (Landscape character – Kingston neighbourhoods)
 - adding preferred landscape character statements for housing precincts
- Clause 16.01-1L-01 (Housing supply – Kingston)
 - updating policy and the Residential Framework Plan
- Clause 16.01-1L-02 (Clayton South)
 - deleting the clause.

Figure 1 shows the proposed Residential Framework Plan. Much of the white area on the map is green wedge or industrial land, but the framework also omits some existing residentially zoned land that is not being rezoned as part of the Amendment. This means the framework presents an incomplete strategic picture.


















Table 2 shows the character descriptions that are called up by the framework plan. Again there is an incomplete strategic picture with no entries related to RG22, GR22, and GR23.

Figure 1 Residential Framework Plan



Source: Exhibited Amendment, with zone codes added by the Panel

Table 2 Proposed preferred character areas from Clause 02.03-6 with relevant zones, with Council post Hearing changes tracked

Areas	Preferred residential development outcome
Activity Centres	Activity centres (Moorabbin, Highett, Southland, Cheltenham, Mentone and Mordialloc) will provide for housing intensification.
Large Residential Opportunity sites	Sites that will accommodate an integrated mix of lot sizes and housing types, and medium to high density housing.
Substantial change - Mixed Use Zone areas 	Mixed Use Zone areas will provide for housing intensification that incorporates non-residential uses in appropriate locations. These areas are often located on the periphery of activity centres, within residential areas or on former industrial sites, and therefore must carefully manage and transition to more sensitive interfaces.
Substantial change areas   	In areas generally within a 400 metre walkable catchment of activity centres, a greater mix of housing diversity and increased residential densities will be provided. Development of four storeys will be encouraged in the majority of these areas and greater building heights will be provided on identified sites in Highett and Clayton South. Apartment developments will cater for different household sizes and needs through the provision of a diversity of apartment sizes.
Increased housing change areas  	These areas will provide a wider diversity of housing types and sizes (including the number of bedrooms) in development of 3 storeys. They are generally within a convenient walking distance of a Major Activity Centre, or a Neighbourhood Activity Centre that has an adequate level of services and infrastructure to support increased change.
Incremental housing change areas        	In areas affected by Schedule 1 of the Design and Development Overlay, or where the character is defined by a single and double storey dwellings, new development will be limited to 2 storeys. Incremental change will also occur over time in newly developed estates and single sites with medium density townhouses, where development in some of these areas is limited to 3 storeys.
Limited change areas   	In areas affected by constrained land, including precincts with heritage or neighbourhood character constraints, and environmental constraints, limited change is anticipated. New development will need to carefully respond to existing conditions, including the built form character of the area. Two areas are nominated as containing special character - Hillston Road Moorabbin and Ormond Street Mordialloc. These areas are protected by the Neighbourhood Character Overlay.

Source: Exhibited Amendment, with zone information added by the Panel and updates added from Council's closing submission

Council closing position

In its closing Council proposed a number of changes to the MPS including:

- reinstating large residential opportunities sites in the preferred residential development outcomes table
- deleting the proposed text at Clause 16.01-1L-01(Housing supply – Kingston) but including the reference to the Residential Framework Plan in the MPS and moving the Residential Framework Plan to Clause 02.04.
- refinements and reordering of text under:
 - Clause 15.01-1L-01 (Urban design – Kingston)
 - Clause 15.01-5L-01 (Neighbourhood character – Kingston)
 - Clause 15.01-5L-02 (Landscape character – Kingston neighbourhoods).

(ii) Zones

The Amendment revises some existing residential zone schedules, and introduces new residential zone schedules to implement the *Housing and Character* report, but also leaves some existing zones in place. The new zones are shown on the Residential Framework Plan reproduced as Figure 1.

The schedules that apply to the bulk of the residential areas are:

- **GRZ5**: General Residential Zone Schedule 5
- **NRZ7**: Neighbourhood Residential Zone Schedule 7.

The Panel has bolded **GRZ5** and **NRZ7** in this report given they are the main zones applied.

(iii) Overlays

The Amendment proposes a number of changes to Design and Development Overlay (DDO) schedules:

- consolidate and refine Schedule 1 'Urban Coastal Height Control Area' and Schedule 7 'Urban Coastal Foreshore Setback Control Area' into a revised and renamed DDO1 and delete DDO1 from a small number of properties
- make minor changes to Schedule 10 'Mordialloc Activity Centre' – minor change 10-A8
- replace Schedule 12 'Highett Activity Centre' with new Schedule 12 which adds additional precincts to the overlay and objectives for substantial change precincts
- replace Schedule 22 'Mentone Junction Precinct' with new Schedule 22 which changes some height limits
- insert new Schedules 25 and 26 to guide new apartment development to areas of substantial change not already contained in a DDO.

The Amendment proposes a number of changes to the Neighbourhood Character Overlay (NCO):

- NCO1: unchanged in extent and essentially unchanged in its provisions
- NCO2: apply a new NCO2 to 13 lots in Ormond Street, Mordialloc.

1.3 Key issues in submissions

In response to exhibition, Council received 514 submissions. Of these, 488 were received within the exhibition timeframe, and 26 were received after the close of exhibition.

Issues raised in submissions included:

- Concerns about the complexity of information and communication with residents.
- Site specific submissions.
- Policy issues:
 - population growth and the impact on car parking, traffic and infrastructure
 - environmental related issues – climate change, trees and flooding
 - comments or concerns about specific details in policy
 - methodology and zone boundaries
 - comments regarding residentially zoned land outside the Urban Growth Boundary
 - concerns policy changes would result in higher density development
- Zones issues:
 - concerns around building heights in zone schedules
 - concerns about the impact of three-storey development in areas where the GRZ is to be applied
 - concerns the proposed zone changes would result in higher density development
 - use of the NRZ in coastal character areas
 - concerns that the NRZ has been applied too broadly including within areas identified as walkable catchments, close to public transport and along main roads
 - comments or concerns about specific details in zone schedules including variations to Clause 54 and Clause 55 requirements
 - requests for more enabling zones
- Overlay issues:
 - proposed changes to DDO1
 - that the extent of the NCO should be broadened.

1.4 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Background
 - Strategic background
 - Planning Policy Framework
- Strategic and general issues
- Policy issues
- Are the zone schedules appropriate?
- Is the zone application appropriate?
- Overlays.

2 Background

2.1 Strategic background

The Victorian Government estimates Melbourne will grow to 7.9 million people by 2051. The Victorian Government's *Plan Melbourne* sets out how all local councils will have to accommodate their share of the growth.

Kingston explains on its website:

Kingston Council has long-campaigned to see 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.

New Residential Zones

Amendment V8 introduced the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) into the Victoria Planning Provisions (VPP) on 1 July 2013. The residential zones were reformed to simplify requirements, allow a broader range of activities to be considered and better manage housing growth.

Council planning authorities were required to introduce the new residential zones into their local planning schemes on or before 1 July 2014, failing which the Government advised that the GRZ would be applied through a Ministerial Amendment to replace all land in the Scheme then zoned Residential 1, 2 and 3.

Residential Zones Standing Advisory Committee process

In 2013 Council prepared and consulted on new residential zones and sought authorisation from the Minister for Planning to exhibit Planning Scheme Amendment C140 to:

- introduce new residential zones
- introduce the Industrial 1 and Mixed Use Zone to some locations that were in the Commercial 2 Zone
- make changes to Clause 52.01 to nominate contributions for Public Open Space in the Planning Scheme
- make changes to local policy and overlays.

Around this time the Minister for Planning appointed the Residential Zones Standing Advisory Committee (RZSAC) to assist with the introduction of the new residential zones. In 2014 Council requested the RZSAC consider Amendment C140. A Hearing was conducted between 12 – 15 May 2014.

Amendment C140 proposed to:

- Apply the RGZ with one schedule to sites in Highett on the Nepean Highway including the Gasworks site.
- Apply the GRZ with four schedules to the zone.
- Apply the NRZ and one schedule to the zone.
- Delete the existing Residential 1 Zone and Residential 3 Zone.
- Make changes to the Municipal Strategic Statement (MSS) and local policies to reflect the draft Kingston Residential Strategy Update 2014, and additional policy changes.

On 20 June 2014 the RZSAC released its report which recommended:

1. Draft Amendment C140 to the Kingston Planning Scheme not be prepared, adopted and approved.
2. Council comprehensively review the Kingston Residential Strategy in combination with the Kingston Neighbourhood Character Strategy to identify a robust basis on which to apply the reformed residential zones. This should include a review of:
 - a) Options for housing diversity around nodes as recommended by Department of Planning, Transport and Local Infrastructure, Metropolitan Planning Authority and Public Transport Victoria.
 - b) Areas identified as incremental and minimal change against an updated review of neighbourhood character to determine between the areas where character needs to be respected and where identified character warrants greater protection.

Zone translation and the commencement of strategic work

On 9 October 2014, the Minister for Planning prepared, adopted and approved Amendment C150 pursuant to section 20(4) of the *Planning and Environment Act 1987* (PE Act) to translate residential zones into Schedules 2 and 3 to the GRZ and apply the RGZ to sites in Highett on the Nepean Highway including the Gasworks site.

Council began the preparation of the background strategic work to inform Amendment C203 by resolving to appoint Planisphere (later to become Ethos Urban) on 26 June 2017.

Council progressed its strategic work in the context of several reforms to the residential zones by the former Department of Environment, Land, Water and Planning (DELWP), including:

- Amendment VC110, which reformed the new residential zones on 27 March 2017 which included the introduction of mandatory requirements into the NRZ and GRZ for maximum building heights and garden areas.
- Amendment VC143, which introduced refinements to the new residential zones on 15 May 2018. The refinements changed the definition and operation of the minimum garden area requirement, including clarifying exemptions in the NRZ and the GRZ and introduced permit requirements for certain commercial land uses in the GRZ.

In 2019 community consultation on the strategy garnered approximately 2,200 submissions and survey responses which were considered at the Council meeting of 9 December 2019.

Following receipt of a significant level of concern expressed in submissions, particularly in relation to the application of the GRZ to areas of Kingston, a process of refinement and further work was required to review the draft *Housing and Character* report and prepare amendment documentation.

Workshops with the Department of Environment, Land, Water and Planning

Officers at DELWP offered a series of workshops to guide Council officers in their review of the draft *Housing and Character* report in response to submissions, and the initial preparation of the Amendment.

Submissions and feedback had highlighted the importance of Landscape guidelines, and Council determined to appoint Hansen Partnership to undertake the preparation of a Landscape Guidelines assessment and to develop guidelines to inform the preparation of the Amendment. This document is referred to as the *Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines 2021, Hansen* (Landscape guidelines).

Hansen Partnership were also engaged to assist in the preparation of new Schedules 25 and 26 to the DDO to guide new apartment building development to areas of RGZ3 that are not already contained in a DDO.

At its meeting on 5 August 2020 Council resolved to adopt the *Housing and Character* report with significant changes. The Council resolution is presented in Figure 2.

Figure 2 Council resolution to substantially alter the *Housing and Character* report

1. Note the report of recommendations prepared by Ethos Urban and the changes made to the Housing Strategy and Neighbourhood Character Study in response to submissions received and feedback from the Department of Environment, Land, Water and Planning.
2. Adopt the Kingston Housing Strategy and Neighbourhood Character Study 2020, Ethos Urban, subject to the following changes to:
 - a) Include all of the incremental change area as shown in the 25 March 2019 version of the Kingston Housing Strategy and Neighbourhood Character Study, in the Neighbourhood Residential Zone.
 - b) Include all of the Garden Suburban character type as shown in the 6 July 2020 version of the Kingston Housing Strategy and Neighbourhood Character Study, in the Neighbourhood Residential Zone.
 - c) Amend the following areas of Residential Growth Zone (RGZ) to Neighbourhood Residential Zone (NRZ):
 - the areas of RGZ bounded by Nepean Highway and Balcombe Road to the north, Dolomore Reserve to the south-east, Queen Street and Mitchell Street to the south, and Como Parade East to the west.
 - the areas of RGZ generally bounded by Balcombe Road to the south, Collins Street to the north, commercial properties fronting Nepean Highway to the east and Precinct 2A of Activity Centre Zone Schedule 2 of the Kingston Planning Scheme to the west.
 - the areas of RGZ bounded by Southland shopping centre to the north, Nepean Highway to the east, Cheltenham Activity Centre Zone to the south, and the railway line to the west.
 - d) Retain the present policy to allow no more than two units on an average-size lot (proportionally more on larger lots) in sensitive parts of the Neighbourhood Residential Zone, including areas covered by flood overlays and areas likely to be inundated by a sea level rise of 1.6m.
 - e) Require stairwells to rooftop decks to be unenclosed.
 - f) Make any necessary changes to all relevant documentation to implement the above amendments.
3. Adopt the Kingston Landscape Guidelines Assessment: Character Analysis and Landscape Guidelines 2020, Hansen, subject to the deletion of all exotic species from the Common Tree Species list in the appendices.
4. Ask the consultants or failing that officers to amend the Housing Strategy report, maps and Planning Scheme Amendment in accordance with this resolution.
5. Request authorisation from the Minister for Planning to prepare Planning Scheme Amendment C189 in accordance with the Planning and Environment Act 1987 to implement the Housing Strategy & Neighbourhood Character Study and Kingston Landscape Guidelines Assessment as amended.
6. Exhibit Planning Scheme Amendment C189 outside of and preferably after the Council caretaker period (22 September to 24 October 2020) in accordance with the Planning and Environment Act 1987 should authorisation be granted by the Minister for Planning to prepare the Amendment.
7. Endorse the community engagement program to be undertaken during a proposed 6 week exhibition period as outlined under Section 3.6 of this report, with the addition of three town hall meetings preceded by information sessions should the Covid-19 restrictions be eased by then so as to make such meetings possible.

- | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 8. | Note that a further report will be presented to Council following the close of the exhibition period upon review of the submissions received. |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------|

The changes made to the *Housing and Character* report resulted in a significant increase in the areas that would be in the NRZ, and a more limited application of the GRZ. Correspondence was received from the Minister for Planning and Council's consultant, Ethos Urban which indicated concerns regarding the significant departure from the strategic planning work that had been progressed up until Council's adoption of the *Housing and Character* report.

Council was required to revisit its adopted position and resolved on 25 October 2021 to adopt a revised version of the *Housing and Character* report. The Council resolution is presented in Figure 3.

Figure 3 Council resolution to adopt a revised version of the *Housing and Character* report

- | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Note the attached correspondence from the Minister for Planning. |
| 2. | Adopt the amended Kingston Housing Strategy and Neighbourhood Character Study, 2021, Ethos Urban. |
| 3. | Adopt the amended Kingston Landscape Guidelines Assessment: Character Analysis and Landscape Guidelines 2021, Hansen. |
| 4. | Abandon Amendment C157, noting that C157 which proposes changes to the Schedule 1 of the Design and Development Overlay, is being incorporated into the current Amendment. ¹ |
| 5. | Request authorisation from the Minister for Planning to prepare a Planning Scheme Amendment in accordance with the Planning and Environment Act 1987 to implement the Housing Strategy & Neighbourhood Character Study and Kingston Landscape Guidelines Assessment. |
| 6. | Exhibit the Planning Scheme Amendment in accordance with the Planning and Environment Act 1987 should authorisation be granted by the Minister for Planning to prepare the Amendment. |
| 7. | Endorse the community engagement program to be undertaken during a proposed 6 week exhibition period as outlined under Section 3.3.5 of this report. |
| 8. | Note that a further report will be presented to Council following the close of the exhibition period upon review of the submissions received. |
| 9. | Request a report be brought back to Council outlining priority locations within the municipality which will undergo significant urban renewal whereby scope for enhancements to the design of streetscapes to facilitate walking and cycling, enhanced landscape treatments and urban cooling be prioritised. |
| 10. | Seek to make amendments to the appropriate sections of the proposed Schedules 1 and 3 to Residential Growth Zone and Design and Development Overlay 25 to require that appropriate consideration be given to the successful integration of new development by providing enhancements to the nature strip and where possible road space to build upon the objectives of Council's Landscape Guidelines for these areas. |
| 11. | Seek to include Council's Urban Cooling Strategy – Creating a Cool Kingston (April 2020) as a Background Document or Policy Reference in the appropriate sections of the Planning Scheme Amendment. |
| 12. | Seek to modify the proposed Planning Scheme Amendment by removing the intended Schedule to the Design and Development Overlay 1 from the following properties at 497 to 513 Station Street and 2 and 8 Village Lane and 8 and 10 Joyce Street, Carrum. |
| 13. | Seek to include in the proposed Planning Scheme Amendment the land at 8 and 10 Joyce Street and 2 and 8 Village Lane, Carrum in a Mixed-Use Zone and make any |

¹ Amendment C157 proposed to combine Schedules 1 and 7 to the Design and Development Overlay, in a neutral translation of these controls into one Schedule.

	consequential required changes to the Carrum Activity Centre Policy and Framework Plan.
14.	Ensure that the exhibition and community engagement program as outlined under Section 3.3.5 of the report is sufficiently resourced to ensure all aspects including the 'one on one' conversations and email responses to residents can occur during the exhibition period.
15.	Seek to include in the proposed Planning Scheme Amendment all properties from the western side of Elizabeth Street, Mentone between Patty Street, Mentone and Collins Street Mentone in the Neighbourhood Residential Zone.

PPF translation and authorisation

The request for authorisation was submitted on 17 December 2021.

On 30 June 2022 Amendment C200 translated the Kingston Planning Scheme into the new policy format introduced by Amendment VC148. Amendment C200 deleted policy content that was deemed to be a duplication of existing state policy content, and many objectives and strategies were clarified and re-worded.

The gazettal of Amendment C200 occurred very shortly after Amendment C203 received authorisation on 2 June 2022. A condition of authorisation required that local policies be translated into the new policy format.

Council's response to each authorisation condition is recorded in Appendix D.

2.2 Planning Policy Framework

The PPF is part of all planning schemes in Victoria and sets out the context for spatial planning and decision making. It includes state, regional and local planning policies and sets out a planning authority's obligations in relation to planning for population growth and managing housing change.

Municipal Planning Strategy

Council submitted:

79. The Amendment supports the MPS which identifies in Clause 02.02 (Vision) that urban settlement patterns accommodate sustainable growth commensurate with the constraints of established areas, and that a greater diversity of housing, including affordable housing, should be facilitated.
80. The Amendment proposes updates to Clause 02.03-6 (Housing) to implement the *Housing and Character* report with new change areas and policy that manages housing growth across the municipality and facilitates greater residential densities in and around activity centres.

Planning Policy Framework

The PPF requires planning authorities to:

Plan to accommodate projected population growth over at least a 15-year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Table 3 shows key PPF housing and settlement policies.

Table 3 Key PPF housing and settlement policies

Clause	Policy
11.01-1S	Ensure regions and their settlements are planned in accordance with their relevant regional growth plan, or Plan Melbourne. Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
11.02-2S	Plan to accommodate projected population growth over at least a 15-year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis. Planning for urban growth should consider: <ul style="list-style-type: none"> - opportunities for the consolidation, redevelopment and intensification of existing urban areas - neighbourhood character and landscape considerations - the limits of land capability and natural hazards and environmental quality - service limitations and the costs of providing infrastructure.
15.01-5S	Ensure development contributes to existing or preferred neighbourhood character.
16.01-2S	Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas. Encourage higher density housing development on sites that are well located in relation to services, jobs and public transport. Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development. Identify opportunities for increased residential densities to help consolidate urban areas.
16.01-3S	Ensure housing stock matches changing demand by widening housing choice. Facilitate diverse housing that offers choice and meets changing household needs.

Planning Policy Framework

Council submitted that the Amendment supports the following policies in the PPF:

- Clause 11 (Settlement)**
 The Amendment provides a framework for the implementation of residential zones that will deliver sustainable growth by focussing the greatest level of change towards activity centres with the services, public transport and jobs that can accommodate greater densities. The Amendment satisfies key objectives by ensuring an adequate supply of land to accommodate projected population growth beyond a 15 year period.
- Clause 15 (Built environment and heritage)**
 The Amendment implements a Neighbourhood Character Study that nominates preferred character areas across Kingston's residential areas. A NCO implements a recommendation of the Study that recognises a precinct within Mordialloc that has special characteristics that warrant additional planning controls.
- Clause 16 (Housing)**
 The proposed Residential Framework Plan seeks to facilitate well located housing that contributes to a diversification of housing stock, which is currently predominantly comprised of detached dwellings. Consideration has been given to major and neighbourhood activity centres, the level of services provided in them including public

transport, and the opportunity to provide more housing within the Monash National Employment and Innovation Cluster.

Ministerial Directions and Practice and Advisory Notes

Council submitted a strategic assessment of the Amendment, in accordance with Ministerial Direction No. 11, was contained within the exhibited Explanatory Report and that the Amendment has also complied with relevant Ministerial Directions and Planning Practice Notes.

3 Strategic and general issues

This Chapter discusses a number of the overarching strategic and general issues with respect to the Amendment and the approach taken to providing adequate housing for forecast future populations and the areas where some of that future dwelling stock is proposed to be located.

3.1 The overall strategic approach

(i) Planning guidance

Planning Practice Note 90: Planning for housing (December 2019) (PPN90) provides information and guidance about how to plan for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes.

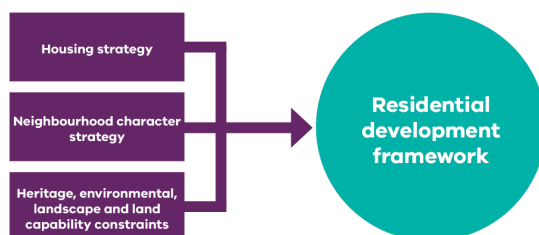
PPN90 observes:

Housing change is an inevitable and ongoing process. Tensions can arise between housing and neighbourhood character objectives. If these tensions are not adequately managed this creates uncertainty about future development outcomes.

Planning authorities play a critical role in guiding the location and form of housing and settlement patterns to meet the needs of Victoria's growing population.

PPN90 includes a diagram (Figure 4) showing three inputs to a residential development framework: housing strategy, neighbourhood character strategy, and heritage, environmental, landscape and land capability constraints.

Figure 4 Diagram from *Planning Practice Note 90: Planning for housing*



Planning Practice Note 91: Using the residential zones (December 2019) (PPN91) provides information and guidance about how to:

- use the residential zones to implement strategic work
- use local policies and overlays with the residential zones
- make use of the key features of the residential zones.

PPN91 includes principles underpinning the residential zones:

Principle 1

Housing and neighbourhood character plans need to be consistent and align with one another when specifying preferred future housing and neighbourhood character outcomes for an area. ...

Principle 2

All residential zones support and allow increased housing, unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist.

Planning for urban growth requires the development of compact urban areas that are based around existing and planned activity centres to maximise accessibility to these facilities and

services, including considering opportunities for the consolidation, redevelopment and intensification of existing urban areas more generally.

Principle 3

The Residential Growth Zone promotes housing intensification in locations close to jobs, services and facilities serviced by public transport including activity centres. ...

Principle 4

The General Residential Zone is a three-storey zone with a maximum building height of 11 metres.

The General Residential Zone should be applied to areas where housing development of three storeys exists or is planned for. It is inappropriate to apply the General Residential Zone to areas where a planning authority seeks to respect the existing single and double storey character of an area.

Principle 5

The density or number of dwellings on a lot cannot be restricted in the Neighbourhood Residential Zone unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist. ...

(ii) What is proposed

The adopted *Housing and Character* report identified four growth settings and five character types (Table 4).

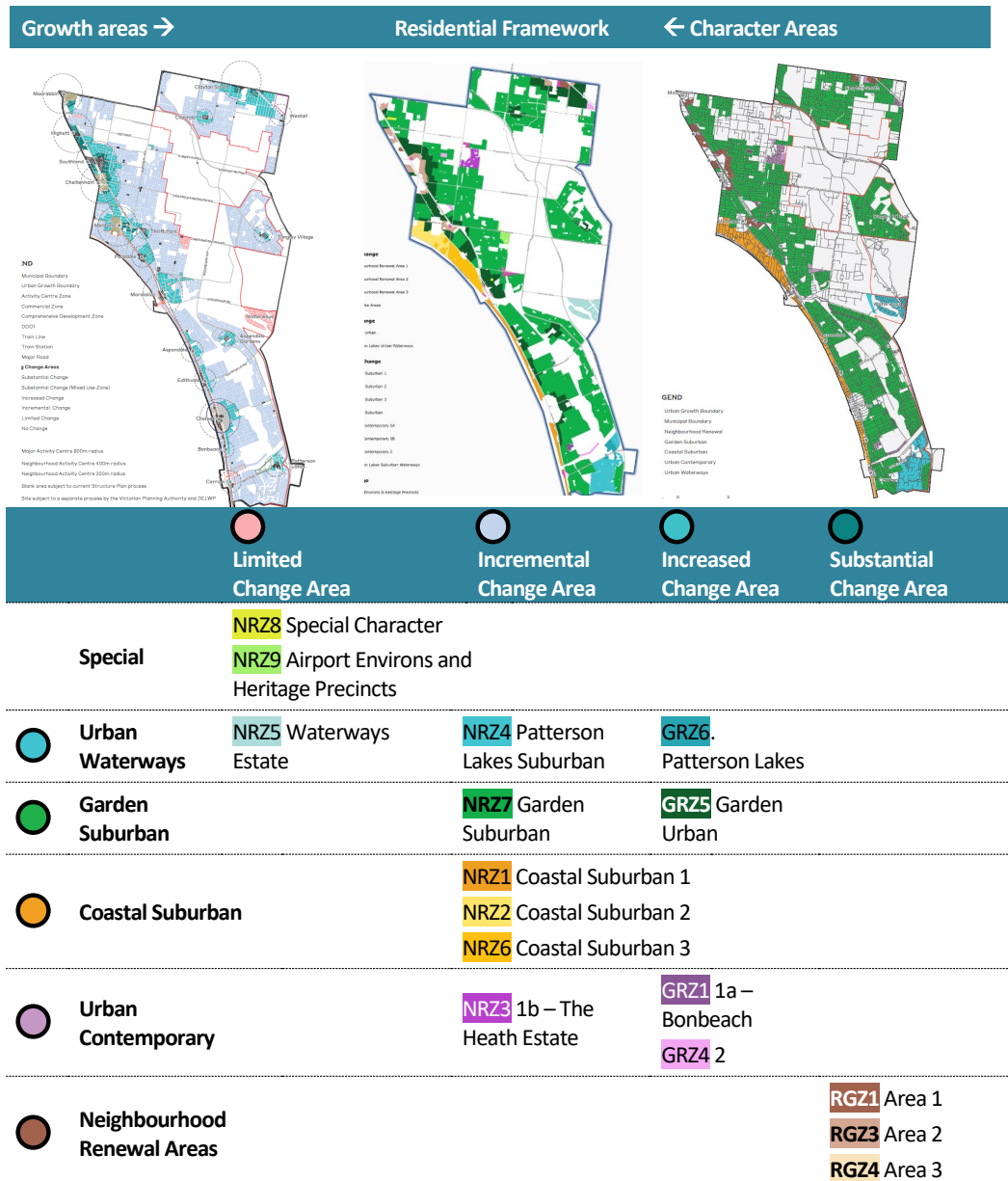
Table 4 Growth settings and character types

Growth setting	Character types
- Limited Change	- Neighbourhood Renewal
- Incremental Change	- Garden Suburban
- Increased Change	- Coastal Suburban
- Substantial Change	- Urban Contemporary
	- Urban Waterways.

Within the character types, there has been a further breakdown into 12 precincts to provide for the characteristics of each area and guide development that respects the 'preferred future character'.

While there are 12 neighbourhood character precincts identified in the *Housing and Character* report, the Amendment seeks to create 16 character precincts, based on how the growth settings and character type interact. This is shown in Table 8. These areas have different zone schedules applied, namely:

- RGZ: 3 schedules.
- GRZ: 4 schedules
- NRZ: 9 schedules.

Figure 5 How the precincts are derived

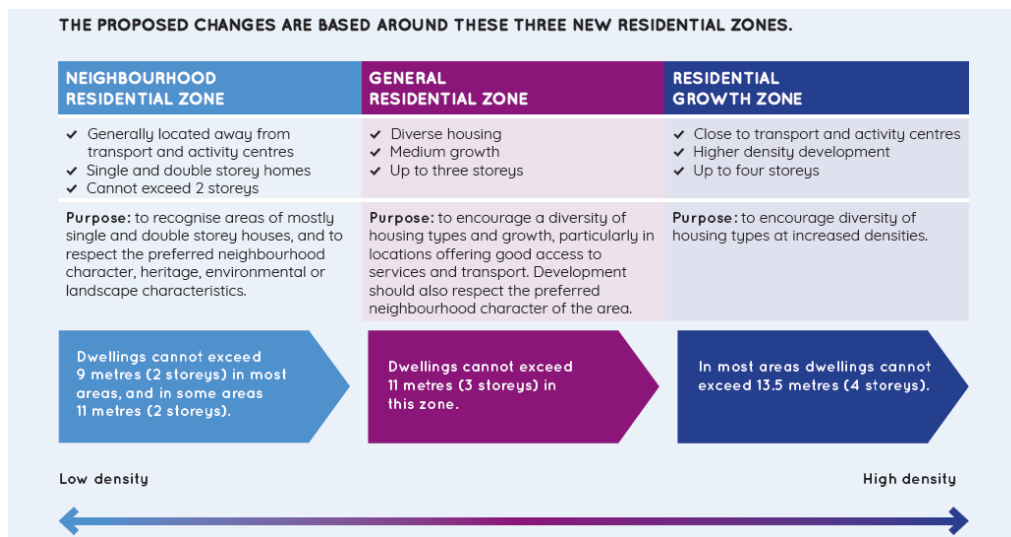
Source: Prepared by the Panel

The Panel observes that the number of character areas, the expansion of the 12 neighbourhood character precincts in the *Housing and Character* report to 16 in the Amendment and translating to 16 zones schedules is a complex approach and in the Panel's view overly complex. In following chapters the Panel identifies areas where it considers that the nuances between character precincts and zone schedules are difficult to justify. The end effect of the approach taken by Council and its consultants is an approach which is difficult for the non professional user of the

Planning Scheme to navigate and to readily understand. This does not make for a good planning outcome.

Figure 6 is the graphic from Council's website explaining the zones. The graphic simplifies what is, in application, a complex application of zones and schedules.

Figure 6 Overview of the three proposed residential zones



3.2 Whether the Amendment caters for sufficient growth

Following completion of the initial *Housing and Character* report, SGS were engaged to prepare a Housing Capacity Analysis (Capacity Analysis) of the *Housing and Character* report and Mr Szafraniec was a key author. The purpose of the Housing Capacity Analysis was to determine the potential housing capacity that could be delivered by the *Housing and Character* report and then align this with forecast demand.

3.2.1 Population growth

(i) Evidence and submissions

Population forecasts

Council submitted that the *Housing and Character* report was based on a 20 year time period. Council relied on the expert evidence of Mr Szafraniec for population forecasts to underpin the forecasts of housing demand.

Mr Szafraniec relied on the *Victoria in Future 2019* (VIF) forecasts. He stated that previous demographic trends were significantly impacted by the Covid19 pandemic. For this reason, VIF forecasts needed to be adjusted downwards. He used data from the federal government's Centre for Population 2021 forecasts to adjust the Melbourne and Kingston population forecasts. He stated that Melbourne's 2031 forecasts were now approximately 10 per cent lower than the pre Covid19 forecasts, which when translated to the municipal level resulted in Kingston having about 5,000 fewer people in 2022 than had previously been expected.

Mr Szafraniec noted earlier forecasts of Kingston's population of 167,325 in 2021, but acknowledged that more recent Australian Bureau of Statistics (ABS) data showed Kingston's population actually fell during the pandemic and was lower than the SGS forecast. He now expected that Kingston's population would rise from 159,600 in 2021 to 200,000 by 2038. Responding to the Panel's request for Council to provide it with assurance that Kingston had sufficient housing capacity to meet demand for an extra 10 years beyond 2038, he stated that extrapolating this trend would see the population rise to 222,600 by 2048. He emphasised that this figure should be interpreted as indicative, as forecasting this far out involved significant uncertainty.

Mr Szafraniec further stated that subsequent to the preparation of the housing demand forecasts by SGS, demographers id Consulting have recently released population forecasts for Kingston of 191,000 by 2038. Mr Szafraniec stated that it would be prudent to base estimates of the future housing demand in Kingston on a range based on these two forecasts for 2038, that is from 191,000 to 200,000 people.

Not all submitters accepted the population forecasts presented by Mr Szafraniec. The Housing Industry Association (HIA) estimated the resident population of Kingston would increase by between 30,983 and 32,615 people between 2021 and 2036. Based on a slightly different time period than used by Mr Szafraniec, this forecast is slightly higher than that prepared by him.

Other submitters, for example Submitters 104, 205 and 237 commended Council for planning for these levels of population growth. Others such as 252, 262, 264 and 489 suggested that Kingston had already planned for more than its fair share of metropolitan population growth or that the growth should be directed to other areas, in some cases to the outer growth areas. Still other submitters questioned the desirability or sustainability of continued population growth. These included Submitters 265, 335, 363, 429, 430 and 497.

In closing, Council was critical of the lack of detail provided by the HIA to support its forecasts.

Housing demand

Mr Szafraniec used SGS's Housing Demand Model to translate the population forecasts to forecasts of housing demand based on 2.5 to 2.6 persons per dwelling.

The model generated a demand for 78,000 dwellings in 2038 to support a population of 200,000 or an extra 11,700 dwellings added to the dwelling stock as at 2021. Extending the forecasts to 2048 would add a further 9,000 dwellings. Extra dwellings required would be proportionately less if the lower population forecasts for 2038 and 2048 was used.

The SGS model demographically segmented the forecast future population, and on this basis the extra dwellings by broad category required in 2038 are set out in Table 5. Mr Szafraniec noted that the changing profile of the population was resulting in more single person households. This was accompanied by a trend towards demand for more diverse and smaller dwelling forms.

Table 5 Dwelling demand by type

Dwelling type	Extra dwelling required between 2021 and 2038
High density	1,057
Medium density	14,392
Separate house	-3,838

Other	59
Total dwellings	11,669

Source: Expert evidence of Mr Szafraniec Table 1

Based on revised population forecasts available at the time of the preparation of his expert witness statement, Mr Szafraniec reduced that forecast demand to the order of 11,000 extra dwellings. He considered a range of 11,000 to 11,700 appropriate for planning purposes.

Based on its slightly higher population forecasts, the HIA's forecasts of extra dwellings was slightly higher than that forecast by Mr Szafraniec.

(ii) Discussion

Clause 11.02-15 of the Kingston Planning Scheme has amongst its strategies *“to plan to accommodate projected population growth over at least a 15 year period”*.

The *Housing and Character* report may not be comprehensively reviewed for 10 years, consequently the Panel indicated that its preliminary view was that the strategy should be interpreted as calling for a rolling 15 year supply of housing supply. The Panel is of the view that it should consider demand and capacity out to 2048 – that is, 10 years beyond the 15 year supply horizon. The Panel notes Council's submission that a number of recent municipal housing strategies had not used this 'rolling 15 year approach' and accepts that consideration of housing demand and capacity beyond the 15 year time horizon may not be universally applied. In this instance, assessment to 2048 has not caused an issue, because the forecasts show that there is the potential housing capacity to accommodate population growth for the extended timeframe.

The Panel acknowledges the disruption caused by the pandemic. The effect of this has been to reduce forecast demand and increase uncertainty. Forecasting based on ranges of outcomes is both acceptable and indeed more useful and perhaps realistic than the hard outcomes often implied in many such forecasts.

The Panel is comfortable with the population forecasts used by Mr Szafraniec and the consequent estimates of future housing demand. The Panel notes the slightly higher forecasts of future housing demand prepared by the HIA and given existing uncertainties considers that these don't fall outside an acceptable range. The Panel sees no merit in pursuing an argument that one set of forecasts is more acceptable than the other.

The Panel notes the submissions that Kingston is already accommodating its share of population growth. It does not accept the argument that higher shares of population growth should be directed to growth areas noting that Plan Melbourne seeks to deliver 70 per cent of new houses within established areas. It is well understood that the cost of providing required infrastructure in growth areas is higher than similar provision within established urban areas. It acknowledges that population growth in existing urban areas often needs to be accompanied by infrastructure upgrades.

The Panel acknowledges that there is a broader societal argument about the desirability and sustainability of levels of population growth. Its role is not to comment on that debate but rather to report on the extent to which Council is implementing policy for forecast levels of population growth.

The Panel concludes:

- The population forecasts used by Mr Szafraniec and the consequent estimates of future housing demand are appropriate.

3.2.2 Future housing capacity

(i) Evidence and submissions

Council relied on the analysis of SGS and the expert evidence of Mr Szafraniec in submitting that the Amendment provides for sufficient capacity to meet Kingston's future population needs. The detailed outcomes of housing capacity analysis in the report entitled *Housing Capacity Analysis Final Draft, 2022*, was summarised in the evidence of Mr Szafraniec.

SGS utilised its Housing Capacity Model to forecast future housing capacity. It is a land parcel based model which assesses the future housing capacity of each available land parcel. It is however a strategic focussed model which does not attempt to assess the unique features of individual parcels.

Input to the model excludes a significant number of land parcels from the analysis based on factors including small lot size, limited site frontage, restrictive covenants and the like. This analysis undertaken in consultation with Council officers resulted in approximately 36,000 land parcels being considered as potentially available for development.

For each potentially available parcel, the model calculates its net dwelling capacity increase based on a range of factors including:

- size of the land parcel
- proposed zone type
- potential development yield
- site density.

Based on this assessment the model calculates future net increase in dwelling capacity set out by suburb in Table 6.

These are distributed between change areas as follows:

- 38 per cent: Substantial change areas
- 35 per cent: Increased change areas
- 26 per cent: Incremental change areas
- 0 per cent: Limited change areas.

The *Housing Capacity Analysis, Final Draft* segments this capacity into the various character areas identified in the *Housing and Character* report.

The SGS analysis simply reported inputs and subsequent outcomes. Consequently, at the request of the Panel, Mr Szafraniec provided a number of worked examples of how the model combines the variables listed above as impacting net increase in capacity so that the Panel could assure itself that the output of the model appropriately reflected net increase in housing capacity.

Table 6 Forecast increase in dwelling capacity

Suburb	Existing dwellings	Net increase in capacity
Aspendale Gardens – Waterways	2,740	1,090
Braeside	40	0
Carrum – Patterson Lakes	5,160	960
Chelsea – Bonbeach	6,760	2,360
Chelsea Heights	2,150	380
Cheltenham Highett (East)	10,420	10,350
Clarinda – Oakleigh South	4,140	1,560
Clayton South	4,730	4,310
Dingley Village	3,360	1,120
Edithvale – Aspendale	5,020	2,230
Mentone	5,960	4,580
Moorabbin- Heatherton	3,360	3,370
Moorabbin Airport	0	0
Mordialloc – Parkdale	8,310	5,240
Total	62,420	37,910

Source: SGS *Housing Capacity and Analysis Final Draft*, Table 4 and the expert evidence of Mr Szafraniec Table 4.

In addition to the output of the model summarised in Table 6, Council identified a number of potential future housing projects that would boost capacity but were subject to further work, and in a number of cases, rezoning the land, including:

- the outcomes of the proposed Chelsea Structure Plan
- outcomes of processes for the proposed Suburban Rail Loop
- any decision made by the Minister with respect to the former Kingswood Golf Club
- the draft Urban Forest Strategy
- the outcomes of Council's investigation of other Large Residential Opportunity Sites
- the Kingston Green Wedge Management Plan Review.

With respect to future capacity, the HIA submitted that Kingston's housing stock was not fit for purpose because of the predominance of detached housing, a type for which demand is declining. The HIA submitted that there is further capacity for increasing the future dwelling stock in activity centres and along roads in the Transport Zone. It further submitted that the *Housing and Character* report overestimates future dwelling capacity but provided no detail or evidence to support this claim.

A number of submitters addressed site specific capacity issues, usually based on the contention that their site had not been appropriately zoned. This is not reported here for individual sites as it has very limited impact on the macro capacity calculations addressed in this section. Where relevant these are addressed later in this Chapter for precinct-wide issues and in Chapter 6 for specific sites.

Mr Szafraniec stated that bringing his forecasts of demand and capacity together, potential capacity in 2038 will be more than twice the forecast demand. Outcomes of the demand and capacity forecasts for 2038 and 2048 prepared by Mr Szafraniec are summarised in Table 7.

Table 7 Dwelling demand and potential capacity, 2021–2048

	2021–2038	2021–2048
Demand (Sept 2022)	11,669	20,662
Percentage of capacity	31 per cent	55 per cent
Updated demand (Mar 2023)	10,978	20,582
Percentage of capacity	29 per cent	54 per cent
Capacity (March 2023 -updated)		37,910

Source: Expert evidence of Mr Szafraniec, Table 9

Mr Szafraniec provided demand and capacity data by broad housing type categories. This shows that in the medium density dwelling category, potential capacity is only slightly above forecast demand, indicating potential tightness in this market segment. It is beyond the scope of this Panel's considerations to assess the possible implications of this tightness as it is something that will play out in market dynamics.

Both Submitters 288 and 489 placed considerable emphasis on the ratio of capacity to demand exceeding 2:1, arguing that there was far more capacity being provided than was needed and subsequently less area should be provided for potential higher density development.

(ii) Discussion

The Panel is satisfied that the Housing Capacity Model used by SGS to forecast future housing capacity is appropriate. The methodology used by SGS is appropriate and was not seriously challenged by any submitter. The worked examples of the calculation of future capacity by land parcel provided at the Panel's request gives it a necessary degree of confidence in accepting both the methodology and the outcomes of the model.

The Panel has concern about the widespread use of the term 'future dwelling capacity' or variants of it. The Panel is strongly of the view that the word 'potential' should be added whenever future capacity is being discussed. Because this is a land parcel based model, whether any particular site becomes available for (re)development is based on decisions of many individual land owners. It can't be assumed that all land parcels potentially available will become available. This said, the Panel recognises that over the 15 or 25 year forecast period, and based on average periods of ownership, most of the land parcels included in this analysis are likely to become available albeit not necessarily acquired for redevelopment.

The Panel considers that the demand and capacity forecasts provide sufficient evidence that there is potential capacity to meet any realistic assumptions about the likely level of future demand at least to 2038 and most likely to 2048. In drawing this conclusion, the Panel acknowledges the indicative nature of the forecasts the further they are into the future.

The Panel does not accept the arguments of Submitters 228 and 489 and others who argued that too much future capacity was being provided, beyond that what was needed. The Panel repeats its observation above that the planning period of the next 15 years needs to be understood in a continuum of ongoing planning for the future and the likely continuation of population growth at

some level, and that not all sites identified as having capacity for additional housing will be redeveloped. The Panel might have some concern if potential capacity was many times the likely future demand, but that is not the case here.

The Panel considers that it is more appropriate to identify areas suitable for potential higher density development regardless of the time period under consideration, as long as the process identifies enough area for potential growth. This appears to the Panel to be clearly the case in this Amendment.

The Panel further notes that the excess of capacity over demand is not the same for all market segments with some tightness in the medium density category and similarly less demand for detached dwellings than existing supply. The overall excess of capacity over demand is needed to allow market flexibility in these sub categories.

The Panel concludes:

- The methodology used by SGS to forecast potential housing capacity for Kingston is appropriate.
- The forecast dwelling capacity is appropriate.
- The forecast dwelling capacity is likely to provide for the forecast demand.

3.3 Garden Suburban and Garden Urban areas

(i) The issue

The issue is:

- Is the application of Garden Suburban (**NRZ7**) and Garden Urban (**GRZ5**) areas broadly appropriate?

As stated earlier, the Panel has bolded **GRZ5** and **NRZ7** in this report given they are the main zones applied, and are in a sense the 'default' GRZ and NRZ schedules applied.

(ii) What is proposed

The dominant residential zone currently applied in the Kingston Planning Scheme is GRZ3 which has a mandatory maximum building height of 9 metres and three storeys. Many of these areas are proposed to be rezoned to **NRZ7** with a mandatory maximum height of 9 metres and two storeys.

Most areas in the immediate catchment of activity centres are currently zoned GRZ2.² GRZ2 applies the default mandatory maximum building height of 11 metres, and 3 storeys. **GRZ5** is proposed to apply to the defined walkable catchments of Major Activity Centres (MACs) and Neighbourhood Activity Centres (NAC)s, based on the rigorous and consistent methodology in the *Housing and Character* report. **GRZ5** has the same mandatory maximum building height as GRZ2, and so for many areas in walkable catchments there will be no change in height limits.

Some areas in these walkable catchments are, however, currently zoned GRZ3 (where a 9 metre height limit applies). These areas in the defined walkable catchments are proposed to be zoned **GRZ5**, thus enabling 11 metre high residential development. In these areas the same number of storeys will be allowed but the height limit is increased by 2 metres.

² The term immediate catchment is used for the areas around activity centres where GRZ2 currently applies as it is not clear to the Panel what criteria were used in the current application of the zone.

(iii) Evidence and submissions

The change from GRZ3 to **NRZ7**, outside of the walkable catchments was interpreted by some submitters as a back zoning as the current 9 metre mandatory building height limit (that can deliver three-storey development) is being replaced by a mandatory two-storey building height limit.

There were submissions in most suburbs which objected to development of three-storey buildings in the GRZ, a number of which appeared to the Panel not to appreciate that three-storey development was already permitted.

The delineation between the incremental and increased change areas, and hence the three-storey and two-storey limit is based on the concept of walkable catchments. A number of submissions addressed this issue. Submitter 297 submitted:

The walking catchments to all activity centres across Kingston, whether 400 metres or 800 metres, depending on the size of the centre, are measured from the railway station located within these centres.

Where a centre does not have a station, the centre of the activity centre zone has been used, except for the Southland Activity Centre.³

Council responded that the walkable catchment is measured from either the edge of the Commercial 1 Zone or from the retail core. The *Housing and Character* report details how hard barriers such as a railway line and dead end streets are dealt with and how the walkable distance follows streets and is not simply a circle drawn around a mid point in the activity centre. Council further responded that the walkable catchment to an activity centre is an established and accepted methodology.

Submission 506 was a petition from residents located east of Southland MAC but within its walkable catchment. It raised issues with respect to the methodology and application of the walkable catchment and proposed the application of the NRZ instead of the GRZ. Council responded that the application of the GRZ around the Southland MAC is considered acceptable and the walkable catchment criteria are appropriate.

By far the most common issue raised by submitters objecting to the Amendment was the potential amenity impacts associated with three (or more) storey development associated with the application of the GRZ and RGZ, primarily within the walkable catchments of activity centres.

Submitters objecting to three-storey development were in some cases simply saying they don't want such development in their area. Others were basing their objections on one or more of the following potential amenity impacts:

- visual bulk from high walls close to site boundaries
- overlooking from neighbouring development
- overshadowing from neighbouring development
- increased traffic in streets that in some instances are relatively narrow
- increased on-street parking issues
- difficulty in emergency vehicles and large truck access
- perceived lack of community and physical infrastructure.

³ Submission 297 p 2

(iv) Discussion and conclusion

The Panel accepts Council's submission that the methodology used in defining walkable catchments is acceptable and has been appropriately applied. Using walkable catchments from activity centres to delineate areas where higher forms of development are directed, and differentiating them from areas of established lower scale more distant from activity centres, makes planning sense and is consistent with policy.

The Panel acknowledges that the character of areas where there is a change in maximum building height from 9 metres to 11 metres with associated change in policy to 'increased change' will result in a change to character, albeit this change will occur over a number of years or decades.

As discussed above, the Panel observes that three-storey development is already permitted in extensive areas under current zoning. A number of resident submitters objecting to three-storey development did not appear to appreciate this, perhaps because this change was not being witnessed yet in their neighbourhood.

Almost all of the residential land in the municipality is zoned GRZ and therefore can currently have 3 storeys (except within DDO1). This won't change, except where the lower limit in the NRZ is applied. However there are areas where the maximum building height is being changed from 9 metres to 11 metres within the GRZ, and this is more likely to result in three-storey development, given the difficulties in achieving three storeys within 9 metres.

The Panel acknowledges that amenity issues with three-storey development are legitimate concerns which need to be addressed. In its closing submission Council acknowledged that there will be some impact of three-storey development in areas that have traditionally been areas of one and two-storey dwellings. It emphasised that a number of the amenity issues raised by submitters would be addressed through ResCode provisions, a number of which are being strengthened through the Amendment, and these amenity issues would be addressed at the planning permit stage. Council emphasised that three-storey development should not be regarded as necessarily bad development. The Panel agrees.

In the Panel's view the legitimate amenity concerns raised by submitters are not sufficient reason to discourage or prohibit the type of development proposed in the walkable catchment of activity centres as proposed. Change must occur to accommodate population growth and changing households. The onus is on Council, servicing authorities, the State government and indeed developers to understand community concerns and where possible, within limits, ameliorate them. This however must also be done within the context of providing housing supply and housing choice commensurate with our changing population needs and sustainable development. The Panel expects that community expectations regarding medium density development will change over time particularly as better quality development that changed standards herald, is built.

The Panel notes that submitters from a number of suburbs presented images of three-storey development which they submitted they did not want in their area, given the significant detrimental impact on amenity and neighbourhood character. Most of these images were of existing development in Kingston. The Panel understands the reaction to many of the images presented and notes that while it is not in a position to assess whether particular examples cited would comply with the controls proposed through this Amendment (namely ResCode variations and neighbourhood character policy provisions), based on what was shown to the Panel a number would not. The examples chosen by submitters did not include examples of high quality medium

density development which by its very nature is often not as visually prominent as some lesser quality development. Having said this, the Panel acknowledges that the first one or two, three-storey developments in a precinct can present a particular challenge for Council in managing amenity concerns in an area in transition.

Other amenity concerns, such as traffic and parking, cannot be addressed in this Amendment and are dealt with on a development-by-development basis. One of the challenges for Council will be the cumulative impacts of development. Infrastructure provision is beyond the scope of the Amendment and the Panel does not comment in detail other than to observe that this will continue to be a challenge for all three levels of government in a post-pandemic era.

Melbourne will continue to grow as it has since its inception and the change to be experienced is also not new, albeit the nature of the change to be experienced by residents in these areas may well be new to them. The Panel supports Council's approach of locating higher density development in the walkable catchments of activity centres. Medium density development is forecast to be in increasing demand and provides a diversity in housing stock that is often relatively more affordable than single dwellings.

The Panel concludes:

- The broad strategic approach of higher forms of development in walkable catchments is supported by policy.
- Three-storey development including three-storey apartment development has an important role to play in meeting Melbourne's housing needs and this form of development can sit comfortably next to single and two-storey development if designed well.

3.4 Coastal areas

(i) The issue

The issue is:

- Is the application of the NRZ appropriate in all of the coastal character precincts?

(ii) Background

DDO1 is an existing control that includes mandatory requirements:

A single storey building (which may include a basement carpark with a maximum height of 1.2 metres above natural ground level) must not exceed 6.0 metres in overall height.

A building must not be greater than 2 storeys in height (which may include a basement carpark with a maximum height of 1.2 metres above natural ground level).

The *Housing and Character* report says of the coastal character areas:

As development transitions away from the coast, dwellings will orientate towards the street and present a more formal landscape setting, with prominent gardens and larger canopy street trees. Building footprints will become smaller, as streets display wider setbacks and more infill development.

DDO1 aligns with the coastal character area where NRZ1, NRZ2 and NRZ6 are proposed.

NRZ1 and NRZ6 are proposed to include a maximum building height provision of 11 metres and 2 storeys.

(i) Evidence and submissions

A number of submitters objected to the application of NRZ1, NRZ2 and NRZ6. For example:

- Submitter 358 who is located in NRZ1 in Aspendale argued for the provision for greater development and objected to the rezoning from GRZ2.
- Submitters 3 and 179 are located in the proposed NRZ6 but objected to it, submitting that a zone that enables greater development opportunity is appropriate in an area close to the Mordialloc MAC.
- Submitter 414 (Calvary Health Care) opposed the proposed NRZ6 and the associated constraints on development potential of a two-storey height control. The submitter was concerned about the future development and land use potential of their health care facility in the proposed NRZ6. DDO1, which will continue to apply, has a mandatory two-storey height control for all buildings.

Council responded that NRZ was being proposed in areas where DDO1 applied so that a zone consistent with the intent of DDO1 applies and that there was insufficient strategic work to remove DDO1 as part of this Amendment. Further Council submitted a potential future land use for an aged care facility would be subject to the provisions of Clause 53.17 (Residential Aged Care Facility), which allow a height greater than the zone and the current DDO1, the relevant provisions of Clause 53.17 being:

If there is any inconsistency between a requirement in this clause and a requirement in another provision of this planning scheme, this clause prevails.

In the Neighbourhood Residential Zone, General Residential Zone and Township Zone the maximum building height must not exceed 16 metres.

There was a small number of submitters located in the proposed NRZ1 area who supported the proposed zoning.

Mr Glossop gave planning evidence for Council. He noted that there were areas within DDO1 (that has a two-storey height limit) that the Amendment seeks to rezone from the GRZ2 with an existing 11 metre height limit, to the NRZ1 which also allows for an 11 metre maximum building height. Mr Glossop considered it somewhat unusual to have an 11 metre maximum building height in the NRZ, however considered it reflected some large dwellings with basements or roof decks. Overall he considered that the GRZ2 was inconsistent with the existing character and supported the application of the NRZ to these areas.

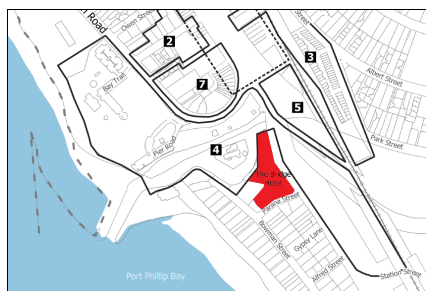
Lowe Living submitted there was a:

... a lack of nexus ... between the application of the NRZ and the principles of urban consolidation as set down by the State government. In simple terms, there is an absence of strategic analysis to support the broad-brush application of the NRZ, particularly.

- Where current policy has informed outcomes that differ from the core / essence of the NRZ classification.
- Lands are contained within the catchment areas that define the activity centres.

Bridge Hotel

Submitter 206 was the Bridge Hotel which is proposed to be zoned NRZ1 because it is located in the coastal strip west of the Nepean Highway, in Mordialloc. DDO1 and DDO7 apply to the site as does the Heritage Overlay (HO13) to part of the site. An Environmental Audit Overlay also applies to part of the site. The site includes a heritage building with a frontage to the Nepean Highway and the site abuts the Mordialloc Creek. The site is not part of the Mordialloc MAC to its north.

Figure 7 Bridge Hotel and Mordialloc Major Activity Centre

MPS: site coloured by the Panel

The Bridge Hotel submitted that the *Housing and Character* report recognises this site as a significant development opportunity and that zoning it NRZ1 as opposed to its current zoning of GRZ2 is a 'down zoning' of the site and not appropriate recognition of its potential.

The Bridge Hotel further submitted that no strategic justification has been provided for the zone proposed and that the idea that the proposed zoning could be justified on neighbourhood character or built form grounds was without merit.

Ms Waty, who gave urban design evidence for Council, acknowledged under cross examination that there were no design issues to distinguish between two and three-storey built form on the site.

The Bridge Hotel submitted that the site should be retained in its existing GRZ2 and argued that leaving the land with its current zoning is not a spot rezoning as Council had contended. Council responded that the existing DDO1 restricts development to two storeys and that the proposed NRZ1 was appropriate.

In its closing submission, Council contested the submissions on the characterisation of the site in the *Housing and Character* report, saying the report had been misrepresented by the Bridge Hotel. Council submitted that the existing DDO1 and other constraints including the Heritage Overlay which applies to a substantial portion of the site were significant reasons for the proposed application of NRZ1 to the site.

Mentone Grammar and St Bedes College

Mentone Grammar School (Submitter 300) is currently in the GRZ2 and GRZ3 and is proposed as part NRZ2 and part NRZ6. It submitted that Council had not provided strategic justification for applying the NRZ to the school property. It further submitted that the *Housing and Character* report does not give due recognition to the significant cluster of non-government schools which exist within a small area in Mentone.

Mentone Grammar submitted that schools are not static entities, and they are continually developing and investing to accommodate changing needs and growth. It submitted that the NRZ is not an appropriate zone to accommodate this. The School submitted that given the lack of strategic justification it should remain in the GRZ. It submitted that if the rezoning to NRZ is supported by the Panel, the future growth and investment in the school should be appropriately recognised by amending Clause 02.03-09 to read:

Support the on-going investment and growth of the education cluster in Mentone as a significant attractor to the liveability of the municipality.⁴

St Bedes College (Submitter 240), one of the other non-government schools in the Mentone cluster, submitted that it was opposed to the application of the NRZ to their site but provided no detailed argument.

In closing, Council submitted that that the schools are located in residential areas and that it was important that each is zoned consistently with the expectations for change in the local area. It submitted that the purpose of both the NRZ and GRZ provide specifically for uses such as schools. Council submitted that Clause 19.02-2S of the Planning Scheme explicitly recognises that schools will not look identical to surrounding housing, stating:

Recognise that primary and secondary educational facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass)⁵

Further Council submitted, supported by the evidence of Mr Glossop, that in the NRZ a number of controls (including building height) apply to residential uses only.

Commercial zones covered by DDO1

DDO1 applies to a number of single and two-storey shops in the Commercial 1 Zone, particularly along the Nepean Highway. Submitted suggested DDO1 essentially prevents the economic development of meaningful shop top housing in these highly accessible locations, many very close to train stations.

(ii) Discussion, conclusions and recommendation

The application of DDO1 is not directly before the Panel, but DDO1 has been used to determine the extent of the coastal character areas, and as a justification for the application of NRZ1, NRZ2 and NRZ6 in these areas.

DDO1 is aimed at character issues as evidenced by its objectives:⁶

To protect and enhance the Port Phillip Bay and Patterson River foreshore environment.

To maintain visual separation between the foreshore and adjoining urban areas.

To ensure that new buildings and works are compatible with, and sympathetic to, the foreshore environment.

To ensure that new buildings and works do not adversely impact the amenity and character of the foreshore and surrounding land.

In these objectives 'environment' is referring the visual environment and there is no suggestion that the control seeks to achieve any biodiversity objectives or the like.

Land immediately adjacent to the coast does has a distinct character, but this character changes to a typical garden suburban character within a relatively short distance. There is certainly a broad feel of being close to the coast in the coastal character areas, but it is by no means clear that development needs to be no more than two storeys to respect this character. The Panel observes that there are other developed coastal areas in Melbourne adjacent to Port Phillip Bay that are taller than two storeys yet distinctly 'coastal'.

⁴ Submission of Mentone Grammar, para 21.

⁵ Council closing submission para 38l

⁶ Council closing version

The Panel notes that the Housing and Character report clearly shows how land within the walkable catchment of Mentone, Parkdale and Mordialloc activity centres has not been placed into the 'Increased change' area, on the basis that it is within the Coastal character 1 or 2 area.

Figure 8 Coastal character 1 or 2 area housing change

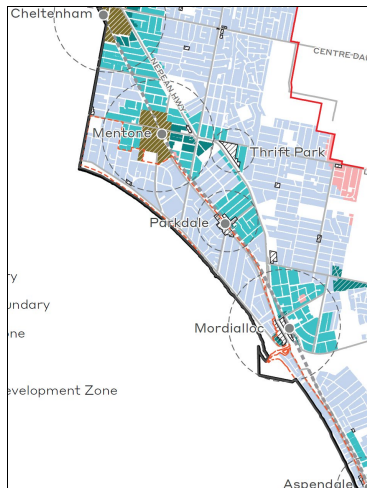
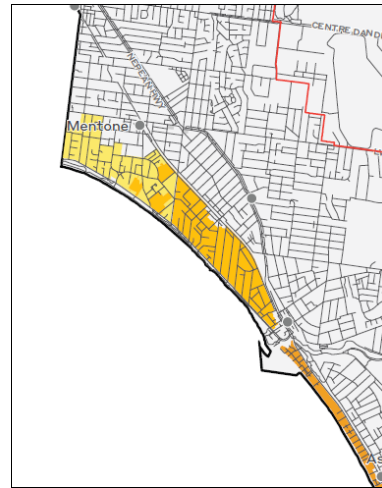


Figure 9 Coastal character 1 or 2 areas



The Panel has not turned its mind to the merit of the two-storey limit in the immediate coastal environment that applies under DDO1 (as this is not a matter before it). The issue is where that two-storey limit, and NRZ that has been applied some distance from the immediate coastal environment, and within identified walkable catchments of activity centres that might warrant the application of the GRZ.

The planning approach to coastal character areas needs to balance three things (see Figure 4):

- The two elements of all areas:
 - Housing supply and
 - Character
- The specific protection of the coastal environment.

The balancing of character and housing need is clearly demonstrated in the areas outside of DDO1 where GRZ is applied within walkable catchments around railway stations and activity centres and NRZ outside of these catchments. If it were not for DDO1 one would expect the policy settings on the coastal side of the railway line to broadly mirror settings on the inland side. They do not. This is because DDO1 restricts all development, but this has not been shown as justified as part of this Amendment process where the areas are distant from the coast, within walkable catchments that the policy says therefore should accommodate greater change, and DDO1's foreshore focussed objectives have little or no relevance.

Further, an inspection of these areas indicates that the two-storey limit is not obviously applicable everywhere. There are some existing three-storey developments dating from before DDO1, and places where the topography would suggest that three or more stories could reasonably be accommodated with no adverse impact on the foreshore environment. This is particularly the case with Bridge Hotel and residential land adjacent to it fronting the Nepean Highway.

The Panel does not believe DDO1 should be taken as a strategic driver of the housing strategy in Kingston without clear justification under current policy settings. This is not to say that coastal protection ought not occur, but it needs to occur in a strategic framework that balances character and housing growth. Because this strategic work did not reconsider DDO1 this balance has not been demonstrated for the areas covered by DDO1.

The Panel accepts that the relatively narrow strip of coastal character area 1 between the Nepean Highway and the foreshore has a very distinct character, and accepts the application of the NRZ for the bulk of this area. However, because DDO1 has not been reviewed but has instead been used to shape housing policy in a fundamental way, the Panel cannot support the application of the NRZ in the coastal policy areas that have been identified in the *Housing and Character* report as being within the walkable catchment of an activity centre in on coastal character areas 2 and 3.

The wisdom of applying a two-storey height limit within the walkable catchments of train stations, some distance from the foreshore and in areas that are very similar to land on the other side of the tracks, should not simply be taken as a given in 2023. The ongoing merit of a two-storey height control in DDO1 is not apparent in these areas, but the strategic work simply accepted the limit as an existing constraint and did not review it from first principles. This is not what a combined approach to housing strategy and character is meant to do.

The Panel believes the strategic work is sufficiently robust to support the application of the Garden Urban designation and **GRZ5** to areas within the walkable catchments of Parkdale and Mentone identified in the *Housing and Character* report, applying the same methodology for walkable catchments as applied elsewhere.

The walkable catchment for the Mordialloc centre includes the immediate coastal strip and so a boundary needs to be set to identify the properties that do warrant a lower height limit because of their immediate coastal location. This would require further strategic work.

The schools

The Panel notes Council's position that the location of a Mentone Grammar and St Bedes College in the NRZ is consistent with the purpose of that zone and that a number of the provisions of the NRZ such as the maximum building height limit do not apply to schools. But this just underlines the need to review DDO1. As Melbourne densifies to cater for growth, non-residential uses must also densify and it may well be a better outcome more in keeping with Kingston's landscape aspirations if additional floorspace that the schools might require was added through additional height, rather than using up ground level space that could serve a recreation or landscape function. It is not clear to the Panel that DDO1 is achieving desirable outcomes in respect of school sites, and placing the sites into the NRZ only compounds the issue.

Bridge Hotel

The Panel considers that some redevelopment is likely to occur at the Bridge Hotel site at some stage. This will necessitate a detailed development application which will address the relevant overlays, the setback from the foreshore as well as appropriate zoning for whatever form of development that is proposed. However, in the meantime the land should not be 'down zoned' to the NRZ. The site is well located and in the mind of the Panel in practice forms part of area of the Mordialloc MAC, whether or not it is designated as such. There are no good policy reasons to exclude it.

The Panel concludes:

- The use of DDO1 to justify the application of the NRZ to all coastal character areas is not justified. DDO1 is a 'character' control and should have been subject to a first principles review in the *Housing and Character* report.
- Land within the walkable catchments of Mentone and Parkdale should be placed in the **GRZ5**, with the Garden Urban character applied. DDO1 should be removed from these areas.
- Private schools in the coastal character areas should remain in the GRZ, as should the Bridge Hotel.

Commercial zones covered by DDO1

It is not clear that the application of DDO1 to commercial zones is achieving any current policy objective.

3.5 Other issues

(i) Residential area not included in the Amendment

There are areas of existing residential zoned land that are not included on the Residential Framework Plan or referenced in the table to Clause 02.03-6. This means that the MPS gives an incomplete picture of the residential policies that apply in Kingston. This is likely to be confusing to planning scheme users. The Panel is not suggesting that new policy needs to be drafted for these areas but rather they need to be identified on the Residential Framework Plan and appropriate notation included in the table to Clause 02.03-6 to identify them as residential areas.

(ii) Minor clarifications to the Table to Clause 02.06-6

The Panel has identified two minor refinements that should be made to the table to Clause 02.03-6, presented here as track changes:

Substantial change areas

In areas generally within a 400 or 800 metre walkable catchment of activity centres, a greater mix of housing diversity and increased residential densities will be provided. ...

Increased housing change areas

These areas will provide a wider diversity of housing types and sizes (including the number of bedrooms) in development of up to 3 storeys. ...

The first change reflects the Panel's understanding on how walkable catchments have been defined.

The second is a more accurate reflection of the controls, and likely development outcomes.

(iii) Neighbourhood Renewal Area numbering

RGZ2 is not included on the Residential Framework Plan and so there is a mismatch between the Neighbourhood Renewal Area numbering and the RGZ numbering. This is confusing. If the RGZ2 is included on the plan as recommended then Council ought to align the Neighbourhood Renewal Area numbering.

(iv) Order of Schedule numbering

The Panel has found the Amendment to be complex and anticipates the Planning Scheme will not be easy to understand in practice. Council should consider reordering the numbering of the zone schedules so that the 'Garden Urban area', which is the most commonly applied residential zone, is numbered GRZ1. Likewise, **NRZ7** which is the most extensively applied NRZ, should be NRZ1. This would place the two 'default' zones in the GRZ1 and NRZ1 positions and may make the Planning Scheme easier to use.

3.6 Overall conclusions and recommendations

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and broadly implements, the relevant sections of the Planning Policy Framework
- is broadly consistent with the relevant Ministerial Directions and Practice Notes, except as it relates to some coastal character areas within identified walkable catchments of activity centres
- is broadly strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends:

1. **Include the changes to Policy, Zone and Overlay Schedules proposed in Council's Final positions on the Amendment (Document 68) except as specifically recommended.**
2. **Include all residentially zoned land on the Residential Framework Plan, and in the table to Clause 02.03-6.**
3. **In the table to Clause 02.03-6:**
 - **Add 'or 800' after 400 in the distance description of walkable catchments**
 - **Add 'up to' before three storeys**
4. **Rezone residential land within the walkable catchment of Mentone and Parkdale activity centres and within Design and Development Overlay Schedule 1 to General Residential Zone Schedule 5.**
5. **Do not change the current zones of:**
 - a) **the Bridge Hotel and treat it in policy in the same way the area around Chelsea is treated**
 - b) **private schools in the coastal character area.**
6. **Review Design and Development Overlay Schedule 1 as it applies to General Residential Zone areas and commercial zones.**

4 Policy issues

4.1 The need for a long term view

(i) The issue

The issue is:

- Does the policy framework take a sufficiently long term view?

(ii) Evidence and submissions

Submitter 510 is a resident of Bonbeach, but his submission was general in nature. He is President of Zero Kingston 2030. The submitter presented a detailed and thoughtful submission and supported the emphasis within the Amendment on the principles of the 20 minute neighbourhood. The submitter was however critical of the perceived emphasis on the car as a mode of travel and submitted that the Amendment should place more emphasis on pedestrian centred activity. He further supported the emphasis on increasing housing supply, diversity and accessibility and argued that there should be even more emphasis on this. The submitter also commented on the necessity to place a greater emphasis on the impacts of climate change and its implications for the Amendment. He strongly supported the notion of walkable precincts in the provision of housing and transport.

Council responded that many important issues raised by the submitter are outside the scope of the Amendment but have formed part of the underlying strategic consideration of the Amendment.

(iii) Discussion

The Panel acknowledges the submission and agrees with Council that a number of the broad strategic issues raised by the submitter do indeed underpin not only the Amendment but the broader strategic planning for urban areas in Victoria.

While the Amendment provides sufficient capacity over the medium term for housing, as Australia and Victoria continue to grow further capacity will eventually need to be found within Kingston. Kingston has many attributes, including a train line, that mean it could support further higher density development.

The form and location of this future higher density development cannot be determined at present, but it is fair to say that as higher density forms become more common across Melbourne, especially in order to meet government policy for 70 per cent of new houses to be within existing areas, further opportunities will present themselves within Kingston.

Council and the community need to recognise that the current work will not be the last say on housing intensification in Kingston. The work will need to be reviewed in the future and in all likelihood that review will identify further areas for intensification, and potentially taller development in existing areas identified for intensification.

4.2 Large residential opportunity sites

(i) The issue

The issue is:

- Should the scheme recognise Large Residential Opportunity Sites?

(ii) What is proposed

The exhibited Amendment proposed to delete the category of 'Large Residential Opportunity Sites' in the Table 1 at Clause 02.03-6. However, in its final position on the Amendment Council proposed to retain this designation in the table.

The preferred residential development outcome is identified as:

Current scheme:

Integrated mix of lot sizes and housing types and medium density housing.

Proposed (Council preferred version)

Sites that will accommodate an integrated mix of lot sizes and housing types, and medium to high density housing.

Specific sites are not identified and no criteria for listing sites is presented.

(iii) Evidence and submissions

Ms Jordan gave evidence for AS Residential No. 1 Pty Ltd which owns the former Kingswood Golf Course at 179–217 Centre Dandenong Road, Dingley Village. The site is a large former golf course that may have residential development potential. Ms Jordan outlined the characteristics of the site that would support residential development, and stated that these attributes:

- 83 ... would in my view comfortably qualify the site to be identified in the Strategy as a Large Residential Opportunity Site, acknowledging its potential to contribute to future housing within this part of Kingston, subject to the necessary rezoning. Leaving a site with these attributes out of the Strategy completely, as is currently the case, means there is no strategic guidance for its future consideration.

Ms Jordan did not support listing Large Residential Opportunity Sites in the Planning Scheme, or including specific criteria, but did consider:

A new sub clause at the bottom of Table 1 which outlines the purpose of the Large Residential Opportunity Sites as part of the overall housing growth strategy for Kingston. This new sub clause could include the statement that an 'opportunity site' is one where a large parcel of land has the potential for redevelopment in the future (subject to further work) and nominate the defined criteria listed in the Strategy for a site to be considered a Large Residential Opportunity Site.

Submitter 295 (Leaf Corporation) has land zoned part Public Park and Recreation Zone (PPRZ) and part Commercial 2 Zone in Heatherton and proposes future rezoning. It requested the introductory policy wording in Clause 02.03-6 include references to housing opportunities supported through the development of Activity Centre Structure Plans or site specific rezonings. It also requested that Large Residential Opportunity Sites not be deleted from the Table 1 to Clause 02.03-6.

Council submitted that the *Housing and Character* report had not identified new Large Residential Opportunity Sites that are able to be appropriately identified for redevelopment at this stage.

Council submitted that it was apparent from the discussion at the Hearing that there are many views of what characteristics could be considered in assessing what constitutes a Large Residential

Opportunity Site. A list of criteria at a local level has not been included within the Amendment as exhibited and is not supported by Council.

(iv) Discussion and recommendation

The Panel is aware the former Kingswood Golf Course was the subject of a Hearing considering a proposed Ministerial amendment and a proposed planning permit application to permit a specified residential development on the site.

The Panel agrees it would be premature to identify it as a Large Residential Opportunity Site before receipt of the Minister's decision on the development of the site which will necessarily consider the suitability of the site for residential development (the vast majority of which is not presently zoned for residential purposes).

The Panel supports Council's proposed retention of Large Residential Opportunity Sites in the table at Clause 02.03-6.

The Panel considers there is a need to provide some guidance on what might constitute a Large Residential Opportunity Site, but this does not need to go much beyond recognising that these sites are large enough that they can provide for increased housing opportunities and could create their own character in the centre of the site provided appropriate transitions on the edges were achieved.

The policy text that 'calls up' the Residential Framework Plan includes:

It is anticipated that all residential areas of Kingston will continue to accommodate housing change, with those areas better serviced with public transport, infrastructure and job opportunities able to accommodate more. The Residential Framework Plan identifies the range of housing outcomes sought across the city.

Strategic directions for housing are to:

- Respond to demand for new, diverse and affordable housing to meet needs of Kingston's growing and ageing population.
- Encourage high levels of amenity in new residential development.
- Support residential change consistent with the preferred housing outcomes identified in Table 1.
- Facilitate access to housing for low income households.

It would be appropriate to add to this with a new dot point:

- Consider site responsive approaches on large sites that present an opportunity for residential development that can establish their own character within the centre of the site.

The Panel concludes:

- It is appropriate to include a reference to Large Residential Opportunity Sites.
- There is a need to provide some indication as to what is meant by Large Residential Opportunity Sites.

The Panel recommends:

7. Include in the dot point list before Table 1 in Clause 02.03-6 a new dot point:

- **Consider site responsive approaches on large sites that present an opportunity for residential development that can establish their own character within the centre of the site.**

4.3 Character policy and schedule objectives

(i) What is proposed

Character type are managed by different schedules to the NRZ, GRZ or RGZ. Character objectives are proposed in the schedules, and character policy is also proposed at:

- Clause 15.01-5L-01 (Preferred Character Statements)
- Clause 15.01-5L-02 (Preferred Landscape Character Statements).

Appendix E presents this material consolidated for each precinct, with coastal character area policies presented side by side for comparison.

(ii) Evidence and submission

Mr Glossop prepared a policy matrix for a selection of zones that highlighted repetitive policy strands across the schedule objectives; Neighbourhood Character policy for Kingston at Clause 15.01-5L-01; Landscape Character policy for Kingston at Clause 15.01-5L-02; the Clause 54 and Clause 55 variations and Decision guidelines within the schedules to the zones.

Mr Glossop considered that the zone schedules should be used as the primary mechanism for guiding development, and the neighbourhood character objectives within the Schedules should provide a key indicator for the character outcomes to be achieved, that should then work together with variations to Clause 54/55 standards. He observed that there was both repetition and also variations in details in the neighbourhood character objectives which could cause ambiguity and confusion.

On this basis, Mr Glossop considered that there would be benefit in reducing the amount of content in policy to improve its clarity and useability.

Ms Waty undertook a comparative assessment of the proposed neighbourhood character objectives and variations to ResCode standards to ascertain the suitability to deliver preferred character outcomes. She found that some character elements identified in the study have not been captured in the zone schedules (and local policy) and also found that there were precincts with similar neighbourhood character objectives, that she considered should have the same controls.

(iii) Discussion and recommendation

The Panel has reviewed the consolidated policy from the schedules and the two clauses in the PPF as it applies to the precinct areas. This review shows a great degree of overlap, and it is not clear to the Panel that the policy statements proposed for the PPF add significantly to the character objectives in the zone schedules.

Overlap of policy and the zones schedules

The *Practitioner's guide to Victoria's planning schemes* Version 1.5 (April 2022) (Practitioner's guide) sets out entry rules for planning provisions including:

RULE 3: A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions

The Practitioner's guide explains:

A provision should not repeat or contradict another provision within the planning scheme. However, some policies may have objectives that are in tension and deciding between them

is a normal function of the planning system. Repetitive or contradictory policy for the same theme or area will confuse and weaken the ability to achieve an appropriate outcome.

It is difficult to say much about this overlap except to point out that reading of the objectives and the two policy clauses one after the other for each precinct does not give a sense that the policy is addressing fundamentally different issues to the objectives or adding significantly to the objectives.

Some examples of the overlap are:

INCREASED CHANGE – PATTERSON LAKES URBAN WATERWAYS

Schedule GRZ6: Neighbourhood character objectives

To encourage contemporary building designs with variations in materials and articulation to minimise visual bulk.

15.01-5L-01 Preferred Character Statements

Support development that articulates built form to minimise visual bulk through material selection and recesses in built form.

INCREMENTAL CHANGE – PATTERSON LAKES SUBURBAN WATERWAYS

Schedule NRZ4: Neighbourhood character objectives

To ensure that new development addresses its street frontage, through the provision of clearly identifiable entries, habitable room windows at ground level and by minimising visually dominant garages and carports.

15.01-5L-01 Preferred Character Statements

Support the orientation of habitable room windows with an outlook to water.

Ensure that development with a dual frontage to the street and a water body provides the primary sense of address to the street.

SUBSTANTIAL CHANGE – NEIGHBOURHOOD RENEWAL AREA 3

Schedule RGZ4: Design objectives

To encourage contemporary building design that softens visual bulk using materials and articulated built form.

15.01-1L-02 Design in substantial change areas

Provide articulated facades and soften visual bulk with landscaping, materials, breaks and recesses in built form.

Spreading the policy for the Precincts over three places in the Planning Scheme will make the scheme more complicated and difficult to use.

The Panel accepts there may be a role for some general policy but cannot see the benefit of the specific built form and landscape character policy for each precinct. The Panel agrees with Mr Glossop that the zone schedules should be the primary mechanism for giving guidance on character.

Meaning

The precise meaning or intent of some policy statements is unclear. For example, in Incremental Change – Coastal Suburban 2 and 3 it is not clear precisely what is envisaged by the Preferred Landscape Character Statement:

Landscaping including trees and/or garden beds along driveway edges should be provided to discourage car parking in the front setback.

Furthermore, many of the policy objectives do not give a clear indication of what is proposed in each character area, rather, they are expressed as more generic design strategies. Examples in other planning schemes provide clearer direction, such as:

- To encourage apartment style residential redevelopment of up to four storeys in height in residential areas close to the Highett train station (GRZ13 – Bayside Planning Scheme)
- To encourage a mix of townhouses and detached dwellings amongst a garden setting. (GRZ14 – Bayside Planning Scheme).

Permit triggers

It is not clear that all the policy statements relate to matters that are addressed by planning. For example, the Preferred Landscape Character Statement for the Incremental Change – Coastal Suburban 1 area includes:

Site and design pools and structures to enable the planting of trees and landscaping in gardens adjacent to the foreshore.

However, Clause 62.02-2 (Buildings and works not requiring a permit unless specifically required by the planning scheme) states:

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works ... does not apply to [among other things]:

- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.

The parent provision of the DDO states:

A permit is required to:

- Construct a building or construct or carry out works. This does not apply: ...
 - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.

DDO1, which applies in the Coastal Suburban 1 area, does not specifically include a reference to swimming pools (though this could have been exhibited) and so there does not appear to be a head of power to achieve the policy aspirations in regard to swimming pools.

The Panel accepts that this is one of the more complex parts of the planning system, but this only reinforces the need for rigour and an understanding of how policy will play out in practice.

Variation in expression

Similar ideas are expressed in slightly different language across the schedules and it is not clear what the justification for this is. For example, the idea of minimising or softening visual bulk is expressed in 12 different ways:

- **RGZ1:** To encourage contemporary building design that softens visual bulk using materials, breaks and articulation in built form.
- **RGZ3:** To encourage contemporary building design that softens visual bulk through materials, articulation and breaks in built form.
- **RGZ4:** To encourage contemporary building design that softens visual bulk using materials and articulated built form.
- **GRZ4:** To encourage contemporary building designs with variations in materials and articulation to soften visual bulk.
- **GRZ5:** To minimise visual bulk through siting, articulation and recessive third floor levels of new development.
- **GRZ6:** To encourage contemporary building designs with variations in materials and articulation to minimise visual bulk.
- **NRZ2, NRZ6:** To reduce visual bulk on sloped sites by stepping development with the topography of the land and minimising excavation.

- **NRZ1, NRZ2, NRZ6:** To minimise visual bulk by incorporating articulated facades, recessing the second floor level of buildings and providing visual breaks between buildings.
- **NRZ4:** To encourage contemporary building designs with setbacks at the second floor level to soften visual bulk and provide visual breaks between buildings.
- **NRZ5:** To encourage contemporary building designs with variations and breaks in built form to soften the appearance of visual bulk of new development through elements such as eaves, hipped or gabled roof forms and setbacks of the second floor level.
- **NRZ7, NRZ9:** To minimise visual bulk through siting, articulation and by providing a second floor level that is recessed from the first (ground) floor level.

It is not clear why 'minimise' is used in some objectives and 'soften' in others. The Panel also notes that this broad objective does not appear to relate to a particular precinct, but is applied across all zones and schedules.

The Panel considers that given the overlap with zone schedule objectives and lack of consistency in the expression of the policy statements, they should be reviewed before the Amendment is approved. This review should transfer the specific policy statements into the objectives of the schedules so that future decision makers only need look in one place for precinct specific policy. Where a policy issue, for example rain gardens, is relevant to a number of precincts this could be included in general policy with appropriate caveats on precisely where the policy applies.

The Panel recommends:

8. **Redraft the zone schedule objectives to ensure consistency of expression and transfer precinct specific policy issues from Clauses 15.01-5L-01 and 15.01-5L-02 to the appropriate schedule, so that the Planning Policy Framework no longer includes precinct specific policy.**

4.4 Tree soil areas and volumes

Clause 15.01-5L-02 (Landscape Character – Kingston Neighbourhoods) introduces policy guidelines:

Consider as relevant (excluding apartment development):

- Planting trees with heights and spreads of small, medium and large canopy trees at maturity; and the required soil volume and minimum area required for tree planting in ground in accordance with Table 1.
- Trees close to each other may have 50 per cent of in ground soil area reduced for each subsequent tree.
- Where trees cannot be planted in ground, locate in planters with adequate soil volume in accordance with Table 2.

This issue was not addressed at the Hearing.

Mr Papworth, giving evidence on landscaping for Council, stated:

Clause 15.01-5L-02 (Landscape Character – Kingston Neighbourhoods) includes a section which provides suggested strategies that shall be applied over the whole of development in residential areas. ... It also stipulates that, other than in apartment buildings, all residential developments will:

- Supply the relevant soil volume required to support a tree of the size as per the figures supplied in the Landscape Character guidelines Figure 3-1 for in ground planting, or Figure 3-3 & Figure 3-4 for raised planters and rooftop gardens; ...

In relation to the requirements for soil volumes, the Panel is unclear as to:

- why the policy guideline references 'adequate soil volume in accordance with Table 2' when soil volume is presented in Table 1, and Table 2 only presents 'Minimum depth of planter soil'
- the meaning of the formula in column heading 'Required soil volume (0.6m³ of soil x canopy area x 1m depth*)'
- why the 'volume' is expressed in square metres and not cubic metres
- why the soil volume for planters for large trees is less than the volume presented in the Landscape guidelines
- why the required soil volume does not take account of the recommend depth of planting as is done in the Landscape guidelines.

The Panel thinks there would be benefit in reviewing these guidelines as they have been presented in the Amendment.

The Panel recommends:

- 9. Review the text and tables of Clause 15.01-5L-02 relating to 'Tree sizes, required soil volumes and minimum in ground area requirements' to ensure consistency with the Landscape guidelines.**

5 Are the zone schedules appropriate?





5.1 Overview

Zone schedules have been crafted to include neighbourhood character objectives and variations to Clause 54 and 55 (ResCode), to implement design guidelines for each precinct, including variations to:

- Site coverage A5 and B8
- Permeability A6 and B9
- Landscaping B13
- Side and rear setbacks A10 and B17
- Private open space A17 and B28, and
- Front fence height A20 and B32.

This is summarised in the Figure 10 below.

Figure 10 Residential Zone Controls

Change Area	Proposed Residential Zone	Variations to ResCode Requirements	Typology
Limited Change	<i>Neighbourhood Residential Zone</i>	Lower site coverage and some higher permeability requirements Generally greater private open space requirements Front fence height requirements Provision of landscaping requirements Decision guidelines to guide design and landscaping	
	<i>General Residential Zone</i>	Provision of landscaping requirements	
Incremental Change	<i>Neighbourhood Residential Zone</i>	Lower site coverage and some higher minimum private open space requirements. Some higher permeability requirements Provision of large canopy trees in setbacks Provision of landscaping requirements Front fence height requirements	
Increased Change	<i>General Residential Zone</i>	Provision of large canopy trees in setbacks Front fence height requirements Retention of large canopy trees where possible Provision of landscaping requirements Some setback requirements	
Substantial Change	<i>Residential Growth Zone</i>	Building heights of up to four storeys (14 metres) that support increased densities and support preferred neighbourhood character (unless otherwise provided by DDOs where appropriate) Retention of large canopy trees where possible Front fence height requirements Provision of landscaping requirements Some setback requirements	

5.2 Minimum street setback – Standards A3 and B6

(i) What is proposed

Variation to Standards A3 and B6 is proposed within the RGZ3 (Substantial Change – Urban Renewal Area 2) to require that walls of buildings should be setback from a front street by 5 metres, and where a new development is located on a corner site, the setback to the side street should be at least 3 metres.

No change to the other zone schedules is proposed.

(ii) Evidence and submissions

Ms Waty's evidence was that in limited, incremental and increased change areas where the preferred character outcomes continue to be influenced by their established context in the short to medium terms, street setbacks based on adjoining sites are appropriate. Therefore, no variation is required to the Clause 54/55 standard.

For substantial change areas where a new character is encouraged, she supported a variation to require a consistent front setback to manage change. She supported the variation to standard A3/B6 to require a 5 metre setback, that will allow for landscaping within the front setback, and in particular, canopy trees and provision of private or communal open space. She considered that larger canopy trees have cooling benefits and can reduce the visual prominence of four storey built form.

The proposed varied front setback was not subject of other submissions.

(iii) Discussion and conclusion

The Panel accepts the evidence of Ms Waty that a setback variation is appropriate for the Urban Renewal Areas where a new character is to be created. The 5 metre standard will allow for the planting of a substantial tree in the front garden, contributing to enhanced landscaping in these areas, with associated environmental and amenity benefits.

The Panel concludes in respect of Schedule variations to Minimum street setback – Standards A3 and B6 the proposed variation to:

- RGZ3: Substantial Change – Urban Renewal Area 2 is appropriate.

5.3 Site Coverage, Standards A5 and B8 and Permeability, Standards A6 and B9

(i) What is proposed

Variations to Standard A5/B8 Site Coverage to reduce maximum coverage from 60 per cent to 50 per cent and variations to Standard A6/B9 to increase permeability from at least 20 per cent to 30 per cent, are proposed in the following character precincts/proposed zones:

- **NRZ7** Incremental Change – Garden Suburban
- **NRZ2** Incremental Change – Coastal Suburban 2
- **NRZ6** Incremental Change – Coastal Suburban 3
- **NRZ4** Incremental Change – Patterson Lakes Suburban Waterways
- **NRZ9** Limited Change – Airport Environs and Heritage Precincts.

(ii) Evidence and submission

Ms Waty supported the variations to site coverage and permeability standards to assist in achieving improved landscape outcomes and a sense of space, particularly where more modest housing opportunities are expected, such as in limited and incremental change areas.

She recommended that this variation of a reduced site coverage to 50 per cent and increasing permeability to 30 per cent should also be applied to NRZ6 Coastal Suburban 3 given the similarities with NRZ2 Coastal Suburban 2, and to be consistent with the Landscape Guidelines recommendations. Council in its Part C version of the schedule supported this recommendation.

The Submission from the HIA (Submission 324) did not support the variations to the site coverage and permeability provisions, particularly given the mandatory garden area requirements introduced by Amendment VC142 in 2018. The HIA considered that the variations would stifle the NRZ's ability to contribute appropriate medium density housing design and submitted that the impact on this variation to build a house to the National Construction Code 2022 liveable (accessible) housing provisions was unlikely to have been considered.⁷

(iii) Discussion and conclusion

The Panel accepts that the variations are appropriate in the NRZ areas proposed, noting its concerns above about the application of the NRZ in the coastal character areas. It accepts Ms Waty's evidence that this should also be applied to NRZ6 given the similarities to the NRZ2, and notes Council preferred version of the controls includes this change.

The Panel does not accept that the achievement of National Construction Code 2022 liveable (accessible) housing provisions will be compromised by the proposed variations, as the provisions are unlikely to lead to the need for substantially larger dwellings, or more impervious paving. Site coverage and permeability standards work in parallel with the garden area requirements and are aimed at different objectives. The fact that garden areas are required does not automatically mean that site coverage and permeability appropriate for the local character will be achieved.

The Panel concludes in respect of Schedule variations to A5 and B8 Site Coverage and variations to Standard Permeability – Standards A6 and B9, the proposed variations to:

- **NRZ7** Incremental Change – Garden Suburban are appropriate
- **NRZ4** Incremental Change – Patterson Lakes Suburban Waterways are appropriate
- **NRZ9** Limited Change – Airport Environs and Heritage Precincts are appropriate.

5.4 Landscaping – Standards B13**(i) What is proposed**

The Amendment seeks to vary the Clause 55 Standard B13 relating to landscaping, requiring the planting of a minimum number of new trees, varying across each character area. This has been informed by the Landscape Character Assessment.

Clause 54 does not have a specific landscaping standard and therefore the landscaping requirements will not apply to single dwellings.

⁷ Liveable housing design is about designing homes to make them easier to use and more adaptable to the changing needs of occupants by reducing steps where possible, providing more space in the bathroom, wider doorways, and providing for future adaptations such as adding grabrails.

Table 8 shows the changes for each landscape element with the tracked changes added in Council's Part C version of the controls.

Table 8 Proposed Landscaping – Standard B13 variations by precinct

Element and schedules	Requirements showing Council's final view tracked
Front setback	
RGZ1, RGZ3, GRZ1, GRZ4, NRZ3	at least one medium tree (8-12 metres) in the front setback
RGZ4	at least one large <u>medium</u> tree (8-12 metres and over) in the front setback
GRZ5 , GRZ6, NRZ1, NRZ2, NRZ4, NRZ5, NRZ6, NRZ7 , NRZ8, NRZ9	at least one large tree (12 metres and over) in the front setback
Private Open space	
NRZ5	-
GRZ1, NRZ3	<u>at least one small tree (6-8 metres) per area of ground level private open space</u>
RGZ1, RGZ3, RGZ4, GRZ4, GRZ5 , GRZ6, NRZ1, NRZ2, NRZ6	at least one small tree (6-8 metres) per area of ground level private open space
NRZ4, NRZ7	at least one small <u>medium</u> tree (6-8-12 metres) per area of ground level private open space
NRZ8, NRZ9	at least one medium tree (8-12 metres) per area of ground level private open space
Rear set back	
RGZ1	-
RGZ4	<u>at least one medium tree (8-12 metres) in the rear setback</u>
RGZ3, GRZ1, GRZ4, GRZ5 , GRZ6, NRZ3, NRZ4, NRZ5, NRZ8, NRZ9	at least one medium tree (8-12 metres) in the rear setback
NRZ1	one medium tree (8-12 metres) in the rear setback
NRZ2, NRZ6	at least one medium <u>large</u> tree (8-12 metres and over) in the rear setback
NRZ7	at least one medium <u>large</u> tree (8-12 metres <u>and over</u>) in the rear setback
Communal Open Space	
GRZ1, GRZ4, GRZ5 , GRZ6, NRZ1, NRZ2, NRZ3, NRZ4, NRZ5, NRZ6, NRZ7 , NRZ8, NRZ9	-
RGZ3	at least one medium tree (8-12 metres) in communal open space
RGZ4	at least one large <u>medium</u> tree (8-12 metres and over) in communal open space

Element and schedules	Requirements showing Council's final view tracked
RGZ1	at least one large tree (12 metres and over) in communal open space
Side setback	
RGZ1	-
RGZ3	small tree (6-8 metres) planting in side setbacks
RGZ4, GRZ1, GRZ4, GRZ5 , GRZ6, NRZ1, NRZ2, NRZ3, NRZ4, NRZ5, NRZ6, NRZ7 , NRZ8, NRZ9	small tree planting (6-8 metres) in side setbacks
Driveway strip	
RGZ1, RGZ3, RGZ4	a landscape buffer with a minimum dimension of 0.3m between a side boundary and an accessway.
GRZ1, GRZ4, GRZ5 , GRZ6, NRZ1, NRZ2, NRZ3, NRZ4, NRZ5, NRZ6, NRZ7 , NRZ8, NRZ9	a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.

The Decision guidelines in relevant schedules includes:

Where a tree planting requirement is specified for private open space, and the space is in a rear and/or side setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

(ii) Evidence and submission

Mr Papworth gave evidence that if the Landscape guidelines were implemented there would be a large overall increase in trees planted throughout the municipality, compared to current levels. His observations of the existing landscapes were a mix of species and inconsistent coverage of tree canopy within both private and public realms across various parts of the municipality. He agreed with the direction that Kingston's overall tree coverage should be improved, both for amenity and environmental reasons, and considered that the Amendment would greatly assist in achieving this.

Mr Papworth considered the landscape outcomes appropriate and well-justified. He stated:

In my opinion, the proposed extent and variety of proposals for tree planting, setbacks and landscape that was determined in the Landscape Guidelines are very well-resolved, thorough, and also balanced in such a way as to achieve the desired outcomes of increased tree canopy coverage in the city through residential development.

Mr Glossop agreed that increased landscaping was a worthy character objective, particularly in the context of the current climate crisis and growing understanding of problems caused by phenomena like the heat island effect. He agreed with the observation in the *Housing and Character* report that tree canopy in the private realm is not a prevailing characteristic of most of Kingston's residential areas. Accordingly, the proposed landscaping measures are aspirational rather than responding to an existing character.

Mr Glossop observed that the tree sizes required are relatively large and appear to require substantial building setbacks to accommodate them, particularly in side setbacks (found in all schedules including Residential Growth Zones 3 and 4).

Ms Waty also acknowledged that landscaping, particularly canopy trees, was highly valued by the community and contributes to environmental benefits of urban cooling and biodiversity. She noted that increasing landscaping in residential areas will also contribute to Council's target for 30 per cent canopy cover by 2041 and will assist with softening the appearance of new medium

density housing and provide for residential amenity. Therefore, she generally supported the variations to Standard B13 in the various schedules, but considered that the variations to B13 in nine different schedules had overly complex wording and that refinements were required to achieve consistency between the preferred character outcomes.

She therefore recommended a number of changes, which are reflected in Council's final position on the Amendment.

Submissions from residents included concerns that medium density housing rarely allows for adequate green space with negative impacts on amenity and liveability and concerns about tree removal (including Submitters 5, 14, 76, 96, 203, 273, 275, 276, 331, 363, 417, 423, 475 and 508).

Submitter 323 did not consider that the Amendment went far enough in protecting trees and other vegetation from being removed given the consequent impact on the environment and wellbeing of the community. Submitter 96 considered that the current planning controls were destroying native flora and fauna in the area.

Submitter 1 supported the proposed variations relating to landscaping.

Submitter 258 acknowledged the intent of the landscaping controls as being appropriate, however considered that they seemed quite onerous.

Submission 478 from Lowe Living raised concerns with the proposed landscaping variations, considering the requirements for canopy planting excessive, particularly where more intense housing is proposed. It submitted that there was no justification to support canopy planting within side setbacks, noting that this is intermittent and rare in most parts of the Kingston.

The Submission from the HIA (Submission 324) considered a variation to Standard B13 relating to landscaping to be inappropriate. It submitted that ResCode encourages landscaping and planning permits can determine final landscaping details.

(iii) Discussion and recommendation

The *Housing and Character* report and Landscaping Guidelines are intended to provide the strategic basis for the landscaping variations proposed.

The proposed setbacks, site coverage and landscaping requirements are designed to work together to achieve a substantial increase in landscaping, and in particular canopy tree planting, across Kingston. This is to provide for a preferred character, as well as assisting with climate change impacts, urban heat island effect, biodiversity, permeability, and improved amenity particularly associated with higher density development. These vary slightly across the different zone schedules, however all schedules contain a variation to Standard B13, typically requiring canopy tree planting (of varying sizes) in front, rear, and side setbacks and landscaping along accessways (see Table 8).

The Panel supports the aim to increase canopy trees within Kingston. This directly responds to environmental issues as well as to provide for, or protect amenity associated with increased medium density housing. There were extensive community submissions concerned about tree removal and the lack of new tree plantings, contributing to starkness of new built form and lack of softening to neighbouring properties. Landscaping clearly has an important role in integrating new development within a neighbourhood and creating comfortable and attractive areas for new and existing residents.

However, the Panel does have reservations about the extent of the Standard B13 landscaping variations proposed, that may limit or compromise the ability to deliver new housing and contribute to housing diversity and affordability.

The background documents acknowledge that most of Kingston does not have a strong landscape character, with the landscape assessment of existing character showing currently there is generally less than 1 tree per lot in residential areas, with many areas having as little as 0.1 tree per lot. Yet the proposed variations are extensive; are applied across all schedules (despite the degree of change expected); and typically require at least 3-4 canopy trees to be planted per lot, generally including at least one or two large trees of 12 metres or more, as well as tree planting within side setbacks.

Using the Landscape Character Assessment background report guidelines to ascertain the required soil volume and minimum in ground requirements to accommodate these trees, this equates to:

- at least 36 square metres to accommodate a large tree (12 metre mature height)
- between 9 square metres and 20 square metres to accommodate a medium tree (8-12 metre mature height)
- 4-6 square metres to accommodate small trees (4-8 metre mature height)
- additional landscape buffers to accessways.

The Guidelines allow for trees close to each other to have 50 per cent reduction in ground floor area for each subsequent tree; trees may overhang into adjoining sites by 10 per cent of the canopy area; and trees within the front setbacks may overhang into the public realm by up to 40 per cent.

Notwithstanding this, these provisions appear to require substantially greater ground areas than the existing Standard B38 at Clause 55.07-4 relating to apartment developments, requiring the following areas of deep soil based on lot sizes:

- 5 per cent of site area or 12 square metres deep soil area for lots 1000 square metres or less
- 7.5 per cent for lots 1001–1500 square metres
- 10 per cent for lots 1501–2500 square metres
- 15 per cent of site area for lots of 2500 square metres or more.

Furthermore, the variations to the B13 standards appear to go beyond the strategic assessment in the background documents. For example, the *Housing and Character* report states that for the Garden Suburban area, there should be one canopy tree in each front and rear setback for increased and incremental change areas. This does not recommend tree planting in side setbacks; additional tree 'per area' of private open space; nor accessway planting.

For Coastal Suburban 2 areas, the *Housing and Character* report seeks to provide for a minimum of one canopy tree in the front setback, and encourages 'substantial trees and vegetation' and 'landscaping along shared driveways'. The *Housing and Character* report does not prescribe a number of trees for the neighbourhood renewal areas, rather encourages a landscape plan that includes substantial trees and vegetation.

The Panel shares the concerns of the HIA and Lowe Living in relation to planting requirements in side setbacks. While the provision of a canopy tree in the front and rear setbacks will over time be likely to have a positive impact on public realm and private amenity, planting in side setbacks has the potential to restrict otherwise efficient use of land; require very large setbacks to provide for

the canopy at mature height; and may also have consequences for neighbouring development that needs to have regard to tree protection zones.

While recognising that these are discretionary provisions, the Panel considers that there is a danger that these variations will provide a significant constraint to redevelopment of some parcels of land, otherwise suitable for change, that could consequently have implications for broader housing objectives relating to housing supply, diversity and affordability.

The Panel broadly supports the variations to the landscaping provisions in relation to canopy tree planting in front and rear setbacks. It does not support the requirement for planting in side setbacks except where this is a feature of the location. In these cases it can be addressed as part of the typical site response process. This is not to say that no canopy trees will or should be provided within side setbacks, rather, that this should not be a default standard for all lots across Kingston, and instead should be provided as directed by site context at the planning application stage.

The Panel also considers there is a confusing double up between requiring trees in front and rear setbacks and private open space when these areas are likely to be the same areas.

10. Revise the variations to Landscaping – Standard B13 in all the schedules to:

- **Delete the proposed requirements for tree planting in side setbacks and make necessary changes to policy.**
- **Delete requirements for trees in Private open space.**

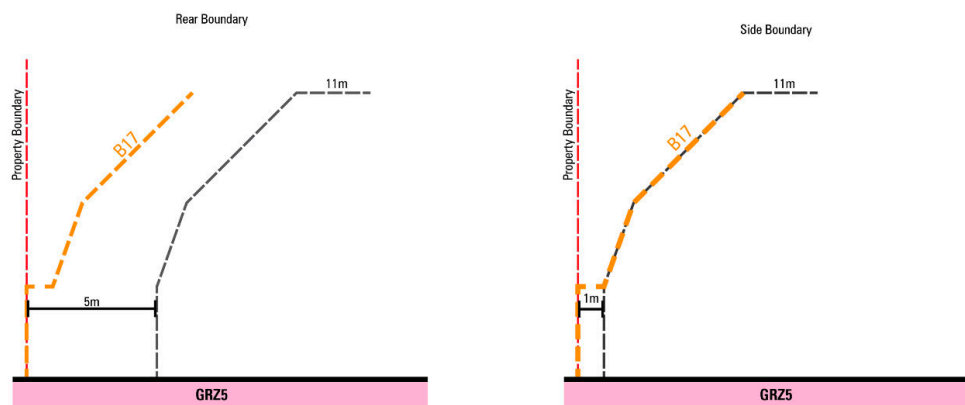
5.5 Side and rear setbacks – Standards A10 and B17 and Walls on boundaries – Standards A11 and B18

(i) What is proposed

A variation to Standard A10/B17 – Side and Rear Setbacks is proposed for **GRZ5**, Increased Change – Garden Urban Areas. The variation seeks to require walls of buildings to be setback 5 metres from a rear boundary (instead of 1 metre), then setting back upper levels in the same manner as the existing Standard. It also seeks a setback of 1 metre from side boundaries, again then setting back in accordance with the default standard for **GRZ5**, as shown in Figure 11.

No other variation is proposed in any other schedule.

The Amendment does not seek to vary Clause 54/55 Standards A11/B18 relating to walls on boundaries.

Figure 11 Proposed GRZ5 rear and side setbacks with ResCode Standard B17 profile overlay**(ii) Evidence and submission**

Ms Waty supported the variation to provide a 1 metre side boundary setback and 5 metre rear boundary setback for **GRZ5**, Increased Change – Garden Urban to achieve the preferred character outcome for this precinct.

Ms Waty noted that new Design and Development Overlays (DDO25 and DDO26) and a revised DDO22 also provide for a 5 metre rear setback and therefore no variation in the schedule to the zone is required. She considered that this setback would respond to character and amenity requirements and she considered it unlikely to restrict opportunities for housing growth in increased and substantial change areas. Ms Waty also undertook Built Form Testing within Urban Renewal Area 2, which demonstrated to her satisfaction that typical lots can be redeveloped while also providing for the proposed setback requirements.

Submitter 273 strongly supported design provisions that managed setbacks (as well as height) to achieve maximum solar access to the public realm within new development and to adjoining land.

Submitter 297 acknowledged the proposed increased rear setbacks in the **GRZ5** but was concerned that the existing side setbacks would continue to apply, which would not be enough to protect neighbourhood character, amenity and the sustainability of the neighbourhood. In particular the impact of overshadowing, particularly by three-storey development, leading to darker spaces, impacts on passive heating and solar panels and impacts on amenity. This submitter sought a number of provisions including requiring a minimum site area for which a third level would be supported and more generous side and rear setbacks that reflect the shadow impacts.

Lowe Living (Submitter 276) submitted that it was inappropriate to vary Standard B17 where increased change is encouraged.

In response, Council in its closing submission noted that these variations are not mandatory and do enable discretion and site specific analysis. Council submitted that the 5 metre rear setback in the **GRZ5** zone is appropriate to deliver landscaping outcomes.

(iii) Discussion and conclusion

The pockets of **GRZ5** are typically sited around activity centres and transport nodes earmarked for greater change and three-storey development, with NRZ abutting the edges of these precincts.

While the Panel understands Lowe Living's concerns that larger setbacks are sought to be provided in areas of increased change (rather than to protect existing character in areas of minimal or incremental change), the Panel accepts that this will assist in managing built form interfaces, provide for canopy planting, and provide for visual breaks between and around buildings as sought by the neighbourhood character objectives. On this basis, the variation is supported.

The Panel concludes in respect of Schedule variations to Side and rear setbacks – Standards A10 and B17 the proposed variation to:

- **GRZ5**, Increased Change – Garden Urban Areas is appropriate.

5.6 Private open space – Standards A17 and B28

(i) What is proposed

Variations to Standards A17 and B28 are proposed to several precincts and within various zone schedules including:

- Providing an area of 60 square metres of ground level private open space with one part to consist of secluded private open space with a minimum of 40 square metres, with a minimum dimension of 5 metres; balcony of 12 square metres and roof top area of 12 square metres to:
 - **NRZ7**: Incremental Change – Garden Suburban
 - **NRZ4**: Incremental Change – Patterson Lakes Suburban Waterways
 - **NRZ9**: Limited Change – Airport Environs and Heritage Precincts
- Providing an area of 40 square metres of ground level private open space with one part to consist of secluded private open space with a minimum of 25 square metres with a minimum dimension of 3 metres; balcony of 12 square metres and roof top area of 10 square metres to:
 - **GRZ5**: Increased Change – Garden Urban Areas
 - **NRZ8**: Limited Change – Special Character Areas
- Providing an area of 40 square metres of ground level private open space with one part to consist of secluded private open space with a minimum of 25 square metres with a minimum dimension of 3 metres; balcony of 8 square metres and roof top area of 10 square metres to:
 - **GRZ4**: Incremental Change – Urban Contemporary 2
 - **GRZ6**: Increased Change – Patterson Lakes Urban Waterways

This is a variation from the default standards of:

- **A17**: 80 square metres or 20 per cent of the area of the lot, but not less than 40 square metres of open space with 25 square metres secluded private open space with a minimum dimension of 3 metres
- **B28**: Providing an area of 40 square metres of open space with 25 square metres secluded private open space with a minimum dimension of 3 metres; balcony of 8 square metres with a minimum width of 1.6 metres; and a roof top area of 10 square metres with a minimum width of 2 metres.

(ii) Evidence and submission

Mr Glossop's evidence was that the variations to private open space, such as the requirement for larger balconies, was not clearly justified in the background reports. While accepting that this may

lead to improved internal amenity, he considered that the variations were not strategically justified.

Ms Waty generally supported the variations for larger areas of private open space to contribute to a sense of spaciousness and provide for more landscaping opportunities. Therefore she supported the larger ground floor private open space in Garden Suburban, Coastal Suburban and Urban Waterways precincts, being limited to incremental change areas.

In relation to larger balconies, Ms Waty considered that these can provide for more landscaping opportunities, to soften built form and improve amenity. Therefore she considered that the increased balcony dimension should be applied across all residential typologies, and supported the variation to provide for a minimum width balcony of 2.4 metres (rather than 1.6 metres) in the GRZ1, GRZ4 and GRZ6.

Submitter 276 (Lowe Living) submitted that there was no sound argument to justify a variation to Standard B28.

(iii) Discussion and conclusion

The Panel agrees with Mr Glossop that there does not appear to be any strategic justification for increased balcony sizes, and while they may be more useable and attractive the background strategic work does not provide a rationale to justify this variation. The existing Clause 55.07 Apartment development standards (and Clause 58 Apartment development standards for apartments over 5 storeys) provide for balcony sizes based on size and orientation of the dwelling and the Panel does not consider there is justification to vary these.

The proposed change to Standard A17 appears to be a backward step in as much as it seeks to reduce the amount of open space from the ResCode standard. It is not clear to the Panel that there is sufficient strategic justification for this change.

The Panel recommends:

- 11. Abandon proposed Schedule variations to Private open space – Standards A17 and B28.**

5.7 Front fence height – Standards A20 and B32

(i) What is proposed

Standard A20/B32 relating to front fence height is sought to be varied in various precincts, reducing the height of a front fence for streets other than in a Transport Zone from the usual standard of 1.5 metres to 1.2 metres.

(ii) Evidence and submission

Ms Waty in her evidence stated:

A lower front fence (below eye level, or less than 1.5 metre) enables visibility to front gardens while maintaining a clear delineation between public and private realms. Therefore, I support variation to Standard A20/ B32 as proposed by the Amendment for most of the precincts.

She also recommended that a further reduction of front fencing height (less than 1.2 metres) would be appropriate in the Urban Waterways (GRZ6 and NRZ4) and Urban Contemporary (GRZ1 and NRZ3) precincts, to reflect the less formal streetscape presentation and blurring of private and public realms in these areas.

Submitter 278 (Lowe Living) submitted that a greater degree of flexibility and consideration of context should be provided in determining front fence height, such as in the context of Como Parade East that is a quasi-collector road and in the context of the proposed elevated rail line.

(iii) Discussion and conclusion

The Panel accepts the evidence of Ms Waty for both the proposed variation and that a further reduction in front fencing should be applied in precincts where low or no front fencing is an identified characteristic of the area.

In the Urban Contemporary and Urban Waterways precincts, the *Housing and Character* report identified that front fencing is predominately absent or often low and transparent where present.

All variations to Clause 54/55 are discretionary, and there will be circumstances where the standard will not be met, and this should be assessed at the planning permit application stage.

The Panel concludes in respect of the Schedule variations to Front fence height – Standards A20 and B32, the proposed variations are appropriate.

6 Is the zone application appropriate?

6.1 Introduction

This Chapter addresses, for each neighbourhood, the issue:

- Is the zone application appropriate?

The Panel's comments with respect to amenity issues and the impact on neighbourhood character associated with three-storey building height are discussed in Chapter 3.3 and are not repeated in this Chapter.

6.2 Aspendale and Aspendale Gardens

(i) What is proposed

Table 9 Existing zoning in Aspendale and Aspendale Gardens

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GR22	To an area around the Aspendale NAC, to properties between the Nepean Highway and the foreshore and a number of small pockets to the east of Aspendale	Mandatory 3 storeys/11 metres
GR23	To all other residential properties in Aspendale and Aspendale Gardens, predominantly those to the east of the Nepean Highway and railway line	Mandatory 9 metres

Table 10 Zoning proposed for Aspendale and Aspendale Gardens

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
GR25	To all residential properties within the 400 metre walkable catchment of the Aspendale NAC extending to Retreat Avenue in the north and Birdwood Street in the south. Further, to residential properties in the 200 metre walkable catchment of the Aspendale Gardens NAC	Mandatory 3 storeys/11 metres
NR21	To all residential properties west of the Nepean Highway	Mandatory 2 storeys/11 metres
NR27	To all other residential properties, predominantly those to the east of the Nepean Highway and railway line	Mandatory 2 storeys /9 metres

(ii) Evidence and submissions

A total of 58 submissions were received from owners and residents of Aspendale and a further seven from Aspendale Gardens.

A significant majority in both suburbs were opposed to what they perceived to be increased development potential. Council advised that only a very small number of properties are proposed to change from a 9 metre height limit in the GRZ3 to 11 metres in **GRZ5**.

There was a significant cluster of submissions from around the southern boundary between **GRZ5** and **NRZ7**. The majority of other submitters objected to a three-storey or 11 metre height limit as provided for in **GRZ5** or what they perceived as increased dwelling density in their area.

Submitters 147, 175, and 228 presented to the Panel. They and others raised issues around traffic congestion which they submitted was already a problem in the relatively narrow streets. Submissions were also made about congestion in Kelly Lane which runs between Ross and Birdwood Streets in Aspendale. Submitters at the Hearing presented photos of three-storey buildings which they submitted were not appropriate for the area.

With respect to the amenity issues raised by Submitters 147 and 228, in closing Council submitted that these would be addressed at the planning permit stage of development.

(iii) Discussion and conclusion

A number of submitters referred to increasing dwelling density. The GRZ does not include specific density controls but the Panel acknowledges that a greater number of three-storey developments in an area is likely to result in increased dwelling density. The amenity issues raised by submitters can be addressed at the planning permit stage.

Significant parts of Aspendale are currently zoned GRZ3 which permits three-storey development, albeit with a 9 metre height limit. Increasing permitted height to 11 metres will likely facilitate more three-storey development, but there is no reason why appropriately designed three-storey development should be restricted in the GRZ areas.

The Panel concludes in respect of Aspendale and Aspendale Gardens:

- The exhibited zone boundaries are appropriate.

6.3 Bonbeach and Carrum

(i) What is proposed

Table 11 Existing zoning in Bonbeach and Carrum

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To an area in the catchments of the Bonbeach and Carrum NACs and to the residential areas between the Nepean Highway and the foreshore	Mandatory 3 storeys/11 metres
GRZ3	To the remaining residential areas of Bonbeach and Carrum	Mandatory 9 metres
MUZ	To limited areas within the Carrum NAC and between the Carrum NAC and the foreshore north west of the NAC.	None specified

Table 12 Zoning proposed for Bonbeach and Carrum

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
GRZ5	To properties in the 200 and 400 metre walkable catchment of the Bonbeach and Carrum NACs, respectively	Mandatory 3 storeys/11 metres
NRZ1	To properties west of the Nepean Highway in both Bonbeach and Carrum	Mandatory 2 storeys/11 metres
NRZ7	To other residential property, generally east of the Nepean Highway and railway line	Mandatory 2 storeys /9 metres
MUZ	Existing MUZ to be retained	None specified

(ii) Evidence and submissions

A total of six submissions were received from property owners and residents of Bonbeach and 11 from Carrum.

Submitters 4, 279, 292 and 298 argued for the application of a zone which enables more growth. A number of these are outside the walkable catchment of the relevant NAC. Submitter 279 wishes to see greater height provided for between the Nepean Highway and the foreshore. This was one of a small number of submitters from along the coastal strip who made similar submissions. Submitter 510 presented strong arguments for development in all areas that provided walkable access to public transport.

Submitter 54 opposed the Amendment and in response Council noted that the proposed **GRZ5** provides for the same 11 metre building height as the existing GRZ2 that currently applies to their property.

A number of submitters raised increased parking and traffic issues as a reason for opposing the increased height provided for in the areas proposed for **GRZ5**.

In closing, Council offered no further specific responses to submissions from this area.

(iii) Discussion and conclusion

The Panel notes the concerns regarding traffic and parking, but it is not the role of the Panel to comment on existing issues. Traffic and parking associated with future development should be addressed as part of future development applications. The Panel has been presented with no submission that convinces it that zoning proposed in Bonbeach and Carrum is inappropriate.

The Panel concludes in respect of Bonbeach and Carrum:

- The exhibited zone boundaries are appropriate.

6.4 Chelsea and Chelsea Heights

(i) What is proposed

Table 13 Existing zoning in Chelsea and Chelsea Heights

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To an area in the immediate catchment of the Chelsea MAC	Mandatory 3 storey/11 metres
GRZ3	To remaining residential areas in Chelsea and Chelsea Heights	Mandatory 9 metres

Table 14 Zoning proposed for Chelsea and Chelsea Heights

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
GRZ2	Existing GRZ2 within the Chelsea MAC is proposed to remain in that zone pending a review of the Chelsea MAC structure plan	Mandatory 3 storeys/11 metres
GRZ3	Existing GRZ3 within the Chelsea MAC is proposed to remain in that zone pending a review of the Chelsea MAC structure plan	Mandatory 9 metres
GRZ5	To properties in a 800 metre walkable catchment east of the Chelsea MAC	Mandatory 3 storeys/11 metres
NRZ1	To properties west of the Nepean Highway both north and south of the Chelsea MAC	Mandatory 2 storeys/11 metres
NRZ7	To other residential property, generally outside the walkable catchment of the Chelsea MAC and in Chelsea Heights between Wells Road and the Edithvale Wetlands	Mandatory 2 storeys /9 metres

(ii) Submissions

There were 25 submissions from property owners and residents of Chelsea and one from Chelsea Heights. None of these submitters requested to be heard by the Panel.

A significant proportion of the Chelsea submissions were from the area generally to the east of the Chelsea MAC where the existing GRZ3 zoning allows for a building height of 9 metres. This area is proposed to be zoned **GRZ5** which allows for a building height of 11 metres. The majority of submissions opposed allowing buildings of up to three storeys in height. The grounds most often cited were the impact of the amenity on the area, that three-storey development would change the character of the area, impacts on traffic levels and parking congestion, and the lack of community and other physical infrastructure to support increased development.

Council responded that the proposed **GRZ5** provided for a diversity of dwelling types including smaller dwellings that could be more affordable. With respect to amenity issues such as overshadowing and overlooking it submitted that these issues would be addressed at the planning permit stage and that some ResCode variations were proposed to better protect residential amenity.

There were a small number of submitters, for example Submitters 59 and 142, who are located in the **GRZ5** area but near the boundary with **NRZ7** and who argued that the boundaries based on the walkable catchment had been inappropriately drawn. They argued that they should be in the area to be zoned **NRZ7**. Council responded that criteria used to define the boundaries to walkable catchments had been clearly articulated in the *Housing and Character* report and that it saw no reason to change those boundaries as proposed by submitters.

Submitter 350 was the only submitter from Chelsea to explicitly support the proposed Amendment.

The one submission from Chelsea Heights, 121, raised traffic concerns in an area proposed for **NRZ7**.

In closing Council offered no further specific responses to submissions from this area.

(iii) Discussion and conclusion

Currently three storeys is possible but challenging under the GRZ3.

A number of submitters referred to increasing dwelling density. The GRZ does not include specific density controls but the Panel acknowledges that a greater number of three-storey developments in an area is likely to result in increased dwelling density. A number of the amenity issues raised by submitters will be addressed at the planning permit stage.

With respect to the submitters who raised the issue of the inappropriate application of the boundary between **GRZ5** and **NRZ7**, that Panel has not been provided with arguments that convince it that the application of the zone boundaries in this instance is inappropriate.

The Panel concludes in respect of Chelsea and Chelsea Heights:

- The exhibited zone boundaries are appropriate.

6.5 Cheltenham

(i) What is proposed

Table 15 Existing zoning in Cheltenham

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To areas within the immediate catchment of the Cheltenham MAC and Southland	Mandatory 3 storeys/11 metres
GRZ3	To all other residential properties in Cheltenham	Mandatory 9 metres

Table 16 Zoning proposed for Cheltenham

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
RGZ3	To areas in close proximity to Southland both west of the Nepean Highway and also east of the centre and bounded on the west by Chesterville Road and the Nepean Highway. The area where RGZ3 applies extends south to include areas close to eastern side of the Cheltenham MAC which is approximately 700 metres south of Southland	Mandatory 4 storeys/13.5 metres
GRZ4	To a new nearly built-out estate in the vicinity of Cavanagh Street and Mulberry Avenue, Cheltenham	Mandatory 3 storeys/11 metres
GRZ5	Walkable catchment of both Southland and the Cheltenham MAC and to the east of the areas proposed RGZ3	Mandatory 3 storey/11 metres
NRZ7	To other residential areas of Cheltenham, generally to the east of the suburb and outside the walkable catchments of Southland and the Cheltenham MACs	Mandatory 2 storeys /9 metres

(ii) Submissions

There were 79 submissions from Cheltenham, six of whom requested to be heard by the Panel.

The large majority of submitters and those requesting to be heard were clustered in the proposed **GRZ5** area in the walkable catchments of Southland and the Cheltenham MAC. Almost half of them were in an area currently zoned GRZ3 and could experience more built form of three storeys. There was also a cluster of submitters from a proposed RGZ3 area west of the Nepean Highway and south of Southland.

A significant majority of the submitters in the proposed **GRZ5** and RGZ3 areas opposed the increased height citing a number of amenity impacts arising from such development.

Submitter 288 argued that Council had inappropriately applied the **GRZ5** to areas on the basis of the guidance in PPN91 that states:

GRZ may be appropriate to apply in areas where housing development of three storeys exists or is planned.⁸

They stated that they were not aware of any planned three-storey development in the area.

Both Submitters 288 and 297 questioned the appropriateness of application of the 800 metre walkable catchment around Southland.

Submitter 297 commented that the application of the **GRZ5** to his area does not respect the existing neighbourhood character and therefore does not conform to the guidance in PPN91. In closing Council submitted that the extent of change proposed here was supported by all witnesses because it is consistent with planning policy to allow for increased densities and diversity in and around activity centres.

There were a small number of submitters, 79, 122, 180 and 195 who supported the Amendment and the proposed increase in building height. Submitter 122 argued for more apartments suitable for families.

Submitter 481 was amongst a number of submitters to the Amendment who argued that future sustainability was dependent on increased density and submitted that the Amendment overall made many areas car dependent. They considered that all residents deserve to live in 20 minute neighbourhoods, not just those near activity centres.

(iii) Discussion and conclusion

A number of submitters referred to increasing dwelling density. The GRZ does not include specific density controls but the Panel acknowledges that a greater number of three-storey developments in an area is likely to result in increased dwelling density. A number of the amenity issues raised by submitters can be addressed at the planning permit stage.

The Panel does not agree with Submitter 288 that the application of the GRZ is not consistent with PPN91. The full GRZ guidance from PPN91 which they quoted only in part reads:

Applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.

It is clear that the practice note is not referring to any known proposed development but the term 'planning for' is referring to broader area wide planning, such as that which is the subject of the Amendment.

No evidence was provided to convince the Panel that the boundary between NRZ and GRZ has been inappropriately applied.

The Panel concludes in respect of Cheltenham:

- The exhibited zone boundaries are appropriate.

⁸ PPN91 Table 1

6.6 Clarinda and Clayton South

(i) What is proposed

Table 17 Existing zoning in Clarinda and Clayton South

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
RGZ1	To an area in the north of Clayton South in the vicinity of Haughton Road	Discretionary 13.5 metres
GRZ2	To an area in the immediate catchment of the Clayton MAC in Monash and the immediate catchment of Westall Station	Mandatory 3 storey/11 metres
GRZ3	To all remaining residential areas of Clayton South and to all residential areas in Clarinda including the area in the catchment of the Clarinda NAC	Mandatory 9 metres
GRZ4	To a former industrial area in the Jackson Green Estate	Mandatory 3 storey/11 metres
MUZ	To a number of properties in the north of Clayton South some of which have a frontage to Clayton Road	None specified

Table 18 Zoning proposed for Clarinda and Clayton South

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
RGZ1	To the former industrial area including the Jackson Green Estate	Discretionary 13.5 metres
RGZ3	To a small area to the north of the suburb which directly abuts the Clayton MAC, located in the City of Monash	Mandatory 4 storeys/ 13.5 metres
GRZ4	To small area of developed medium density residential properties immediately south of Westall Station	Mandatory 3 storeys/11 metres
GRZ5	To the northern part of the in walkable catchment of the Clayton MAC which is in the neighbouring Monash municipality. GRZ5 also applied to a 200 metre walkable catchment around the relatively small Clarinda NAC	Mandatory 3 storey/11 metres
NRZ7	To the majority of the residential areas in both suburbs where GRZ and RGZ are not applied. There is substantial non-residential property in Clayton South	Mandatory 2 storeys /9 metres

(ii) Submissions

There were 21 submissions from Clayton South and five from Clarinda.

As with other suburbs there were a significant number of submitters who opposed the application of GRZ on grounds ranging from opposition to three-storey development to amenity concerns such as traffic, parking, overlooking and overshadowing. These included Submitters 66, 101, 130, 138, 174, 223 and 285. Many of these were from areas currently zoned GRZ3 where three-storey development is currently permitted.

Submitter 1 is located in the **NRZ7** and argued that the walkable catchment should be extended to 1.6 kilometres from the Clayton Railway Station, which, if applied, would mean they would be located in **GRZ5**.

Two submitters, 120 and 296, argued that the boundary between **NRZ7** and **GRZ5** had been inappropriately placed with respect to their properties. Submitter 120's property is proposed for **GRZ5** and is located on the street boundary with **NRZ7** which they submitted should apply to their side of the street.

Submitter 296 (Pellicano Superannuation Pty Ltd) is located in **NRZ7** south of Newport Road which is the boundary between it and **GRZ5** property to the north. It is located south of the Clayton MAC. At the Hearing, Pellicano submitted that its site is approximately 3,300 square metres in size and is developed as 15 single storey medium density dwellings all in single ownership. Pellicano submitted that there was no strategic justification for the proposed zoning and that the site had similar characteristics to sites along the Clayton Road corridor.

In closing, Council responded that it considered the location of the boundary between zones is appropriately located at Newport Road, as it had defined precinct boundaries by roads where possible. It considered the changes proposed by the submitter were neither necessary nor appropriate.

Submitter 476 (Peluso) is located on Centre Road in an area proposed for RGZ1. It is located abutting existing MUZ land to its west and south. To its east is the Jackson Green estate. The estate has medium density residential development up to nine storeys – taller than the 13.5 metres discretionary height in the RGZ that applies, but consistent with DDO24 which also applies to the estate.

Peluso submitted that the site should be zoned Mixed Use Zone which would be consistent with the zoning to the south and west and would provide a suitable transition to the more sensitive residential land uses to its east. Peluso submitted that the State and the area were undergoing significant population growth and that including the subject site in the Mixed Use Zone would allow development to complement uses in the Clayton MAC and contribute towards the development of a 20 minute neighbourhood as proposed in *Plan Melbourne*. Peluso also noted that RGZ height does not align well with the current DDO24 limit of 6 storeys.

Council responded that the adjoining site to the east of the Peluso land is RGZ1 which has a discretionary height control not sought to be changed by the Amendment. Council considered the inclusion of the submitter's site in RGZ1 as appropriate and consistent with DDO24, as higher density housing is its preferred outcome for this site. It opposed the application of the Mixed Use Zone to the site.

A small number of submitters, including Submitter 128, supported the Amendment.

(iii) Discussion and recommendation

With respect to the Pellicano property, the Panel understands why Council has chosen Newport Road as the southern boundary of the walkable catchment of the Clayton MAC. Moving the zone boundary further south to Lanark Street would include properties outside the defined walkable catchment. However, a property of the size of Pellicano's is an obvious candidate for medium density redevelopment.

The Panel considers that because of its size, the site could be redeveloped at an increased density while protecting the residential amenity of the existing single storey residential properties to its south and west proposed to be **NRZ7**. This might involve lower height development on the west and southern edges of the site and more height towards Clayton Road. For this reason, the Panel considers that **GRZ5** should be applied to the Pellicano site while maintaining the **NRZ7** as proposed to properties to its south and west.

The Panel acknowledges there is policy support for population growth and 20 minute neighbourhoods as submitted by Peluso. However, the Panel has not been presented with convincing argument that there is a need for more Mixed Use Zone land in this location approximately 400 metres from the Clayton MAC. The Panel acknowledges that the Mixed Use Zone is a residential zone, but if the site is zoned Mixed Use Zone, permitted commercial development could have the effect of undermining the primacy of the MAC. In the Panels' view at this distance from the MAC it would not complement the MAC. The Panel accepts Council's submission with respect to this site and considers that it should remain as proposed in the RGZ1.

Residential development can proceed under the proposed RGZ1, albeit a case would need to be made for development with a height above the discretionary 13.5 metres. The Panel notes the misalignment between the heights in DDO24 and RGZ1. There is no ability to avoid having a height limit apply in the RGZ. While specifying a limit in the RGZ schedule to match the DDO24 would have some merit, it would also make the specified limit mandatory. Resolving tensions between DDO height limits and RGZ height limits is something best addressed in the parent provision of the RGZ and not on a site-by-site basis. This is beyond the scope of the Panel.

The Panel was provided with no convincing argument that the boundary between the **GRZ5** and **NRZ7** in the vicinity of Submitter 120's property has been inappropriately applied.

No argument was put to convince the Panel that the walkable catchment should be greater than 800 metres.

The Panel concludes in respect of Clarinda and Clayton South:

- The exhibited zone boundaries are appropriate.

The Panel recommends:

12. Apply General Residential Zone Schedule 5 to 465-469 Clayton Road, Clayton South.

6.7 Dingley Village

(i) What is proposed

Table 19 Existing zoning in Dingley Village

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ3	To all residential areas in Dingley Village	Mandatory 9 metres

Table 20 Zoning proposed for Dingley Village

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
GRZ5	To a small area around the Dingley Village NAC, not extending in all directions to the 200 metres designated walkable catchment specified in the <i>Housing and Character</i> report	Mandatory 3 storeys/11 metres
NRZ7	To all other residential land in the suburb including those parts of the former Kingswood Golf Club precinct already zoned for residential purposes.	Mandatory 2 storeys /9 metres

(ii) Evidence and submissions

Submitter 289 is AS Residential Property No.1 Pty Ltd, (AS Residential), the owner of the former Kingswood Golf Club. The future of this property is the subject of another process through draft Amendment C199 and the report of the Advisory Committee is with the Minister. However, there are three small parcels of land within the former golf club land already zoned for residential use and Council proposed that they be zoned **NRZ7**. This is supported by the evidence of Mr Glossop. Ms Jordan does not comment on the zoning of these three small parcels in her evidence.

With a total of 89 submissions from property owners and residents, Dingley Village was the suburb from which the largest number of submissions was received. Only five of these submissions were from the area proposed to be zoned **GRZ5**. All opposed the provision for development of up to three storeys, as did the large majority of the remaining submitters who are located in the area proposed for **NRZ7**. The reasons given included a range of amenity and neighbourhood character concerns.

Council responded that the extent of the **GRZ5** proposed around Dingley Village is within the 200 metre walkable catchment of the retail core and is appropriate to the level of service provision of the Dingley Village NAC.

At the Hearing, Submitter 409 questioned whether Dingley Village should be classified as a NAC.

Submitter 236 (Five Ways Caravan Park) provided an extensive submission including that the application of **NRZ7** to their property was not justified. Council responded that it is located well outside the walkable catchment of the Dingley Village NAC and is appropriately **NRZ7**.

In responding to submissions, Council argued that Dingley Village is a designated NAC in the Planning Scheme with a range of retail and service uses. Zoning land within a 200 metre

catchment of the NAC as **GRZ5** was an appropriate response and would aid the provision of a diversity of housing.

(iii) Discussion and conclusion

Whether or not the Kingswood Golf Course site is appropriate for residential development is currently before the Minister. For this reason, the Panel does not address the future zoning of the former golf club land.

The Panel considers the rezoning to **NRZ7** of the three small parcels within the former Kingswood Golf Club land already zoned for residential is appropriate, as this is consistent with **NRZ7** proposed for surrounding residential areas.

Council has recognised that Dingley Village has retail and service offerings and for this reason has proposed to apply **GRZ5** to a 200 metre walkable catchment. That said, the GRZ is applied only to property with a direct abuttal to Centre Dandenong Road south west and north west of the NAC, well within 200 metres from the Centre. Overall the application of the GRZ around this NAC is very limited. The Panel notes that Submitter 236's land is about 10 minutes walking distance from the NAC.

It is not the Panel's role to assess whether Dingley Village qualifies as a NAC – it is designated as a NAC in the Planning Scheme.

The Panel considers that no convincing case has been made that the application of **GRZ5** in the walkable catchment of Dingley Village is inappropriate.

The Panel concludes in respect of Dingley Village:

- The exhibited zone boundaries are appropriate.

6.8 Edithvale

(i) What is proposed

Table 21 Existing zoning in Edithvale

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To an area in the immediate catchment of the Edithvale NAC including residential properties between the Nepean Highway and the foreshore	Mandatory 3 storeys/11 metres
GRZ3	To all other residential properties in Edithvale	Mandatory 9 metres

Table 22 Zoning proposed for Edithvale

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
GRZ4	To two small areas to the east of the suburb abutting the Edithvale wetlands and already developed with medium density dwellings	Mandatory 3 storey/11 metres
GRZ5	To a 400 metre walkable catchment around the Edithvale NAC and railway station. This includes land east of the Nepean Highway, north and south of the NAC and land on the south side of Edithvale Road, east to the Edithvale Primary School	Mandatory 3 storey/11 metres
NRZ1	To all property between the Nepean Highway and the foreshore	Mandatory 2 storeys/11 metres
NRZ7	To the majority of the residential areas in both suburbs where GRZ and NRZ1 are not applied	Mandatory 2 storeys /9 metres

(ii) Submissions

A total of 11 submissions were received from Edithvale.

Four submitters objected to the application of the **GRZ5** on the basis of the building height or the amenity impacts including the lack of infrastructure to support development. This includes Submitter 37 who argued that residential development should be limited to two storeys.

Two submitters, 226 and 418, are located on the north side of Edithvale Road on land proposed for **NRZ7**, but properties opposite on the south side of Edithvale Road are proposed for **GRZ5**. Each appeared at the Hearing to support their submissions for the application of **GRZ5** to the north side of Edithvale Road to mirror the proposed **GRZ5** zoning on the south side.

Submitter 226 proposed that the north side of Edithvale Road from the Nepean Highway up to and including 35 Edithvale Road (Submitter 418) should be included in **GRZ5**. They further submitted that it was well within the 400 metre walkable catchment and that Edithvale Road was a bus route.

Council responded to Submitter 226, that on the north side of Edithvale Road there was no natural break until Montrose Avenue, approximately 680 metres east of the Nepean Highway (well outside the defined walkable catchment).

In closing, Council further responded that it opposed the zoning proposed by Submitters 226 and 418 and that the proposed **NRZ7** had been adopted by Council at its meeting on 5 August 2020, in response to submissions received following community consultation.

Submitter 418 argued that a more even and pragmatic distribution of the proposed zones was warranted and that there had been an overuse of the NRZ. He submitted that there should be more encouragement for high quality side by side dual occupancies.

Three submitters offered broad support for the Amendment.

(iii) Discussion and recommendation

With respect to submissions 226 and 418, the Panel understands that the position adopted by Council is as a result of a resolution of Council. However, the Panel considers that it can see no logic to one side of Edithvale Road being **NRZ7** and the other **GRZ5** as both are within the walkable catchment of the Edithvale NAC.

The Panel understands that there is a natural break on the south side of Edithvale Road that justifies the application of **GRZ5** in that precinct. The Panel agrees that applying the **GRZ5** to the north side of Edithvale Road extending east to Montrose Avenue, is not acceptable because that boundary would be well outside the walkable catchment. The Panel further agrees that it is desirable that the boundary between zones is a natural break, most often a street. However, in the Panel's view boundaries between zones can be at property boundaries where unacceptable anomalies exist in this case.

The Panel considers that if the south side of Edithvale Road is **GRZ5**, logic and consistency of approach suggests that this zone should also be applied to the north side from the Nepean Highway up to and including 35 Edithvale Road. The Panel has examined this proposed break and considers that the transition from **GRZ5** to **NRZ7** could be readily managed at this point. The property at 37 Edithvale Road has been recently redeveloped as a two-storey dwelling and the Panel considers the transition between zones can be appropriately managed.

The Panel concludes in respect of Edithvale:

- The exhibited zone boundaries are generally appropriate.

The Panel recommends:

- 13. Apply General Residential Zone Schedule 5 to the north side of Edithvale Road, Edithvale from the Nepean Highway up to and including 35 Edithvale Road.**

6.9 Heatherton and Highett

(i) What is proposed

Table 23 Existing zoning in Heatherton and Highett

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
RGZ1	To an area south of the former Highett Gasworks site	Discretionary 13.5 metres
RGZ2	To the former Highett Gasworks site	Mandatory 26 metres
GRZ2	To an area in the immediate catchment of the Highett MAC and in the immediate catchment of Southland	Mandatory 3 storey/11 metres
GRZ3	To all other residential areas in Heatherton and Highett	Mandatory 9 metres
MUZ	To an area on the Nepean Highway at the eastern end of the Highett MAC and an area just north of the Kingston Centre in Warragul Road, Heatherton and to an area north of Southland	None specified

Table 24 Zoning proposed for Heatherton and Highett

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
RGZ1	To a parcel of land south of the former Highett Gasworks site with a frontage to the Nepean Highway	Discretionary 13.5 metres
RGZ3	To land north and south of the relatively large Highett NAC, between the Nepean Highway and the Frankston railway line and to that part of Highett which falls within the 800 metre walkable catchment of Southland	Mandatory 4 storeys/ 13.5 metres
GRZ5	To an extensive area east of the Nepean Highway extending from the Highett NAC in the north to Southland in the south	Mandatory 3 storey/11 metres
NRZ3	To the precinct on the eastern side of Heatherton abutting the Kingston Heath golf course	Mandatory 2 storeys /9 metres
NRZ7	To the remainder the residential areas in both suburbs	Mandatory 2 storeys /9 metres
MUZ	Existing MUZ precinct on Warragul Road to be retained	None specified

(ii) Submissions

There was one submitter from Heatherton and 15 from Highett. Three submitters requested to be heard by the Panel.

The majority of submitters from Highett, including Submitters 299 and 356 who requested to be heard, are located in the proposed RGZ3 area and object to that zoning on the basis of the allowed building height and a range of amenity impacts. There is a small number of submitters, including 93 and 213, located in the proposed **GRZ5** who expressed similar concerns. The existing zoning of the properties from these submitters is generally GRZ3 where there is already a three-storey height limit, with an overall 9 metre maximum height.

Submitter 472 requested to be heard but their submission related to setback controls in the C1Z.

Three submitters, 33, 78 and 480 supported the proposed zoning for their area. Submitter 78 expressed concerns about an existing Mixed Use Zone area which is outside the ambit of this Panel. In expressing support, Submitter 480 expressed concerns about the impact of four storey development on character, traffic, parking, greenery, and infrastructure.

(iii) Discussion and conclusion

The Panel has concluded that the use of the RGZ in the immediate walkable catchments of MACs is appropriate. The Panel accepts that this will lead to a change in character to the existing area. There is always a choice between amenity delivered by low density development and the amenity delivered by locations close to facilities. From a broad planning perspective higher density development is most appropriately placed near activity centres and this inevitably means that the amenity delivered by these areas leans towards convenience and range of facilities within walking distance more than low scale spaciousness and suburban character. In the absence of any specific constraints such as highly valued existing character that needs to be protected, it is appropriate to encourage higher density development in the well services areas around activity centres.

The Panel concludes in respect of Heatherton and Highett:

- The exhibited zone boundaries are appropriate.

6.10 Mentone**(i) What is proposed**

Table 25 Existing zoning in Mentone

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To the immediate catchment of the Mentone MAC	Mandatory 3 storey/11 metres
GRZ3	To the remaining residential property in Mentone	Mandatory 9 metres
GRZ5	To four properties in Nepean Highway and Balcombe Road Mentone, adjacent to the intersection of those two roads	Mandatory 3 storey/11 metres
MUZ	To a small number of properties in the vicinity of the Balcombe Road and Warragul Road intersection.	None specified

Table 26 Zoning proposed for Mentone

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
RGZ4	To an area west of the Nepean Highway, Balcombe Road intersection immediately to the east of the Mentone MAC	Mandatory 4 storeys/ 13.5 metres
GRZ5	To the remainder of the 800 metres walkable catchment of the Mentone MAC	Mandatory 3 storeys/11 metres
NRZ2	To substantial residential areas south and east of the Mentone MAC extending to Beach Road in the west	Mandatory 2 storeys /9 metres
NRZ6	To three private schools south of the Mentone MAC	Mandatory 2 storeys/11 metres
NRZ7	To the remaining residential land in Mentone	Mandatory 2 storeys /9 metres
MUZ	Existing MUZ retained	None specified

(ii) Evidence and submissions

There were 55 submissions from Mentone, four of which requested to be heard by the Panel.

Submitter 421 appeared at the Hearing to oppose the application of the **GRZ5** in his neighbourhood which is a couple of streets north of the Mentone MAC. He cited a range of amenity issues including parking which he submitted is already at capacity in some streets and difficult emergency vehicle access because of narrow streets. He complemented his presentation with photos.

Almost 40 of the remaining submissions objected to the Amendment citing a range of reasons associated with increased building heights and a perceived increase in dwelling density. Issues ranged from amenity impacts, traffic and car parking, and inadequate infrastructure. The majority of these were located in areas proposed for **GRZ5** or RGZ4.

Submitters 88, 91, 245, 255 raised issues associated with the boundary of the walkable catchment and therefore the boundary between the GRZ and NRZ. None supported their submission at the Hearing.

Submitters 41, 104, and 105 supported the Amendment or key aspects of it such as increased building height.

(iii) Discussion and conclusion

As indicated in Chapter 3.4 the Panel recommends that **GRZ5** should be applied to the 800 metre walkable catchment of the Mentone MAC. This will result in some properties proposed for NRZ2 south of the Mentone MAC being zoned **GRZ5**.

The arguments from Submitters 88, 91, 245 and 55 did not convince the Panel that the boundary of the walkable catchment had been inappropriately applied. Consequently, the Panel supports the proposed walkable catchment, as exhibited.

Issues with NRZ6 are addressed in Chapter 3.4.

The Panel concludes in respect of Mentone:

- The exhibited zone boundaries outside of the Coastal Character Areas are appropriate.
- Properties within the walkable catchment of Mentone MAC and the Coastal Character Area should be zoned **GRZ5**.

6.11 Moorabbin

(i) What is proposed

Table 27 Existing zoning in Moorabbin

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To residential properties in the immediate vicinity of the Moorabbin MAC	Mandatory 3 storeys/11 metres
GRZ3	To remaining residential properties in Moorabbin	Mandatory 9 metres

Table 28 Zoning proposed for Moorabbin

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
RGZ3	To a n area immediately south of the Moorabbin MAC	Mandatory 4 storeys/13.5 metres
GRZ5	To an area south of the Moorabbin MAC and south of the proposed RGZ	Mandatory 3 storey/11 metres
NRZ7	To the remainder of the residential properties in Moorabbin	Mandatory 2 storeys /9 metres
NRZ8	To a small number of properties in Hillston Road between the Nepean Highway and Grandview Grove which has an existing NCO applies	Mandatory 2 storeys /9 metres

(ii) Evidence and submissions

There were 20 property owners and resident submitters from Moorabbin, two of whom requested to be heard by the Panel.

Submitter 258 appeared at the Hearing to support the wider application of the GRZ in order to support more diverse residential development. She cited examples of recent higher density development in the area which she submitted was more akin to Garden Urban in character than the proposed Garden Suburban area. She regarded the widespread application of **NRZ7** as downgrading the area based on its current GRZ3 zoning.

Submitter 258 detailed the locational and infrastructure advantages of the area which she submitted supported higher density development. She proposed a wide area of Moorabbin be designated for increased change. Council did not support this, and took issue with the use of the term 'downgrading' with respect to areas currently in GRZ3 being proposed as **NRZ7**.

Submitter 475, who is located in a proposed RGZ3 area, expressed concern about the impact of the increased height that would be allowed, the amenity impacts of increased development, noise impacts during construction and the likely design outcomes of higher density development.

In closing, Council submitted that Submitter 475 was located within easy walking distance of the Moorabbin MAC and rejected their proposal for the area.

A significant number of the submitters are located in the proposed RGZ3 areas, and opposed the type of development that it will enable including the building height and density of development. Reasons given include a range of amenity and infrastructure impacts. Another smaller group of submitters opposed the application of **GRZ5** for a range of similar reasons, albeit three storeys could be developed under current GRZ3 zoning.

Submitter 185 is located in the **NRZ7** and requested a more enabling zone. Council opposed this as the submitter's property is located outside the walkable catchment of the Moorabbin MAC.

Submitters 112 and 164 are located in the proposed NRZ8 in Hillston Road. They raised concerns about the negative impact the NCO1 might have on their ability to develop or update their property. Council responded that the NCO1 is existing and not proposed to be changed by the Amendment.

Submitter 119 supported the Amendment.

(iii) Discussion and conclusion

With respect to the wider application of the GRZ proposed by Submitters 258 and 185, the Panel supports the application of the RGZ and GRZ to areas within the walkable catchment of the Moorabbin MAC and notes that neither of the proposals put to it meet this criterion.

The Panel acknowledges the range of infrastructure and other locational advantages identified by Submitter 258 but notes that if it were to entertain such a proposal there would need to be an extensive reconsideration of the whole Amendment, if it were to maintain a consistent approach to that applications of zones and walkable catchments, which is beyond the scope of the Panel's ambit.

The Panel accepts Council's submission with respect to the location of Submitter 475's property and regards the walkability of the area as sufficient justification for including it in the GRZ.

The Panel concludes in respect of Moorabbin:

- The exhibited zone boundaries are appropriate.

6.12 Mordialloc

(i) What is proposed

Table 29 Existing zoning in Mordialloc

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To the north, east and west of the retail core in the immediate vicinity of the MAC	Mandatory 3 storeys/11 metres
GRZ3	To all other residential areas in Mordialloc	Mandatory 9 metres
MUZ	To a small number of parcels in the Mordialloc MAC east west, north and south of the retail core and to a substantial area north and south of White Street towards the eastern border of the suburb	None specified

Table 30 Zoning proposed for Mordialloc

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
GRZ5	To the 800 metre walkable catchment of the Mordialloc MAC	Mandatory 3 storeys/11 metres
NRZ6	To an area north-west of the Mordialloc MAC, broadly bounded by Main Street, Nepean Highway, Bay Street and Beach Road	Mandatory 2 storeys/11 metres
NRZ7	To the remainder of the residential land in Mordialloc	Mandatory 2 storeys /9 metres
NRZ8	To a limited number of properties in Ormond Street to which a new NCO is proposed.	Mandatory 2 storeys /9 metres
MUZ	Existing MUZ to be retained	None specified

(ii) Submissions

There were 36 submissions from Mordialloc, four of whom requested to be heard by the Panel.

Submitter 446 was heard by the Panel and expanded on her written submission expressing concern about the change that was occurring in her area and the change that the Amendment would further enable. Council responded that this submitter was located within the walkable catchment of the Mordialloc MAC and was appropriately zoned **GRZ5**.

Submitter 473 provided a lengthy and detailed submission. He proposed that the whole area broadly bounded by Chute Street, Bear Street, Crown Street and Steedman Street Mordialloc be included in **NRZ7**. He provided a detailed analysis of the character of the area, including analysis of existing dwelling and lot size. He submitted that Council had been inconsistent in its application of the NRZ and that an area of NRZ6 was proposed within the walkable catchment, on the beach side of the Mordialloc MAC.

Council acknowledged that the NRZ6 area was within the 800 metre walkable catchment of the MAC but was in the coastal character area. Council further submitted that the area had been treated consistently with other similar areas and consistent with DDO1 which restricts development to two storeys.

Submitter 183 detailed a list of concerns about the impacts of the proposed **GRZ5** for the area in which he is located. His concerns included over development, overlooking and overshadowing. He suggested that all development should be limited to two storeys and that adequate off-street parking should be provided with each development. Council responded that some of the submitter's concerns would be addressed by the ResCode requirements for new development. Submitter 183 is located in an area zoned GRZ2 where three-storey development is already permitted.

Submitter 494 provided a detailed supplementary submission but they were unable to attend the Hearing. They agreed that new development should be in or near activity centres but did not specify their understanding of 'near'. They further suggested that development be restricted to two storeys.

A significant majority of the remaining submitters were located in areas proposed to be **GRZ5** and objected to this zoning citing a range of amenity issues associated with the allowable three-storey building height limit. The reasons for their objection included amenity impacts associated with higher built form and denser development. Some submitters suggested a two-storey height limit.

(iii) Discussion and conclusion

The Panel notes the concerns raised by Submitter 183 but agrees with Council that the area identified by the submitter and proposed for the **GRZ5** is within the walkable catchment of the MAC. The proposed **GRZ5** is consistent with the approach taken across Kingston and in the Panel's view is appropriate.

Consistent with the Panel's conclusions in Chapter 3.4, the Panel considers that the area within the walkable catchment of the activity centre, but not immediately adjacent to the coast, ought to be placed in GRZ and not the NRZ. But because the walkable catchment extends to the foreshore there is a need to determine the precise boundary between where NRZ applied to the immediate coastal environs and the GRZ in the balance of the walkable catchment of the activity centre. This will require a separate piece of work. This ought not be complex, but is beyond the scope of the Panel Hearing.

The Panel concludes in respect of Mordialloc:

- The exhibited zone boundaries outside of the Coastal Character Areas are appropriate.

6.13 Oakleigh South

(i) What is proposed

Table 31 Existing zoning of Oakleigh South

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ3	To residential areas in Oakleigh South	Mandatory 9 metres

Table 32 Zoning proposed for Oakleigh South

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
NRZ7	To all residential areas in Oakleigh South	Mandatory 2 storeys /9 metres

(ii) Submissions

There were only two submitters from Oakleigh South, neither of whom requested to be heard by the Panel. Neither proposed any changes to zoning but made comments on a number of the ResCode standards.

(iii) Discussion and conclusion

The Panel's discussion on ResCode standards is addressed in Chapter 5.

The Panel concludes in respect of Oakleigh South:

- The exhibited zone boundaries are appropriate.

6.14 Parkdale

(i) What is proposed

Table 33 Existing zoning in Parkdale

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To residential properties in the immediate vicinity of the Parkdale NAC and to the southeast of the Mentone MAC	Mandatory 3 storey/11 metres
GRZ3	To all other residential properties in Parkdale	Mandatory 9 metres
GRZ5	To four properties in Nepean Highway Parkdale near the corner of Warragul Road in the vicinity of the Mentone MAC	Mandatory 3 storeys/11 metres
MUZ	To small number of parcels in the southern area of the Parkdale NAC, southeast of the railway station	None specified

Table 34 Zoning proposed for Parkdale

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
RGZ3	To a small area bounded by First Street, Warragul Road and Nepean Highway just south of the Mentone MAC	Mandatory 4 storeys/ 13.5 metres
GRZ5	To an area north of the Parkdale NAC, north to the Nepean Highway	Mandatory 3 storeys/11 metres
NRZ6	To an area south-west of the Parkdale NAC bounded north and south by Como Parade West and Beach Road	Mandatory 2 storeys/11 metres
NRZ7	To the remaining residential areas in Parkdale	Mandatory 2 storeys /9 metres

(ii) Submissions

There were 34 submissions from property owners and residents of Parkdale, two of whom requested to be heard.

Submitter 271 is located in the proposed **GRZ5** and objected to the proposed three-storey height limit allowable in that zone. In closing, Council responded that the submitter's property currently zoned GRZ2 where three storeys is permitted and the proposed **GRZ5** is appropriate given proximity to the Parkdale NAC.

Submitter 286 (Jubilee Close Pty Ltd and MDC Management Pty Ltd) is the owner of 9 and 11 White Street Parkdale proposed for **NRZ7**. It submitted that the three properties in White Street between the Parkdale Plaza to the west and Melrose Street to the east should be zoned **GRZ5** to reflect both the development potential and to reflect the proposed **GRZ5** on the south side of White Street. It submitted that the proposed **NRZ7** was a downgrading of the development potential of the site currently zoned GRZ3.

These properties abut the Parkdale Plaza shopping centre to the north. The submitter acknowledged that Parkdale Plaza was not a designated NAC but that it was a substantial centre with an approximately 1,200 square metre supermarket, a Dan Murphy outlet, an Adairs and a number of smaller retailers. It submitted that the subject site has the characteristics appropriate for a higher density of development than would be allowed under the proposed **NRZ7**. It submitted that Melrose Street provided adequate separation from the proposed **NRZ7** to the east of the site, for the transition between **GRZ5** and **NRZ7** to not be an issue.

In closing, Council submitted that the subject site is considered for incremental growth and that the methodology which resulted in the proposed **NRZ7** zoning had been supported by its witnesses. It further stated that it would await the Panel's analysis.

Council further submitted that the current GRZ3 zoning with its height limits and variations to ResCode standards are such that it rejects the submitters contention that the proposed zoning represents a downgrading for this area.

There were a number of other submitters from the area proposed as **GRZ5** all opposing the application of that zone on a range of amenity and infrastructure grounds. Other submitters located in areas proposed for **NRZ7** raised similar concerns.

(iii) Discussion and recommendation

The designation of Parkdale Plaza within the Kingston retail hierarchy is a matter for Council but it does contain retailers not normally found in local centres. The Panel considers that the amenity of the site at 9 and 11 White Street and the adjoining 7 White Street is impacted by the walls of the Parkdale Plaza on the boundaries to the north and west. It is not the typical site found in a NRZ area.

Because of the proximity to Parkdale Plaza, the nature of that centre and the amenity constraints of the site, the Panel considers that the three properties together would be an appropriate location for medium density development. For this reason the Panel considers **GRZ5** as appropriate for the three properties. Applying this zoning should not compromise the amenity of proposed **NRZ7** area to the east of Melrose Street. The Panel further observes that developing 9 and 11 White Street for medium density housing and leaving 7 White Street as a single dwelling would be a suboptimal outcome.

As indicated in Chapter 3.4 the Panel recommends that **GRZ5** should be applied to the 400 metre walkable catchment of the Parkdale MAC. This will result in some properties proposed for NRZ6 west of the Parkdale MAC being zoned **GRZ5**.

The Panel concludes in respect of Parkdale:

- The exhibited zone boundaries outside of the Coastal Character Areas are generally appropriate.
- Properties within the walkable catchment of Parkdale MAC and in the Coastal Character Areas should be zoned **GRZ5**.

The Panel recommends:

14. Apply General Residential Zone Schedule 5 to 7, 9 and 11 White Street, Parkdale.

6.15 Patterson Lakes and Waterways

(i) What is proposed

Table 35 Existing zoning in Patterson Lakes and Waterways

Existing zoning	Application of the existing zones	Dwelling or Residential building maximum heights
GRZ2	To a small number of properties in the north of the suburb immediately proximate to the Patterson River and the Patterson Lakes Marina	Mandatory 3 storeys/11 metres
GRZ3	To all other residential properties in Patterson Lakes and Waterways	Mandatory 9 metres

Table 36 Zoning proposed for Patterson Lakes and Waterways

Proposed zone	Application of the proposed zone	Dwelling or Residential building maximum heights
GRZ6	To an area within the 400 metre walkable catchment of the Patterson Lakes NAC	Mandatory 3 storeys/ 11 metres
NRZ4	To a large estate with water access to the canal system linked to Patterson River	Mandatory 2 storeys /9 metres
NRZ5	To the Waterways Lake area	Mandatory 2 storeys /9 metres
NRZ7	To the balance of residential areas in Patterson Lakes	Mandatory 2 storeys /9 metres

(ii) Evidence and submissions

There were nine submissions from property owners and residents from Patterson Lakes and four from Waterways. A significant majority of the submissions opposed three-storey development or increased densities that would be enabled by GRZ6. Where stated, opposition was generally based on amenity concerns. With respect to most of these, Council responded that they were located in the walkable catchment of the activity centre and as such an appropriate location for greater development.

Two submitters, 248 and 249, located in an area proposed for NRZ4 wanted a zoning that would enable greater development. Council responded that these properties were remote from the activity centre and in a sensitive waterway setting and opposed any change.

(iii) Discussion and conclusion

The Panel accepts the Council's response that the properties are remote from activity centres and the proposed zoning is appropriate. A zoning that facilitates higher density is therefore not strategically justified.

The Panel concludes in respect of Patterson Lakes and Waterways:

- The exhibited zone boundaries are appropriate.

7 Overlays

7.1 Coastal overlays

7.1.1 What are the issues

The Panel has previously concluded that DDO1 is not a secure strategic basis to apply the NRZ to all areas the DDO covers. This chapter deals with drafting issues in the revised DDO1 control, which will consolidate the current DDO1 and DDO7 schedules, but is intended to be ‘policy neutral’.

The intention of the changes to the coastal overlays is to improve their operation by removing ambiguity. The Panel supports this approach.

The issue is:

- whether in making clarifications the application and effect of DDO1 and DDO7 has been altered and if it has, whether this alteration is appropriate.

7.1.2 What is proposed

The proposed DDO1 combines the current DDO1 and DDO7 into a consolidated schedule to manage building heights and setbacks in foreshore and urban coastal areas. The drafting of these planning controls has been tested through decisions of the Victorian Civil and Administrative Tribunal where difficulties in interpreting the controls have been highlighted.

Council submitted *“The Amendment seeks a neutral translation of the controls, whilst clarifying the intent of the controls to improve decision making”*.

The Amendment proposes to delete a small number of properties from DDO1.

Figure 12 Area of Design and Development Overlay Schedule 1 to be deleted.



7.1.3 Background to Schedule 1 to the Design and Development Overlay

The foreshore height control in the current DDO1 was introduced in November 1985 when the then Minister for Planning and Environment made an Interim Development Order to protect the Bayside area between Elwood and Frankston by introducing maximum building height limits (Height Control 77, 78 and 791).

The height limits applied to all development within an area extending from the foreshore to between 200 to 1000 metres inland and specified a mandatory maximum building height of 6 metres and 2 storeys (excluding basements). A permit was required if any storey was to be more than 3.5 metres in height and there were no exemptions for attics.

The controls were introduced after concern was expressed by a number of councils and individuals that the Melbourne foreshore needed to be safeguarded from inappropriate coastal development that did not reflect the unique coastal environment.

Amendment 363 introduced by the Minister in 1985 specified a maximum height of 2 storeys in order to ensure that amenity impacts could be largely contained within individual lots. The key objective of Amendment 363 was to 'protect and enhance the coastal environment'.

7.1.4 Removal of DDO1

A variety of submissions were received in relation to DDO1 – both in support of the proposed overlay, or opposing the overlay being retained over their property.

Submissions opposing the DDO1 on their property put forward a series of different reasons justifying the removal of DDO1, with some linked to the application of the GRZ, including proximity to public transport and activity centres where taller and more intensive development is usually deemed appropriate by the PPF and Plan Melbourne.

The removal of DDO1, beyond the areas exhibited, is not before the Panel, but the Panel has recommended earlier that its spatial application be reviewed.

7.1.5 Separation from the foreshore reserve by a road

The current DDO7 has a permit requirement that states:

A permit must not be granted to construct a building or construct or carry out works within 4.5 metres of the foreshore reserve boundary.

The provisions of the current DDO7 are proposed to be incorporated into the new DDO1.

The main thrust of neighbouring Submitters 502 and 509 was the interpretation of the 4.5 metre setback from the boundary to the foreshore reserve. Submitter 514 objected to any change to the DDO controls that would allow development within 4.5 metres of the foreshore reserve boundary where there is a public road on foreshore land.

The proposed DDO1 retains a requirement for a 4.5 metre setback of buildings and works from the foreshore reserve boundary. Submissions requested that further clarification is provided when a road may be located between the 'true' foreshore and a property. Submitter 509 proposed additional wording to be added to the exemptions from 'Buildings and works requirements':

Land separated from the foreshore reserve area identified on Map 1 by an intervening public road reserve.

In response to this suggestion Council initially considered changes to DDO1, but did not pursue this approach in its final position on the Amendment. Council observed that areas with a road reserve can be the places where people access the foreshore, and so a setback to protect the character or amenity of the foreshore may be more relevant than other less publicly accessible areas.

It is not clear where there are road reserves included in the 'foreshore reserve' and the designation of a road reserve does not imply the actual use for a road. In any case, road reserve areas may still warrant a setback.

The Panel concludes:

- It is not appropriate to exclude road reserves from the foreshore reserve area.

7.1.6 Is the setback mandatory?

DDO7 says:

A permit must not be granted to construct a building or construct or carry out works within 4.5 metres of the foreshore reserve boundary.

VCAT determined that this is not a mandatory requirement in *Carrum Sailing Club Inc. v Kingston CC [2010] VCAT 755*. VCAT says at paragraph 14:

DDO7 is a foreshore setback provision. The setbacks referred to in DDO7, being 4.5 metres from the foreshore, are not mandatory.

VCAT explains in a footnote:

Clause 43.02 requires an Overlay to specify if the requirement cannot be varied with a permit. There is no such statement. Thus, the setback is discretionary and must be tested against whether compliance is achieved with the design objectives.

The relevant provision of Clause 43.02 is:

A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

The Panel cannot follow VCAT's interpretation of the provisions, and would have thought the text 'A permit must not be granted' is clear negation of the parent provision's 'A permit may be granted'.

The Panel concludes:

- The current DDO7 setback is intended to be mandatory.

7.1.7 Method of defining the foreshore boundary

(i) The issue

What is at issue is what precisely is the 'foreshore reserve boundary'.

(ii) Evidence and submissions

Council has determined to represent the foreshore reserve boundary with maps in the DDO schedule and the definitions:

For the purposes of this schedule:

- 'foreshore reserve' is the area of land located between Port Phillip Bay, Patterson River and the Mordialloc Creek and any property boundary that adjoins it south of the Mordialloc Creek as shown hatched on Map 1 to this schedule.
- 'foreshore reserve boundary' means any property boundary that adjoins the foreshore reserve as shown on Map 1.

Figure 13 Foreshore boundary and existing zoning, selected locations

Council submitted that the Panel should not try to reinterpret the effect of the overlays as they are currently drafted in relation to the foreshore reserve, but to look at what is exhibited and form a view on whether the exhibited overlay is appropriate. In relation to the setback the critical issue is the extension of the 'foreshore reserve' along waterways.

The Bridge Hotel objected to the foreshore reserve running along the Urban Floodway Zone and its land, and said:

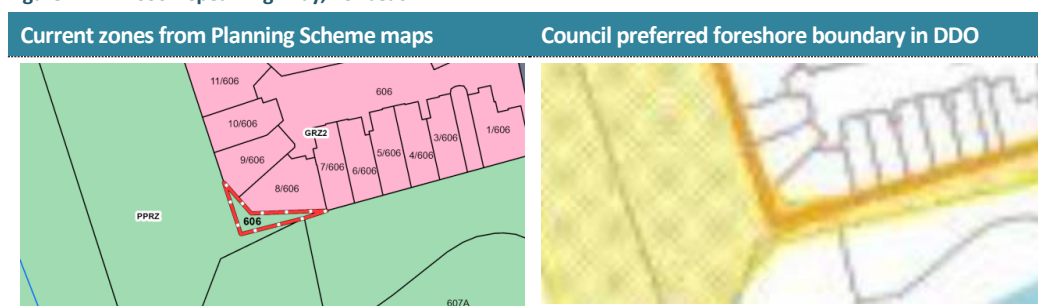
- there was no foreshore reserve, but only a narrow walkway
- the required setback would be inappropriate as a future development might seek to have a beer garden development in this area (there is some existing outside areas here) and this would be an appropriate interface to the creek.

(iii) Discussion and conclusion

Defining the foreshore boundary

Defining the boundary on maps in a schedule is less satisfactory than defining them in planning scheme maps where they are of higher resolution and can be seen in relation to property boundaries at any scale. The plans can be difficult to read and not entirely clear, as Figure 14 shows.

Figure 14 606 Nepean Highway, Bonbeach



Lot and Plan Number: Lot RES1 PS324753. Standard Parcel Identifier (SPI): RES1\PS324753

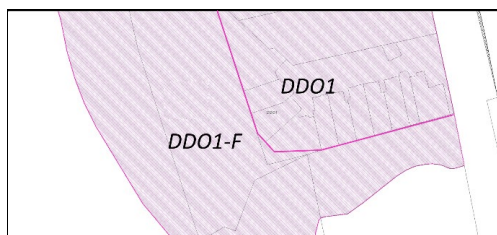
The Panel considered whether the foreshore reserve could be defined by reference to a PPRZ (or other public use zone) as this would seem to have the clearest connection with the intent of the control. For the bulk of DDO1 this would mirror the exhibited map, but it would be different in the places shown in Figure 13:

- the Urban Floodway Zone (UFZ) along Mordialloc Creek
- at Chelsea Park where PPRZ land is not in the foreshore reserve
- the publicly accessible residentially zoned land behind the houses in Mascot Avenue fronting the Patterson River.

The Panel notes that industrial zones have conditions against uses that refer to separation distances to other zones and so the Panel does not see any in principle problem in defining a setback to a zone boundary. The issue is making this work with the current zones.

An alternative way of defining the foreshore reserve could be via precincts on the planning scheme maps. The Panel notes that this approach is used in other zones and overlays.

The Panel notes that a number of DDOs map precincts on planning scheme maps, and this provides an alternative way of defining the foreshore reserve on the planning scheme maps. In this approach DDO1 would cover the foreshore reserve (which it mainly does) with the foreshore area identified as a precinct in the DDO, for example as 'DDO1-F'. A tidy up of the extent of DDO1 around Patterson River would be needed to implement this approach.

Figure 15 Panel suggested approach to identifying the foreshore by a precinct within DDO1**Extending the foreshore boundary**

The Panel does not support the extension of the foreshore reserve boundary to apply to land abutting the Mordialloc Creek.

Dictionary definitions suggest that wide rivers can have foreshores. However, there is a clear distinction between the conditions at Mordialloc Creek, where private land abuts the UFZ and there is no discernible reserve but rather a boardwalk giving access to moorings, and the conditions at Patterson River, where there is a reserve with a publicly accessible walking path.

Conclusion

The Panel concludes:

- Defining statutory boundary by maps in overlay schedules is problematic and not considered best practice.
- In the absence of a zoning regime that clearly identifies the foreshore boundary, identification by a precinct within the DDO on planning scheme maps is preferred.

7.1.8 Height control

There was discussion at the Hearing about how to best interpret and express a height control of 2 storeys. The issues are to do with:

- how basements are treated
- what rooftop infrastructure is appropriate.

Clause 73.01 (General terms) makes it clear that 'Storey' includes a basement (though there were submissions to the contrary at the Hearing). If development is restricted to a certain number of storeys, then that number includes any basement. However, if the reference to storeys is a reference to 'height' then only storeys above natural ground level are counted (because of the definition of height). A complicating factor is that a basement may protrude from the ground by 1.2 metres.

The Panel understands that the typical interpretation of these overlapping definitions is that where a height is expressed in storeys it does not include a basement. The Panel thinks this can be made clear by simply adding to the control that the two-storey limit does not include a basement.

The Panel concludes:

- The control should say 'A building must not exceed two storeys, not including any basement'.

7.1.9 Drafting issues

(i) Evidence and submissions

Council submitted that the revised DDO1 seeks to achieve three things:

- no permit is required if the development meets certain requirements
- those requirements cannot be exceeded for new development
- those requirements can be exceeded with a permit for a proposal to extend, alter, or replace an existing building, or existing works, that were lawfully constructed before the gazettal of Amendment C203, and which do not comply with the requirements.

Council's proposed drafting repeats the conditions in two places and has a number of cross references.

In summary the requirements are:

- the buildings (other than eaves) and works are setback at least 4.5 metres from any foreshore reserve boundary
- the building does not exceed a height of two storeys
- a fence on, or immediately adjacent to, the foreshore reserve that does not exceed 1.8 metres in height
- works that do not form part of any building, and do not exceed 6 metres in height
- the construction of the building or the construction or carrying out of works does not result in the creation of any new, private access of any kind to the foreshore reserve.

(ii) Discussion

The 'Permit exemption requirements' and 'Mandatory requirements' are essentially the same (see Table 37). The Panel believes that a more streamlined DDO could be drafted by including one set of requirements in a table and referring to that table in the relevant part of the schedule.

Table 37 Requirements in DDO1

Permit exemption requirements	Mandatory requirements
- The buildings (other than eaves) and works are setback at least 4.5 metres from any foreshore reserve boundary. A building may have eaves that encroach a maximum of 500mm into this setback.	- Buildings (other than eaves) and works must be setback at least 4.5 metres from any foreshore reserve boundary. A building may have eaves that that encroach a maximum of 500mm into this setback.
	- Where the building or works has more than one setback to the foreshore reserve boundary, a permit may be granted to vary this requirement, provided that the buildings (other than eaves) and works are setback at least 4.5 metres from one foreshore reserve boundary.
- The building does not exceed a height of two storeys, which height may include a basement that is no more than 1.2 metres above natural ground level.	- A building must not have a maximum height that exceeds two storeys, which height may include a basement that is no more than 1.2 metres above natural ground level.

Permit exemption requirements	Mandatory requirements
- A fence that does not exceed 1.8 metres in height measured above natural ground level which is to be constructed is either on, or immediately adjacent to, the foreshore reserve boundary.	- A fence which is to be constructed is either on, or immediately adjacent to, the foreshore reserve boundary, must not exceed a height of 1.8 metres in height above natural ground level.
- In the case of works that do not form part of any building, those works do not exceed 6 metres in height when measured from natural ground level.	-
- The construction of the building, or the construction or carrying out of works would not result in the creation of any new, private access of any kind to the foreshore reserve.	- The construction of a building, or the construction of carrying out of works, must not result in the creation of a new private accessway of any kind to the foreshore reserve.

Some of the drafting appears redundant. In Clause 2.1 'Permit not required', it says a permit is not required if the requirements are met but says that this does not apply to the specific circumstances identified in Clause 2.2, which refers to existing buildings. But that clause itself explicitly says that the conditions in Clause 2.1 are not met. The effect of these two cross references is to make the exception in Clause 2.1 redundant.

Table 38 The Panel's attempt to understand DDO1 drafting

Proposed DDO1 clause	What is proposed	Panel comment
Clause 2.1 'Permit not required'	A permit is not required to construct a building, or to construct or carry out works (other than in the specific circumstances identified in Clause 2.2 below) provided the following conditions are met: ... [the schedule then lists the Permit exemption requirements]	This means a permit is required if the Permit exemption requirements are not met.
Clause 2.2 Permit required Replacement buildings and works	A permit is required to extend, alter, or replace an existing building, or existing works, that were lawfully constructed before the gazettal of Amendment C203, and which do not comply with the conditions identified in Clause 2.1 above.	If the conditions identified in Clause 2.1 are not met then the permit exemption in Clause 2.1 is not triggered, making this Clause redundant.
Clause 3 Mandatory Requirements	The following mandatory requirements apply to the construction of any building, or the construction or carrying out of any works (other than in the specific circumstances identified in Clause 2.2 and/or below). Unless otherwise specified, a permit cannot be granted to vary these mandatory requirements.	The exemption here is to the mandatory nature of the requirements. This clause sets up a reference to a reference. This sort of drafting is hard to follow.

Proposed DDO1 clause	What is proposed	Panel comment
Clause 2.4 Replacement buildings and works	A permit may be granted to extend, alter, or replace an existing building, or existing works, that were lawfully constructed before the gazettal of Amendment C203, which do not comply with the mandatory requirements identified in Clause 2.3 above, provided that: ...	This essentially repeats the exemption from Clause 2.2.

Other refinements that are appropriate are:

- specifying what is meant by 'on, or immediately adjacent to, the foreshore reserve boundary' in terms of a fence (in the absence of submission on this topic the Panel has specified 2 metres but an alternative distance may be more appropriate)
- requiring a permit to construct a fence within 2 metres of the foreshore reserve boundary, because fences do not automatically require a permit in the DDO.

The Panel believes that DDO1 could be simplified by:

- using a table to specify the requirements:
 - that mean no permit is required, and
 - which cannot be exceeded for new development.
- presenting the exemptions to the mandatory conditions separately to the table.

The Panel notes that the DDO needs to explicitly include that a permit is required for other potentially tall 'works', like fences, otherwise they are not controlled.

Appendix F shows the Panel referred version of DDO1.

7.1.10 Recommendation

15. Refine the Design and Development Overlay by:

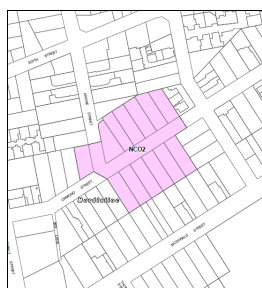
- Mapping foreshore as a precinct in Design and Development Overlay Schedule 1 on planning scheme maps**
- Refining the text based on the approach presented in Appendix F.**

7.2 Neighbourhood Character Overlay Schedule 2

The Amendment proposes the following:

- a new Clause 43.05 NCO2 to 13 lots in Ormond Street, Mordialloc

Figure 16 New Neighbourhood Character Overlay Schedule 2



- replace Schedule 10 MORDIALLOC ACTIVITY CENTRE, with new Schedule 10 – minor The Panel received submissions that the area of the NCO2 should be extended to include a number of abutting properties.

The Panel notes Council's response to Submitters 112 and 164 with regard to an existing NCO2 and that it is not within the ambit of the exhibited Amendment, or the strategic planning work that underpins it, to address issues raised.

The Panel agrees that any extension of the NCO2 would require separate notice to affected properties and an extension is not supported by the strategic work underpinning the Amendment.

The Panel concludes in respect of NCO2:

- The extent of NCO2 is appropriate.

7.3 Other overlays

The Amendment proposes the following:

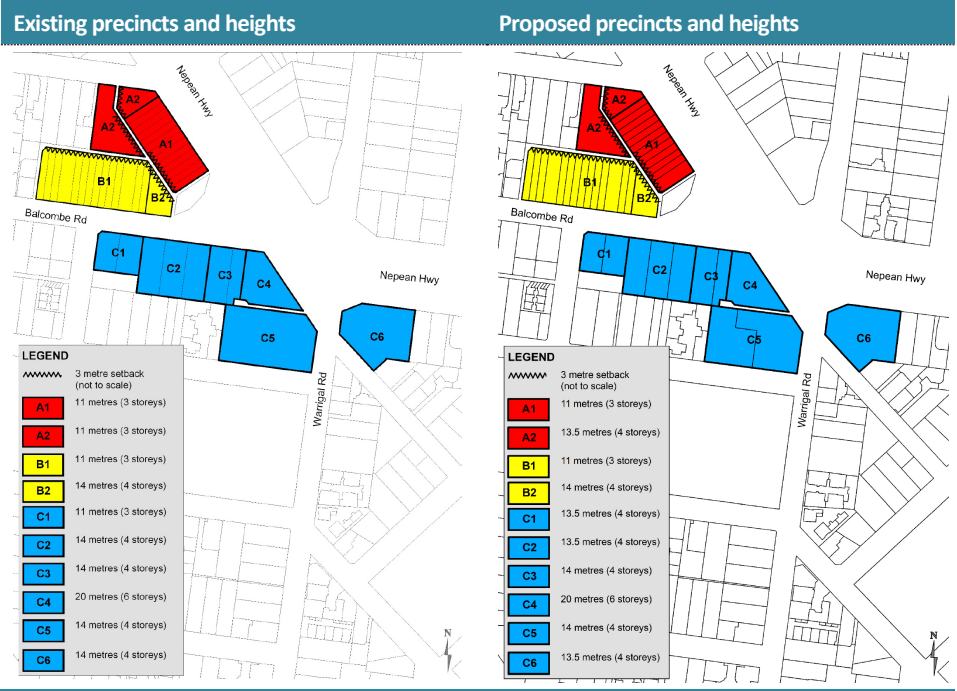
- minor changes NCO1
- replace Schedule 10 Mordialloc Activity Centre, with new Schedule 10 – minor change 10-A8 and 'superseding guidelines'
- replace Schedule 12 'Highett Activity Centre' with new Schedule 12 which adds additional precincts to the overlay and objectives for substantial change precincts
- replace Schedule 22 'Mentone Junction Precinct' with new Schedule 22 which changes some height limits (see Figure 17)
- insert new Schedules 25 and 26 in the form of the attached documents:
 - DDO25 Neighbourhood Renewal Areas 2 - Local Roads
 - DDO26 Neighbourhood Renewal Areas 2 - Main Roads.

The Panel notes that Council has proposed some refinements to the exhibited overlays. DDO25 and DDO26 are almost identical and could be consolidated into one schedule making the planning scheme shorter and more transparent. The Panel understands that they have been exhibited as separate schedules on the advice of the department.

The Panel concludes:

- The proposed overlays are appropriate.

Figure 17 Design and development Overlay Schedule 22 ‘Mentone Junction Precinct’ changes



Appendix A Submitters to the Amendment

No.	Submitter
1	Nicholas Ball
2	James Choi
3	Christian Griffith
4	Rosa Taraborrelli
5	Robyn Doyle
6	Margaret Storey
7	Michael Raux
8	Valerie Mason
9	Andrew Brereton
10	Elizabeth Koumakis
11	Spiri Miliaressis
12	David Gleadell
13	S O'Neal
14	Penelope Pepperell
15	Eric Saddington
16	Lisa McGann
17	David Ricciardi
18	Daniel Van Stokrom
19	Richard Li
20	Helen Knipe
21	Thomas Stolinski
22	Arunothai Wichienkaew
23	Szymon Gabrys
24	Andrew Meede
25	Julie Poulter
26	Victoria Shaw
27	Richard Jeffrey
28	Gregory Francis
29	Tammy O'Leary
30	Emma Docherty
31	James Cirillo

No.	Submitter
32	Carl Lundgren
33	Dhawal Jaggi
34	Jennifer Colaci
35	Shane Dunkling
36	Matt Currie
37	Margaret & Peter Card
38	Bruce McAllister
39	Russel Montgomery
40	Candice Worner
41	Meredith Barnes
42	Peter Jukel
43	David Melgaard
44	Matthew Rodgers
45	Amanda Andrew
46	Karen Moseley
47	Sarah Van Gils
48	Gian Singh Bhogal
49	Karen Moseley
50	Julie Clifford
51	Michael Wayman
52	Suzanne Lampe
53	William R Holmes
54	Alex Alter
55	Deborah Gallant
56	Xuecong Wang
57	Youli Chen
58	Anthony Brinkley
59	Maeve Kennedy
60	Sarah Smith
61	Don Rigaldi
62	Lyn Smart

No.	Submitter
63	Lauren Teirney
64	John Prendergast
65	Katrina Hagekyriakou
66	Anita Manuel
67	Nola Finn
68	Guisheng Ge
69	Lee Baines
70	Alice Kett
71	Rajesh Gupta
72	Hikari Nagai
73	Melissa Ward
74	Mark Gregory
75	Steven McCarthy
76	Kaye Wright
77	Andrew Alexander
78	Deborah Dick
79	Russell Nathan
80	Denis and Janice Boarder
81	Jonathan Voullaire
82	Rick Mallen
83	Barbara and Victor Young
84	Brian Westbrook
85	Gabrielle Walters
86	David Zeman
87	Debra Davidson
88	Emma Top
89	Georgette Neubauer
90	Stephen Macdonald
91	Varun Manivannan
92	Renae Buckley
93	Colin McIntosh
94	Peter Miller
95	Louise Gleadell

No.	Submitter
96	Sharon King
97	Zoe Wilson
98	Kelly Benjamin
99	Craig Waldron
100	Glenn Dormans
101	Teik Hong Yew
102	Samuel Hoffmann
103	Christopher Ellis
104	Emil Dickson
105	Peggy McDonald
106	Erin Stevenson
107	Robin Werth
108	Jeremy Rose
109	Faustas Sadauskas
110	Keith Riddle
111	David Potts
112	Merian Waks
113	David Allan
114	EPA
115	Norman Tendler
116	Mustafa and Nuray Akyol
117	Vyacheslav Snitkovsky
118	Sue Cook
119	Ehsan Abbasi and Sara Salim Pour
120	Christine Vincent
121	The Occupier 35 Amaroo Drive Chelsea Heights
122	Koral Denholm
123	Pradeep Kumar
124	Mark Tyrrell
125	Matthew Hubbard
126	Yun Jiang
127	James Doolan
128	Edwin Xavier

No.	Submitter
129	Simon Mossman
130	Eleor Kasymov
131	Russell & Elaine Milne
132	Keith Owen
133	Sharon Owen
134	Cathy Spencer
135	Carissa Langford-Jones
136	Vassilios Petridis
137	Colin Greenwood
138	Jean Thomas Li Kwet Young Li Mow Chee
139	Woon Lam Cheung
140	Robyn Kennedy
141	C W Mckenzie
142	Gae Phillips
143	Nino Vinci
144	Carol O'Halloran
145	Chris Hruska
146	South East Water
147	Sandy Adlington
148	Mordialloc Beaumaris Conservation League Inc
149	Patrick Rehm
150	M Prentice
151	Kim Norden
152	Emily Breslin
153	Joseph Foti
154	Daniel Hallett
155	Stephen and Deidre Carino
156	Troy Kujawski
157	Grainne Kearns
158	Rebecca Toth
159	Huy M Vu
160	Sophie Walker

No.	Submitter
161	Jacinta Francis
162	David McHugh
163	City of Greater Dandenong
164	Patrick Webb and Merian Waks
165	Vitaliy Volyansky
166	Wendy Chynoweth
167	Scott Weeks
168	Gloria L'Abbate
169	Laurence Martin
170	Michael David Fisher
171	James Gregory
172	William Little
173	Heath and Laura Curnow
174	Weiyu Zhang
175	Geraldine Creaton
176	Paul Adlington
177	Anthony Wrzesinski
178	William Powe
179	Russell and Edith Graham
180	Martin Thomason
181	Daniel Giles
182	Brian Douglas
183	Paul Cahir
184	Thi Lam
185	Ugesh
186	Anthony Beacall
187	Carolyn Yap
188	Nigel Robertson
189	Chris Gill
190	Jill Henderson
191	Biagio Locastro
192	Samantha Griffiths
193	Eileen Judith Tubb

No.	Submitter
194	Melinda Kavanagh
195	Nagy Mourad
196	Greg Kelly
197	Victor Choi
198	David Goss
199	Pete Bishop
200	Wayne Haworth
201	Robert Strain
202	Barbara Dowling
203	Michelle Sjostrom
204	Don Rigaldi
205	Shaohua Liu
206	The Bridge Hotel / Julian McCluskey
207	Leah Rust
208	Norm Wilkins
209	Judith Dianne Butler
210	Yingjie Zhou
211	Andrea Middleton
212	Walter Sendeckyj
213	Peter Novak
214	Isabel Hayes
215	Romas Malzinskas
216	Toni King
217	Julia Lay
218	Mary Anne Silvers
219	Robyn Hickling
220	Steven Kintakas
221	Fiona Cork
222	Joel Irons
223	Aspasia Papaioannou
224	Steve Cruwys
225	Samantha Wallis
226	Itay Ziv and Natalie Drucker

No.	Submitter
227	David Miles
228	Janene Irving
229	Eleni Kamtsis
230	Annette Hall
231	Jessica Anson
232	Richard Hayes
233	Janine Cargill
234	Nadege Veron
235	Maria Mckenzie
236	Five Ways Caravan Park
237	Peter and Suzanne Hengstberger
238	Carol Locastro
239	Rachel Cross
240	St Bedes College Mentone
241	Franca Valeri
242	Angry Aspendale Gardens Resident
243	John Bolton
244	Wendy Jeanes
245	Tim Hunter
246	Julie Sergienko
247	Katina DeStratis
248	Daniel DeStratis
249	Monique DeStratis
250	Lorraine Marshall
251	Jennifer and Peter Labinski
252	Neil Smith
253	Carmel Hill
254	Karyn De Courcy-Cann
255	Konstantin Ogar
256	Margaret Van Wees
257	Mairi Christina Neil
258	Erica Fox
259	Michele L Wolff

No.	Submitter
260	Jill Cobb
261	Sandra Mills
262	Gary Barge
263	Megan Beveridge
264	Fiona McDougall
265	Sean Khan
266	Biruta Strazdins
267	Ann Hammann
268	Ghislaine & Marie-Claire Tranquille
269	Carol Baker
270	Steven Muollo
271	Tricia O'Brien
272	Karen Murphy
273	Diana Donohue
274	Paul Cahir
275	Connie & Frank Bernaudo
276	Barbara Padfield
277	Dingley Village Community Association
278	Shirley Dewever
279	Elena & Chris Marshall
280	Dean Bryan
281	Janine Flatt
282	Callum Lewis
283	Spyros & Ismini Karamesinis
284	Monica Kovacs
285	Graeme Devey
286	Jubilee Close Pty Ltd and MDC Management Pty Ltd
287	Kathryn Whiteside
288	Frank Tidy
289	AS Residential Property No. 1 Pty Ltd
290	Judith Van Pelt

No.	Submitter
291	Samantha Barton
292	James Fox
293	Scott Thomas
294	Vaughn Brotherton
295	Leaf Corporation
296	Pellicano Superannuation Pty Ltd
297	Zac Cvitkovic & Damian Martin
298	Timothy Van
299	Jane Coutts
300	Mentone Grammar
301	Julie Tidy
302	Holli Harrison
303	Olga Horn
304	Joanne Myers
305	Naki Khan
306	Rachael Okoukoni
307	Gary Simberg
308	Carolyn Sermon
309	Christy Sermon
310	Melanie Absous
311	Alexander McLaren
312	Jennifer Musco
313	Laura Goss
314	Sian Armstrong
315	Christophe Lebreton
316	Graham Lovelock
317	Robert McFeeters
318	Kay Beattie
319	Jennifer Laing
320	Valerie Macel
321	Jonathan Hocking
322	Julie & Max Easden
323	Kerry O'Dowd

No.	Submitter
324	Housing Industry Association
325	Charlie Cheng
326	Sharron Dyce
327	Kathryn Whiteside
328	Mark Oakley
329	Amelia Curtis
330	Cheryl Gilchrist
331	Susanne Arms
332	Kelly Heins
333	Brian & Gabrielle Bourke
334	Michaela Smale
335	Amy McLennan
336	Ben Newton
337	Richard Simmons
338	Sharon Hudson
339	Carolina Diaz
340	Teagan Wacker
341	Philip Grunberg
342	Malcolm Woodford
343	Maggie Crofts
344	Patrick Martin
345	Andrew Falkland-Brown
346	Debby Napper
347	Erin Rosewarne
348	Katie McLean
349	Amanda Morrow
350	Prasanth Kota
351	Katrina Lever
352	Ian Posthumus
353	Trevor Shewan
354	Lynneke Tromp
355	Cecilia Stone
356	Noelle Large

No.	Submitter
357	Miro Graystone
358	Gary Loetsch
359	Denise Murray
360	Michelle Blazek
361	Cheryl Thomas
362	Elijah Khoo
363	Ian Morgans
364	Natalia Minzatanu
365	Magdalena Llavallol
366	Michael Meyer
367	Teresa Cooney
368	Christopher Bergen
369	Simone Bond
370	Daniel
371	Odette Lyons
372	Michelle Waudby
373	Campbell Eddington
374	Stacey Allan
375	Graeme Park
376	Rosemary Miller
377	Melissa Young
378	Irina Kushnirik
379	Kevin Allen
380	Michelle Huynh
381	Claire Gomo
382	Michelle Pardo
383	Louise Daly-Palmer
384	Gine Blombery
385	Dylan Baker
386	Kylie Kidd
387	Hannah Lippell
388	Nicola Colasante
389	Carol Dawe

No.	Submitter
390	Victoria Hornidge
391	Frances Foley
392	Adrian Foley
393	Lyn Mogi
394	Elise Shabat
395	Patricia Cottier
396	Barbara & Ivor Brown
397	John Elliott
398	Beryl Smale & Bruce Morris
399	Janet Murray
400	Grace Pardo
401	Dorit Patterson
402	Brianna Robinson
403	Laura Tuyau
404	Lee Thackrah
405	Denise Shingles
406	Judy Mitchell
407	Duncan Hicks
408	Ross Jagger
409	Kevin Poulter
410	Pam & Kelly Geoghegan
411	Vicki & Peter Allan
412	Elizabeth McDonald
413	Joseph Darmenia
414	Calvary Health Care
415	Penny Carrodus
416	Margaret Dowling
417	Jenny Philips
418	Chris Pippo
419	Lowe Design and Build
420	Barry and Lynette Griffith
421	Peter Evans
422	Anonymous

No.	Submitter
423	Paul Maginness
424	Dean & Julie Baragwanath
425	Lisa & Darryl Reed
426	Shirley Elliott
427	Sally Wilson
428	Ronald Archibald
429	Jim & Hilary Johnston
430	Estate of Evans
431	Carter Grange Homes
432	John Cauduro
433	Malcolm Grice
434	Kathleen Grice
435	Ruth Grimmer
436	Vicky Smith
437	Barb Higgins
438	Christopher Graham
439	Krupa Pandya
440	Madelyn Smith
441	James Hespe
442	Neil Beaumont
443	Helen Schinzel
444	Lynette Daniell
445	Shane Daniell
446	Judith Fields
447	Cassandra Bernaudo
448	Matthew Gilewski
449	Janice Jenkins
450	Peter Vandersluys
451	Christine Knight
452	Julie Cooper
453	David Wood
454	Jeanette Pearson
455	Deborah & Phil Sewell

No.	Submitter
456	Helen Soulsby
457	George Ladas
458	Carolyn Canty
459	MaryAnn Leembruggen
460	Maisy Chua
461	Toni Schreuders
462	Neil & Dian Blythman
463	Mark Farrington
464	Kirsty Williams
465	Tomer Madmon
466	Genevieve Moore
467	Brooke Mills
468	Jade Mason
469	Sandra Macaro
470	Stewart Vanlangenberg
471	Mark Brown
472	PJM Engineering Pty Ltd
473	Brett Marchant
474	Boutique Homes / Dan Rushton
475	Alistair & Sue Traylen
476	Joe Peluso
477	Brian and Julie Gosley
478	Lowe Living
479	Anne-Maree Russo
480	Anne-Maree Russo
481	Bradley Wood
482	Ryan Jansz
483	Janet Lau
484	Jessica Banks
485	Ken & Jeannine Carney

No.	Submitter
486	Sam Sariklis
487	Pam Vandersluys
488	Pam Vandersluys
489	Rosemary West
490	Gerard and Cathy Steggink
491	Stephen Horler
492	Zoe Shakallis
493	Scentre Group - Southland
494	Brian & Nina Earl
495	David Burns & Tatyana des Fontaines-Burns
496	Fallon Levett
497	Douglas Jowett
498	Pam Mitchell-Phillips
499	Pentaco
500	Mike Hermon
501	Terry Valentine
502	David Conlan
503	Nicole Seear
504	Victoria Gonzo
505	Elizabeth Kilburn
506	Frank Tidy
507	Eddy Porter
508	Shari von Soly
509	Vicki Smith
510	Dr Damien Williams
511	Michael Garrett & Suellen Kennewell
512	Peter Ratcliff
513	Kingston Residents Association
514	William Holdsworth

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Kingston City Council	Nick Tweedie SC and Sarah Porritt of Counsel, instructed by Matthew Beazley of Russell Kennedy lawyers, calling expert evidence from: <ul style="list-style-type: none"> - Gerhana Waty of Hansen Partnership in urban design - Julian Szafraniec of SGS Economics & Planning in demographics & spatial analysis - John Glossop of Glossop Town Planning in town planning - Brendan Papworth of Papworth Design in landscape architecture
Alistair and Sue Traylen	
AS Residential Property No.1 Pty Ltd	Tamara Brezzi of Norton Rose Fulbright, calling expert evidence from Sophie Jordan of Contour Consultants in town planning
BHO1 Pty Ltd	Nicola Collingwood of Counsel, instructed by Planning and Property Partners
Brett Marchant	
Brian and Nina Earl (further written submission only)	
David Conlan and Genevieve Morris	Patrick Doyle of TP Legal
Dr Damien Williams	
Erica Fox	
Estate of Evans	Peter G Evans
Frank Tidy	
Geraldine Creaton (further written submission only)	
Housing Industry Association	Roger Cooper
Janene M Irving	
Joe Peluso	Vicky Grillakis of Urbis
Jubilee Close Pty Ltd and MDC Management Pty Ltd	Robbie McKenzie of Ratio Consultants
Judith Fields	
Julie Tidy	
Kingston Residents Association	Alex Cunningham
Lowe Living	Chris Pippo of North Planning
Mentone Grammar School	Carly Robertson of Counsel, instructed by Maria Anenoglou of Gadens

Natalie Drucker and Itay Ziv	Hamish Balzan of Urban Edge Consultants
Noelle Large	
Paul Cahir	
Pellicano Superannuation Pty Ltd	Mick Meyer of Urbis
Peter G Evans	
Pippo Family, Lowe Design & Build, Carter Grange Homes, Boutique Homes	Chris Pippo of North Planning
PJM Engineering	Michael Dunn of Metropol Planning Solutions
Rosemary West	
Sandy Adlington	
Save Kingswood Group Inc	Kevin Poulter
Tricia O'Brien	
Vicki Smith	Sean McArdle of Counsel
Zac Cvitkovic	

Appendix C Document list

No.	Date	Description	Presented by
2022			
1	20 Dec 2022	Directions Hearing notice letter	Planning Panels Victoria (PPV)
2023			
2	21 Feb 2023	Panel Directions	PPV
3	27 Feb	Version 1 Hearing Timetable	PPV
4	2 Mar	Council response to party submissions	Kingston City Council (Council)
5	14 Mar	Zone schedules map	Council
6	14 Mar	Revised submission	Judy Fields
7	16 Mar	Version 2 Hearing Timetable	PPV
8	17 Mar	Part A Submission, enclosing: a) Attachments 2-11	Council
9	20 Mar	Evidence of John Glossop in planning	Council
10	20 Mar	Evidence of Gerhana Waty in urban design	Council
11	20 Mar	Evidence of Brendan Papworth in landscape architecture	Council
12	20 Mar	Evidence of Julian Szafraniec in demographics & spatial analysis, enclosing: a) Final draft capacity analysis, SGS	Council
13	20 Mar	Evidence of Sophie Jordan in planning	AS Residential Property No.1 Pty Ltd
14	20 Mar	Email – Notice to Panel regarding VCAT proceeding P384/2022 for 2-9 Stephens Street, Carrum	Council
15	20 Mar	Letter – Late request to be heard and summary of submitter's position	David Conlan and Genevieve Morris
16	23 Mar	Version 3 Hearing Timetable	PPV
17	23 Mar	Presentation	Save Kingswood Group Inc
18	24 Mar	Part B Submission, enclosing: a) Attachment 1	Council
19	24 Mar	Presentation of Gerhana Waty	Council
20	27 Mar	Letter regarding participation of AS Residential Property No. 1 Pty Ltd	Save Kingswood Group Inc.
21	27 Mar	Presentation of Brendan Papworth	Council

No.	Date	Description	Presented by
22	27 Mar	Presentation of John Glossop	Council
23	27 Mar	Version 4 Hearing Timetable	PPV
24	28 Mar	Late submission – William Holdsworth	Council
25	28 Mar	Version 5 Hearing Timetable	PPV
26	29 Mar	Letter regarding participation of AS Residential Property No. 1 Pty Ltd	Save Kingswood Group Inc.
27	30 Mar	Version 6 Hearing Timetable	PPV
28	30 Mar	Redraft of DDO1 for discussion	Council
29	30 Mar	Addendum to evidence of Julian Szafraniec – Additional Information on Capacity Calculation	Council
30	30 Mar	Hearing submission	BHO1 Pty Ltd
31	30 Mar	Hearing submission	Vicki Smith
32	30 Mar	Council delegate report dated 10 March 2022	Vicki Smith
33	30 Mar	Day 1 DDO7	Vicki Smith
34	31 Mar	Hearing submission	Paul Cahir
35	31 Mar	Hearing submission	AS Residential Property No. 1 Pty Ltd
36	31 Mar	Hearing submission	Joe Peluso
37	31 Mar	Hearing submission, enclosing: a) Appendix A - photos	Jubilee Close Pty Ltd and MDC Management Pty Ltd
38	31 March	Hearing submission	Pellicano Superannuation Pty Ltd
39	3 April	Hearing submission	Mentone Grammar School
40	3 April	Hearing submission	PJM Engineering
41	3 April	Hearing submission, enclosing: a) Attachment A – typical floor plans x4 b) Attachment B – floor plans after application of new controls x3 c) Attachment C - Civil design examples x3	Carter Grange Homes, Lowe Design & Build & Boutique Homes
42	3 April	Hearing submission, enclosing: a) Monash Boulevards Urban Design Framework – Revised Post Consultation November 2022 b) HIA policy – Subsidised Affordable Housing c) Map of change areas marked up	Housing Industry Association

No.	Date	Description	Presented by
43	3 April	Hearing submission, enclosing: a) Photo pack	Natalie Drucker and Itay Ziv
44	3 April	Hearing submission, enclosing: a) Parkdale Level Crossing Removal Urban Design Framework b) Garden Suburban Precinct Guidelines c) Lowe Living Capability Statement 2023 d) PowerPoint Presentation – 2019 Housing Strategy e) Suburb analysis imagery - Foreshore	Lowe Living
45	3 April	Hearing submission	David Conlan and Genevieve Morris
46	3 April	Submission attachments: a) L11 explanatory report b) L11 ordinance c) Regional section map d) Regional section map legend e) 16.2.1988 maps f) 30.10.1989 maps g) 28.2.1994 maps h) L11 lapsings notice i) Carrum Sailing Club Inc. v Kingston CC [2010] VCAT 755 j) Li v Kingston CC [2014] VCAT 213 k) Council agenda of 18.4.18 l) Council minutes of 18.4.18 m) Council agenda of 25.10.21 n) Email from Russell Kennedy to TP Legal of 17.3.23	David Conlan and Genevieve Morris
47	4 April	a) Presentation of Frank Tidy b) Presentation of Judie Tidy	Frank Tidy and Julie Tidy
48	4 April	Hearing submission	Erica Fox
49	4 April	Hearing submission	Estate of Evans
50	4 April	Hearing submission	Brett Marchant
51	4 April	Hearing submission attachments: a) Attachment 1 - Hand drawn map b) Attachment 2 – Extract of document regarding proposed urban structure and zone boundaries c) Attachment 3 – Extract of pages 14 and 15 from Gerhana Waty evidence	Brett Marchant

No.	Date	Description	Presented by
52	4 April	Hearing submission (parts 1 and 2), and attachments: a) Moorabbin Activity Centre Structure Plan 2011 b) Moorabbin Junction Urban Renewal Strategy, February 2014 c) Activity Centre Zone Schedule 3 to the Kingston Planning Scheme	Alistair and Sue Traylen
53	4 April	Hearing submission / speaking notes, enclosing: a) Presentation slides b) Photos of Flinders Street x5 c) Aerial photo of precinct d) Photos of Phillip Street x3 e) Photo of Winsome Street	Peter G Evans
54	4 April	Hearing submission, enclosing: a) Property profile stats b) Housing Strategy – Building heights map c) Housing Strategy – Zone code change map d) Guardian news article dated 17 March 2023	Rosemary West
55	4 April	Hearing submission	Janene Irving
56	4 April	Hearing submission	Geraldine Creaton
57	5 April	Hearing submission	Brian and Nina Earl
58	5 April	Hearing submission	Tricia O'Brien
59	5 April	Hearing submission	Sandy Adlington
60	5 April	Presentation	Sandy Adlington
61	5 April	Hearing submission	Save Kingswood Group Inc
62	5 April	Hearing submission	Noelle Large
63	6 April	Tracked changes copy of redrafted DDO1 schedule circulated by Council on 30 March 2023	BHO1 Pty Ltd
64	6 April	Existing and proposed ground floor plans relating to the hotel	BHO1 Pty Ltd
65	6 April	Ethos Urban letter referenced in submission on 31 March 2023	BHO1 Pty Ltd
66	6 April	Submission No. 2	BHO1 Pty Ltd
67	26 April	Closing (Part C) Submission	Council
68	26 April	Post Hearing (Part C) final preferred ordinance (tracked changes)	Council
69	26 April	a) DDO1 final preferred version (tracked changes) b) DDO1 final preferred version (clean)	Council

Appendix D Authorisation

Council's response to the matters it was encouraged to consider in the notes to the authorisation is as follows:

A review of the strategic work can be undertaken at the completion of the Amendment process to reconcile the approved Amendment and background documents with a view to limiting the potential for confusion regarding preferred development outcomes.

A document for exhibition purposes titled 'Character areas fact sheet' was placed on Council's community consultation platform with the exhibited amendment documentation, Notification of the Amendment was provided to the Suburban Rail Loop Authority and the Bunurong Land Council, with an offer to provide a briefing. A briefing was given to the Suburban Rail Loop Authority on 9 September 2022.

Authorisation condition	Council response and changes to Amendment documents
Instruction sheet	
1. Update the instruction sheet in the form provided to Council on 2 June 2022.	Implemented Sheet updated including changes made to reflect Council's new PPF.
Local policy	
2. Local policies to be translated in accordance with the rules in Section 4 and writing instructions in Section 6 of the <i>Practitioners Guide to Victorian Planning Schemes</i> once the PPF translation is gazetted in the planning scheme through Amendment C200king.	Implemented Submitted local policy content has been translated into Council's new PPF format, with amended Clauses 02.02, 02.03, 11.03-1L, 13.07-1L, 15.01-1L01 and 02, 16.01-1L-01, 18.02-4L. As a consequence of translating amendment C203 policy changes into the new PPF format, two clauses have been deleted: Clause 13.05-1L Noise abatement and Clause 16.01-1L-02 Clayton South.
3. Ensure that references to tree planting requirements in local schedules make clear that developments subject to the requirements of Clause 58 are exempt.	Implemented Tree planting requirements that are proposed in Standard B13 of local schedules only apply to residential development assessed under Clause 55. This condition has been met with amended wording of the Policy guidelines contained in Clause 15.015L-02 Landscape Guidelines to exclude apartment development from consideration.

Authorisation condition	Council response and changes to Amendment documents
<p>4. Update the Strategic Land Use Framework Plan at Clause 21.01 and Map 1 Carrum Activity Centre Framework Plan at Clause 21.11-4 incorporating the changes for Mentone and Carrum.</p>	<p>Implemented</p> <p>Through the PPF translation that occurred with Amendment C200king, the Strategic Land Use Framework Plan removed housing change areas – therefore this component of the condition cannot be implemented by amending that clause. All relevant mapping including the new Residential Framework Plan have incorporated these changes. The Carrum Activity Centre Framework Plan at Clause 11.03-1L-04 has been updated.</p>
<p>Character areas</p> <p>5. Amend the Neighbourhood Character area map and rename it to Residential Framework Plan, and make consequential changes to relevant zone schedules and Clause 22.06 preferred character statements to reflect the following:</p> <ul style="list-style-type: none"> - Substantial change: Change 'Urban Contemporary 3: Mixed use areas' to 'Mixed use areas'. - Increased change: Change 'Garden Suburban 1A' to 'Garden Urban areas' and change 'Urban Waterways 1A' to 'Patterson Lakes Urban Waterways'. - Incremental change: Change 'Garden Suburban 1B' to 'Garden Suburban' and change 'Urban Waterways 1B' to 'Patterson Lakes Suburban Waterways'. - Limited change: Change 'Garden Suburban 1C' to 'Airport Environs and heritage precincts' and change 'Garden Suburban 1D – Special character areas' to 'Special character areas' and change 'Urban Waterways 2' to 'Waterways Estate'. 	<p>Implemented</p> <p>The new Residential Framework Plan has been amended to reflect updated character area names and is proposed to replace the existing Residential Land Use Framework Plan in Clause 16.01-1L-01 Housing supply.</p> <p>Clause 15.01-5L-01 Neighbourhood character and Clause 15.01-5L-02 Landscape Guidelines have incorporated the amended character area names into each relevant preferred character statement.</p> <p>Affected zone schedules of the NRZ and GRZ have been updated.</p>
<p>Zone schedules</p>	
<p>6. Retain the existing GRZ3 on lots outside the UGB in Dingley Village.</p>	<p>Implemented</p> <p>These areas are excluded from the Amendment as reflected in Map 6 of the exhibition maps.</p>
<p>7. Retain the existing GRZ2 and GRZ3 in the Chelsea Structure Plan area, and consequentially renumber the new GRZ schedules.</p>	<p>Implemented</p> <p>These areas are excluded from the Amendment as reflected in Maps 8 and 9 of the exhibition maps. Proposed new GRZ schedules have been numbered 1, 4, 5 and 6.</p>

Authorisation condition	Council response and changes to Amendment documents
8. Update relevant schedules to replace 'Road Zone Category 1' with 'Transport Zone 2' which was introduced through VC205.	Implemented, with additional changes Standard B33 in affected zone schedules has been updated, along with Schedules 25 and 26 of the Design and Development Overlay to correct references to redundant Road Zone Category 1 and 2. A correction was also made to Clause 15.01-1L-01 Urban design, to amend a reference to Road Zone Category 1.
9. Include a new decision guideline in all zone schedules to provide guidance for the application of the B13 Landscaping variation as drafted below: <i>Where a tree planting requirement is specified for private open space, and the space is in a rear and/or side setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.</i>	Implemented The amended wording has been included in zone schedules.
10. Delete transitional arrangements referenced in GRZ and RGZ schedules.	Implemented All references have been deleted.
Overlays	
11. Correct the discrepancy between the maximum building height in DDO22 and RGZ4 which is to be 13.5 metres (4 storeys).	Implemented Affected precincts in the DDO22 have been amended to reflect the proposed height contained in RGZ4 – to 13.5 metres (4 storeys).
12. Correct the first column of the table for precinct H7 in DDO12 to amend the wording of the precinct description.	Implemented The precinct description has been amended.
13. Deletion of DDO7 to be included in exhibited ordinance.	Implemented Included in the submitted ordinance for exhibition.

Appendix E Comparison of character objectives in zone schedules with policy at Clauses 15.01-5L-01 and 15.01-5L-02

INCREASED CHANGE – GARDEN URBAN AREAS

Schedule GRZ5: Neighbourhood character objectives

To minimise visual bulk through siting, articulation and recessive third floor levels of new development.

To respond to the rhythm of dwelling spacing by providing visual breaks between and around buildings.

To retain existing trees and plant new indigenous and native trees and landscaping to soften the visual impact of new development.

To minimise hard surface areas and maximise landscaping opportunities in street setbacks.

To support low, permeable or no front fencing.

15.01-5L-01 Preferred Character Statements

Strategies

Ensure development responds to adjoining secluded private open space by setting back walls and providing landscaping to soften built form.

Encourage the uppermost floor level of development to be recessed and the articulation of facades with materials, breaks and recesses in built form.

Support side and rear setbacks that can accommodate canopy trees.

15.01-5L-02 Preferred Landscape Character Statements

Strategies

Plant indigenous trees and vegetation, in particular where development is proximate to sensitive landscapes and parkland.

Plant trees, low understorey planting and lawn area within the front and rear setbacks.

Locate new trees along site boundaries to create continuous spines of interconnected canopy.

Plant vegetation and trees in side setbacks.

Incorporate Water Sensitive Urban Design initiatives such as rain gardens and infiltration gardens in new development adjacent to wetlands.

Policy guideline

Consider as relevant:

- Planting native or exotic species only where they contribute to ecological values or the landscape setting.

INCREASED CHANGE – PATTERSON LAKES URBAN WATERWAYS

Schedule GRZ6: Neighbourhood character objectives

To encourage contemporary building designs with variations in materials and articulation to minimise visual bulk.

To ensure that development addresses its street frontage, through the provision of clearly identifiable entries, and habitable room windows at ground level.

To encourage the planting of indigenous and native trees, shrubs and grasses and the provision of open front gardens with low or no front fencing.

To minimise the visual dominance of driveways, basement entries, garages and carports, by integrating within buildings and minimising hard surface areas.

15.01-5L-01 Preferred Character Statements**Strategies**

Support the orientation of habitable room windows with an outlook to water.

Encourage development that responds to the spacing of dwellings in the street and provide visual breaks between buildings.

Support development that articulates built form to minimise visual bulk through material selection and recesses in built form.

Support development with a frontage to the street and a water body to provide a primary sense of address to the street.

Orient habitable rooms to face the street, particularly at the ground level and provide a visible entry. Garages and carports are integrated within dwellings, and hard surfaces are minimised.

Encourage low set vegetation in street setbacks and low or no front fencing that allows views between the public and private realm.

15.01-5L-02 Preferred Landscape Character Statements**Strategies**

Support landscaping comprising primarily indigenous vegetation.

Encourage more formal terraced garden styles within the front setback of dwellings including lawn and larger trees.

Plant trees and vegetation in side setbacks.

Incorporate Water Sensitive Urban Design initiatives such as rain gardens and infiltration gardens in new development adjacent to wetlands or waterways.

Landscaping including trees and/or garden beds along driveway edges should be provided to discourage car parking in the front setback.

Use of porous surface material such as gravel, toppings or permeable pavers is encouraged to driveways.

Policy guideline

Consider as relevant:

- Planting native species only where they contribute to ecological values or the landscape setting.

INCREMENTAL CHANGE – COASTAL SUBURBAN 1 2 3

Text only in NRZ1 Text only in NRZ2 Text only in NRZ6

Text not in NRZ1 Text not in NRZ2 Text not in NRZ6

Schedule NRZ2 NRZ6: Neighbourhood character objectives**Schedule NRZ1: Neighbourhood character objectives**

To use a mix of building materials and finishes that complement the coastal setting and minimise visual intrusion into the coastal landscape.

To reduce visual bulk on sloped sites by stepping development with the topography of the land and minimising excavation.

To minimise visual bulk by incorporating articulated facades, recessing the second floor level of buildings and providing visual breaks between buildings.

To retain established coastal indigenous vegetation and plant new coastal indigenous vegetation to soften development and improve the interface with foreshore areas.

To reduce minimise the visual dominance of driveways, basement entries, garages and carports, by integrating within buildings and minimising hard surface areas.

To provide low or no front fencing.

15.01-5L-01 Preferred Character Statements	15.01-5L-01 Preferred Character Statements
Strategies	Strategies
Support basements where they do not impact the ground water table or deep soil for tree planting.	
Support development that minimises the projection of basements above ground level.	
On sloping sites, support development that minimises excavation and follows the topography of the land.	
Recess first floor levels from the ground level below and provide side and rear setbacks that provide for visual breaks and garden areas.	
Use building details such as light-coloured materials, corrugated metal roofing, balconies and glass.	Use building materials such as timber, Colorbond roofing, glass and natural or light colour palettes which complement the coastal setting.
Incorporate building elements and details including balconies, verandas, and light transparent balustrading.	Incorporate articulation including balconies and large windows that reflect a coastal style.
	Construct driveways and walkways with porous surface material such as gravel, toppings or permeable pavers.
15.01-5L-02 Preferred Landscape Character Statements	15.01-5L-02 Preferred Landscape Character Statements
Strategies	Strategies
Incorporate informal coastal style gardens close to the foreshore, and more formal garden styles further inland with coastal planting and larger trees.	Support informal, coastal style gardens.
Design gardens to follow the natural topography of the land and minimise excavation.	Plant trees and include terraced landscaping in front setbacks.
Landscaping including trees and/or garden beds along driveway edges should be provided to discourage car parking in the front setback.	Plant trees and vegetation in side setbacks.
	Site and design pools and structures to enable the planting of trees and landscaping in gardens adjacent to the foreshore.
Soften driveways and laneways with material changes and vegetation.	
Encourage the Use of porous surface material such as gravel, toppings or permeable pavers is encouraged.	
Incorporate Water Sensitive Urban Design initiatives such as rain gardens and infiltration gardens.	
Policy guideline	
Consider as relevant: Planting 80-90 per cent coastal indigenous species.	Plant indigenous trees and understorey vegetation.

INCREMENTAL CHANGE – GARDEN SUBURBAN**Schedule NRZ7: Neighbourhood character objectives**

To retain existing trees and plant new native and indigenous trees in front and rear setbacks to soften the visual impact of new development.

To maintain and reinforce the rhythm of dwelling spacing, providing visual breaks between and around buildings.

To minimise visual bulk through siting, articulation and by providing a second floor level that is recessed from the first (ground) floor level.

To minimise the visual dominance of driveways, garages and carports, by integrating within buildings and minimising hard surface areas.

To protect the character of adjoining sites that have open rear gardens or single storey built form to the rear, by locating double storey built form to the front half of development sites.

15.01-5L-01 Preferred Character Statements**Strategies**

Ensure development responds to adjoining secluded private open space by setting back walls and allow for landscaping to soften built form.

Encourage the recessing of the second floor level of development and the articulation of facades with different materials and rebates to the wall plane.

Support side and rear setbacks that can accommodate canopy trees.

Encourage the provision of secluded private open space at ground level.

15.01-5L-02 Preferred Landscape Character Statements**Strategies**

Plant indigenous trees and vegetation, in particular where development is proximate to sensitive landscapes and parkland.

Plant trees, low understorey planting and lawn area within the front and rear setbacks.

Provide rear setbacks that can accommodate canopy trees.

Locate new trees along site boundaries to create continuous spines of interconnected canopy.

Plant vegetation and trees in side setbacks.

Incorporate Water Sensitive Urban Design initiatives such as rain gardens and infiltration gardens in new development adjacent to wetlands.

Policy guideline

Consider as relevant:

- Planting native or exotic species only where they contribute to ecological values or the landscape setting.

INCREMENTAL CHANGE – PATTERSON LAKES SUBURBAN WATERWAYS**Schedule NRZ4: Neighbourhood character objectives**

To encourage contemporary building designs with setbacks at the second floor level to soften visual bulk and provide visual breaks between buildings.

To ensure that new development addresses its street frontage, through the provision of clearly identifiable entries, habitable room windows at ground level and by minimising visually dominant garages and carports.

To encourage the planting of indigenous trees, shrubs and grasses and the provision of open front gardens with low or no front fencing.

To protect the character of adjoining sites that have open rear gardens or single storey built form to the rear, by locating double storey built form to the front half of development sites.

15.01-5L-01 Preferred Character Statements**Strategies**

Support the orientation of habitable room windows with an outlook to water.

Encourage development that responds to spacing of dwellings in the street and provides side setbacks that allow for visual breaks between buildings.

Encourage development to recess second floor levels to minimise visual bulk and contribute to an open and spacious character.

Ensure that development with a dual frontage to the street and a water body provides the primary sense of address to the street.

Support the integration of dwellings with their street frontage by orienting habitable rooms to the street, particularly at the ground level and by providing a visible entry.

Garages and carports are integrated within dwellings, and hard surfaces are minimised.

Encourage low set vegetation in street setbacks and low or no front fencing that allows views between the public and private realm.

Encourage the provision of secluded private open space at ground level.

15.01-5L-02 Preferred Landscape Character Statements**Strategies**

Encourage the planting of indigenous trees and understorey vegetation.

Encourage more formal terraced garden styles within the front setback of dwellings including lawn and larger trees.

Support design layouts with space around dwellings that allow for planting throughout the site and the future growth of trees to maturity.

Encourage new development adjacent to wetlands or waterways to incorporate Water Sensitive Urban Design initiatives such as rain gardens and infiltration gardens.

Landscaping including trees and/or garden beds along driveway edges should be provided to discourage car parking in the front setback.

Use of porous surface material such as gravel, toppings or permeable pavers is encouraged to driveways.

INCREMENTAL CHANGE – URBAN CONTEMPORARY 1A PRECINCT – BONBEACH**Schedule GRZ1: Neighbourhood character objectives**

To support contemporary building designs that incorporate architectural elements and variations in building materials to articulate facades.

To respond to the existing grain of dwellings in the estate and maintain the predominant pattern of setbacks and dwelling siting.

To encourage the planting of indigenous and native trees, shrubs and grasses and the provision of open front gardens with no front fencing.

To minimise the visual dominance of driveways, garages and carports, by integrating within buildings and minimising hard surface areas.

15.01-5L-01 Preferred Character Statements**Strategies**

Encourage development that responds to the area's predominant materiality and open garden character by incorporating brick and render wall materials, low set front gardens and no front fencing.

Support contemporary design that uses architectural elements and limited variation in materials to articulate facades.

Ensure three-storey development reflects the predominant pattern of building siting and setbacks in the estate.

15.01-5L-02 Preferred Landscape Character Statements**Strategies**

Encourage further planting of primarily indigenous species, particularly where development abuts parkland or golf courses.

Encourage tree planting and terraced formal gardens in the front setback to soften built form.

Locate new trees along site boundaries to create continuous spines of interconnected canopy; and link canopy across site boundaries to increase canopy coverage across the precinct and create habitat links.

Provide trees within the rear setback.

Ensure front gardens can seamlessly merge with or are complementary to the nature strip treatment contributing to a feeling of cohesion and spaciousness within the public realm.

INCREMENTAL CHANGE – URBAN CONTEMPORARY 1B – THE HEATH ESTATE**Schedule NRZ3: Neighbourhood character objectives**

To encourage contemporary building designs that incorporate architectural elements and variations in building materials to articulate facades.

To respond to the existing grain of dwellings in the estate and maintain the predominant pattern of setbacks and dwelling siting.

To retain and plant native and indigenous trees and vegetation, with open front gardens that have no front fencing.

To minimise the visual dominance of driveways, garages and carports, by integrating within buildings and minimising hard surface areas.

15.01-5L-01 Preferred Character Statements**Strategies**

Encourage development that responds to the area's predominant materiality and open garden character look and feel of the estate, by incorporating brick and render wall materials, low set front gardens and no front fencing.

Support contemporary design that uses architectural elements and a limited variation in materials to articulate facades.

Ensure two-storey development reflects the predominant pattern of building siting and setbacks in the estate.

15.01-5L-02 Preferred Landscape Character Statements**Objective**

To support the landscape character of the Heath Estate.

Strategies

Encourage further planting of primarily indigenous species, particularly where development abuts parkland or golf courses.

Encourage tree planting and terraced formal gardens in the front setback to soften built form.

Locate new trees along site boundaries to create continuous spines of interconnected canopy; and link canopy across site boundaries to increase canopy coverage across the precinct and create habitat links.

Provide trees within the rear setback that can be seen above the roof line.

Ensure front gardens can seamlessly merge with or are complementary to the nature strip treatment contributing to a feeling of cohesion and spaciousness within the public realm.

INCREMENTAL CHANGE – URBAN CONTEMPORARY 2**Schedule GRZ4: Neighbourhood character objectives**

To encourage contemporary building designs with variations in materials and articulation to soften visual bulk.

To respond to sensitive interfaces through the recessing of the third floor and by providing landscaping to soften the built form.

To encourage the planting of indigenous and native trees, shrubs and grasses, and incorporating the use of landscaping treatments such as balcony planting.

To minimise the visual dominance of driveways, basement entries, garages and carports, by integrating within buildings and minimising hard surface areas.

15.01-5L-01 Preferred Character Statements

Strategies

Minimise visual bulk through siting, materials and recesses in built form.

Support the management of sensitive interfaces with landscaping and recessed third floors.

Where vehicle access is provided from a rear laneway, encourage development to incorporate passive surveillance of the laneway and landscaping where possible.

15.01-5L-02 Preferred Landscape Character Statements

Strategies

Encourage tree planting and terraced landscaping in the front setback to soften built form.

Encourage the planting of native and indigenous species, particularly where development is proximate to golf courses, parkland or areas of environmental sensitivity.

Locate new trees along site boundaries to create continuous spines of interconnected canopy; and link canopy across site boundaries to increase canopy coverage across the precinct and create habitat links.

Provide trees within the rear setback.

Ensure front gardens can seamlessly merge with or are complementary to the nature strip treatment contributing to a feeling of cohesion and spaciousness within the public realm.

Where fencing along side boundaries is required, set back the fence from the street frontage to contribute to a feeling of spaciousness within the public realm and provide space for vegetation and trees.

LIMITED CHANGE – AIRPORT ENVIRONS AND HERITAGE PRECINCTS

Schedule NRZ9 Neighbourhood character objectives

To retain existing trees and plant new native and indigenous trees in front and rear setbacks to soften the visual impact of new development.

To maintain and reinforce the rhythm of dwelling spacing, providing visual breaks between and around buildings.

To minimise visual bulk through siting, articulation and by providing a second floor level that is recessed from the first (ground) floor level.

To minimise the visual dominance of driveways, garages and carports, by integrating within buildings and minimising hard surface areas.

To protect the character of adjoining sites that have open rear gardens or single storey built form to the rear, by locating double storey built form to the front half of development sites.

15.01-5L-01 Preferred Character Statements

Strategies

Ensure development to respond to adjoining secluded private open space by creating a spacious setting and provide landscaping to soften built form.

Encourage the recessing of the first floor level and the articulation of facades with materials and rebates in the wall plane.

Support side and rear setbacks that can accommodate canopy.

Encourage the provision of secluded private open space at ground level.

15.01-5L-02 Preferred Landscape Character Statements**Strategies**

Plant indigenous trees and vegetation, in particular where development is proximate to sensitive landscapes and parkland.

Plant trees, low understorey planting and lawn area within the front and rear setbacks.

Provide rear setbacks that can accommodate canopy trees.

Locate new trees along site boundaries to create continuous spines of interconnected canopy.

Plant vegetation and trees in side setbacks.

Incorporate Water Sensitive Urban Design initiatives such as rain gardens and infiltration gardens in new development adjacent to wetlands.

Policy guideline

Consider as relevant:

- Planting native or exotic species only where they contribute to ecological values or the landscape setting.

LIMITED CHANGE – SPECIAL CHARACTER AREAS**Schedule NRZ8: Neighbourhood character objectives**

None specified.

15.01-5L-01 Preferred Character Statements**Strategies**

Preserve and enhance the special character of Hillston Road, Moorabbin and Ormond Street, Mordialloc.

LIMITED CHANGE – WATERWAYS ESTATE**Schedule NRZ5: Neighbourhood character objectives**

To encourage the planting of indigenous trees, shrubs and grasses.

To maximise green street frontages by minimising vehicle crossovers and hard surface areas.

To encourage contemporary building designs with variations and breaks in built form to soften the appearance of visual bulk of new development through elements such as eaves, hipped or gabled roof forms and setbacks of the second floor level.

To provide views to dwellings through low set front gardens and no front fencing.

15.01-5L-01 Preferred Character Statements**Strategies**

Support development that provides a visual break between buildings by providing a setback to at least one side boundary to provide visual breaks between buildings.

Support contemporary building designs that incorporate brick and render wall materials, with recessed first floor levels and variations and breaks in built form to minimise visual bulk.

15.01-5L-02 Preferred Landscape Character Statements**Strategies**

Encourage the planting of indigenous trees and understorey vegetation.

Encourage front setbacks to contain informal garden styles that comprise larger trees.

Support design layouts with space around dwellings that allow for planting throughout the site and the future growth of trees to maturity.

Ensure front gardens can seamlessly merge with or are complementary to the nature strip treatment contributing to a feeling of cohesion and spaciousness within the public realm.

SUBSTANTIAL CHANGE – NEIGHBOURHOOD RENEWAL AREA 1 – 1142 AND 1144-1146 NEPEAN HIGHWAY HIGHETT, JACKSON GREEN ESTATE CLAYTON SOUTH AND 1400 CENTRE ROAD CLAYTON SOUTH

Schedule RGZ1 Design objectives

To encourage contemporary building design that softens visual bulk using materials, breaks and articulation in built form.

To support new development that provides ground level apartment entries direct to the street, landscaped street setbacks and minimises the visibility of any services and infrastructure from the public realm and adjoining properties.

To encourage low or no front fencing, and where fencing is provided, it is permeable and incorporates landscaping.

Substantial change - Neighbourhood Renewal Area 1

Objective

To encourage housing intensification in substantial change areas that makes a positive contribution to the area and allows for greater housing change.

Strategies

Support site consolidation to facilitate development that makes efficient use of land.

Locate car parking in basements limit the visual impact of car parking on the streetscape.

Provide articulated facades and soften visual bulk with landscaping, materials, breaks and recesses in built form.

Support building design on busy or arterial roads that manages the impact of traffic on apartments by providing a buffer such as winter gardens, adjustable screens to balconies and windows and landscaping.

SUBSTANTIAL CHANGE-NEIGHBOURHOOD RENEWAL AREA 2–CHELTENHAM, CLAYTON SOUTH, HIGHETT, MENTONE & MOORABBIN

Schedule RGZ3: Design objectives

To support development that provides spacing around buildings that responds to the grain of development in the street.

To encourage contemporary building design that softens visual bulk through materials, articulation and breaks in built form.

To provide development with a garden setting, through the retention of trees and planting of new canopy trees and vegetation in front, side and rear setbacks, and landscaped balconies, roofs and walls.

To support new development that provides ground level apartment entries direct to the street, incorporates low and permeable front fencing and minimises the visibility of any services and infrastructure from the street and adjoining properties.

15.01-1L-02 design in substantial change areas

Objective

To encourage housing intensification in substantial change areas that makes a positive contribution to the area and allows for greater housing change.

Strategies

Support site consolidation to facilitate development that makes efficient use of land.

Locate car parking in basements to limit the impact of car parking on the streetscape.

Support development that avoids deep cantilevered forms and wedding cake profiles.

Support building design on busy or arterial roads that manages the impact of traffic on apartments by providing a buffer such as winter gardens, adjustable screens to balconies and windows and landscaping.

Support the seamless integration of shading or overlooking devices into the design response.

**SUBSTANTIAL CHANGE – NEIGHBOURHOOD RENEWAL AREA 3 – 90 NEPEAN
HIGHWAY AND 19-27 BALCOMBE ROAD, MENTONE AND 202-208 NEPEAN
HIGHWAY, PARKDALE****Schedule RGZ4: Design objectives**

To encourage contemporary building design that softens visual bulk using materials and articulated built form.

To support new development that minimises the visibility of any services and infrastructure from the street and adjoining properties.

To retain trees and plant new canopy trees and vegetation including on balconies, roofs and walls.

15.01-1L-02 design in substantial change areas**Objective**

To encourage housing intensification in substantial change areas that makes a positive contribution to the area and allows for greater housing change.

Strategies

Support site consolidation to facilitate development that makes efficient use of land.

Locate car parking in basements to limit the impact of car parking on the streetscape.

Support building design on busy or arterial roads that manages the impact of traffic on apartments by providing a buffer such as winter gardens, adjustable screens to balconies and windows and landscaping.

Appendix F Panel preferred version of the Design and Development Overlay Schedule 1

SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**

FORESHORE AND URBAN COASTAL AREAS

1.0 DESIGN OBJECTIVES

To protect and enhance the Port Phillip Bay and Patterson River foreshore environment.

To maintain visual separation between the foreshore and adjoining urban areas.

To ensure that new buildings and works are compatible with, and sympathetic to, the foreshore environment.

To ensure that new buildings and works do not adversely impact the amenity and character of the foreshore and surrounding land.

2.0 BUILDINGS AND WORKS

For the purposes of this schedule:

- 'foreshore reserve boundary' means any property boundary that adjoins land in the area shown as DDO1-F in the planning scheme.

PERMIT REQUIREMENTS

A permit is required to construct:

- A fence.
- A television antenna or a flagpole exceeding 6 metres in height.

Permit not required

A permit is not required to construct a building, or to construct or carry out works provided the conditions in Table 1 are met.

Mandatory Requirements

A permit cannot be granted for buildings and works that do not meet the conditions set out in Table 1. This does not apply (that is, a permit can be granted) to:

- The building setback from a second or subsequent boundary to the foreshore reserve if the site has more than one boundary to the foreshore reserve.
- Works exceeding 6 metres in height.
- Buildings and works to extend, alter, or replace an existing building, or existing works, that were lawfully constructed before the gazettal of Amendment C203king provided that:
 - The height of an existing building that exceeds two storeys (not including a basement) is not increased (measured in both storeys and metres).
 - An extension to an existing building does not exceed the building height of the existing building or contain a greater number of storeys than the existing building
 - No new private access of any kind is created across a foreshore reserve boundary.
 - The setback of the existing buildings to the foreshore reserve boundary that is less than 4.5 metres is not further reduced.

Table 1 Conditions

Conditions
Buildings must be setback at least 4.5 metres from the foreshore reserve boundary, except that an eave may encroach a maximum of 500mm into this setback.
A building must not exceed two storeys, not including any basement.
A fence which is to be constructed within 2 metres of the foreshore reserve boundary, must not exceed a height of 1.8 metres above natural ground level.
Development must not create a new private accessway of any kind across a foreshore reserve boundary.
Works that do not form part of any building must not exceed 6 metres in height.

3.0 Subdivision

A permit is not required to subdivide land.

4.0 Signs

None specified.

5.0 Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Where buildings or works are proposed to an existing building, the integration of the proposed buildings and works to the existing building, and the impact of the proposed modifications on the visual bulk of the existing building.
- Whether the buildings or works meet the objectives of this schedule.
- The impact of the buildings and works on the amenity of the area.
- The visual impact of the proposed buildings and works when viewed from the foreshore reserve.
- The proposed building or works improve the amenity of the area, or do not result in any further, material adverse impact on the amenity of the area.

02.02 VISION

The *City of Kingston 'Our Roadmap' Council Plan 2017-2021* identifies the Kingston City Council's vision for the city as:

A diverse, dynamic community where we all share a sustainable, safe, attractive environment and a thriving economy.

Land use vision

The vision is directed into strategic land use principles for Kingston as follows:

Settlement

- An urban settlement pattern that accommodates sustainable growth commensurate with constraints of established areas.
- Green wedge land is effectively managed to achieve sustainable land use outcomes.
- The long-term role of Kingston's green wedge is established and progressively implemented.
- Providing a settlement pattern that positively influences health and wellbeing.
- The network of activity centres reinforced to provide a diverse range of retail/commercial experiences and access to services and facilities is optimised through integrated transport and land use planning.

Environmental and landscape values

- Areas of ecological significance and the biodiversity they support are protected and restored.
- The competing demands on Kingston's foreshore are effectively addressed.
- Areas of landscape value are protected and enhanced.

Environmental risks

- Identified environmental risks, including climate change impacts, are effectively managed.
- Risks associated with extreme weather events on human health are addressed.

Natural resource management

- Water resources are holistically managed to improve the efficiency of water use and the quality of water.

Built environment and heritage

- High standards of urban design enhances community safety, creates vibrant places and preserves character areas.
- Environmentally Sustainable Development principles are embraced in new developments.
- Places of heritage significance are identified and conserved for future generations.

Housing

- Greater diversity of housing is provided, including the provision of a variety of apartment sizes within developments that cater for different sized households.
- Access to affordable housing is facilitated.

Economic development

- Local employment provision matches the needs of the changing workforce and economy.
- New employment opportunities are created by the reuse and redevelopment of old industrial sites.

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- The manufacturing sector continues to play a major employment role in both a regional and State context.

Transport

- A balanced transport network is established to provide a range of options to meet the transport and freight needs of Kingston's residents, businesses and through traffic.
- Activity centres are the focus for integration of public transport, pedestrian and cycle systems with community and social infrastructure.

Infrastructure

- Planning and renewal of community infrastructure is managed to achieve optimal community benefit and to meet the long term needs of the community.
- Strong community hubs are established at locations next to activity centres and public transport to provide integrated services, programs and activities to the community.
- Open space provision meets the changing leisure and recreation needs of Kingston's growing population.
- Former extractive industry and land fill sites are restored and rehabilitated to best practice standards.

02.03 STRATEGIC DIRECTIONS**02.03-1 SETTLEMENT****Urban areas**

Kingston seeks to accommodate the diverse land use needs of the community, emphasising the role of activity centres as a focus to integrating transport and land use planning. The defined edge between urban and non-urban land is fixed. Providing a strong differentiation between Kingston's urban areas and its significant green wedge areas reinforces the role of the urban growth boundary. Strategic directions for the settlement of urban areas in Kingston are to:

- Accommodate increased urban growth in established areas across the municipality, according to environmental constraints and access to services.
- Diversify uses in Kingston's activity centres to respond to the impacts of structural change in the retail industry.
- Facilitate ongoing renewal across Kingston's activity centres to integrate transport and land use, and promoting health and wellbeing through sustainable communities.
- Manage urban development to minimise the impact on rivers, wetlands, reserves and foreshore.
- Protect manufacturing land and the Moorabbin Airport from conflicting land uses.

Green wedge

Kingston's green wedge fulfills roles ranging from traditional agricultural production, regional open space networks, active and passive recreation facilities, protection of Moorabbin Airport's flight paths and nature conservation. It is also a location for some urban related uses (including institutional, religious, recreation and sporting facilities).

These areas are under pressure for more intensive urban development due in part to their proximity to established urban areas, the availability of physical infrastructure and the decline in agricultural production. 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.

Strategic directions for Kingston's green wedge are to:

- Protect the green wedge land from intrusion of urban uses.
- Ensure activities in the green wedge are consistent with, and contribute to, optimal long-term planning solutions for the whole of the south eastern regional green wedge.
- Improve the region's environmental values (including flood storage, water quality and flora/fauna habitats).

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- Support development of regional parks and creation of a network of regional open space linkages, including a north-south open space spine (Chain of Parks – Sandbelt).
- Manage the edge of urban areas to protect the green wedge and ensure that the green wedge area is both stable and enduring.
- Protect and improve the rural landscape character of the green wedge particularly along main roads.
- Protect the economic and operational viability of key industries and infrastructure.

Activity centres

Kingston is characterised by a diverse mix of retail and commercial land uses and activity centres. Kingston major activity centres and neighbourhood activity centres are generally clustered on the main traffic routes through the municipality and perform different functions in the retail hierarchy.

Changes in the local economy and employment are impacting on the role and function of existing activity centres. Accommodating new housing within activity centres as part of mixed-use developments is a catalyst for ongoing renewal across Kingston's activity centres. With six major activity centres within the municipality, structure planning plays a vital role in identifying opportunities to facilitate renewal and redevelopment.

Strategic directions for activity centres are to:

- Diversify the role and function of existing activity centres through a broader range of complementary non-retail uses to enhance economic vitality.
- Incorporate residential/mixed use activity into centres and create niche market strengths for each centre.
- Promote the development and expansion of retail and related facilities appropriate to the role and position of centres within the overall hierarchy, as identified in Table 1 below:

Table 1 Kingston activity centre hierarchy

Centre Primary role		Strategic directions
Major Activity Centres:		
Cheltenham-Southland	Dominant regional focus for: <ul style="list-style-type: none"> ▪ Higher order goods. ▪ Specialty retailing. ▪ Discount/department store ▪ retail. ▪ Restricted retailing. ▪ Leisure/entertainment. ▪ Mixed commercial uses. ▪ Community facilities. 	Reinforce the role of the centre through: <ul style="list-style-type: none"> ▪ Transport improvements including a public transport interchange. ▪ A diversified land use mix. ▪ Improving integration between ▪ the existing regional shopping centre and adjacent open ▪ space area, Cheltenham Major ▪ Activity Centre and Bayside employment precinct. ▪ Encouraging higher density residential development in the form of apartments on the periphery of the commercial centre in identified substantial change areas.

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Centre Primary role		Strategic directions
Cheltenham	Sizeable employment base through large and strata commercial floor space. Provides for many local convenience needs.	Diversify the mix of uses, particularly on the centre periphery. Reinforce restricted retail along Nepean Highway. Encourage a substantial new residential population within the centre.
Chelsea	Range of retail and commercial facilities and a strong range of community service functions.	Optimise synergies between commercial areas and foreshore activities.
Mentone	Provide for weekly shopping needs.	Encourage entertainment/restaurants. Reinforce centre edges by encouraging residential development on the centre periphery with apartment developments in identified substantial change areas.
Moorabbin	Community retail supported by significant commercial floor space.	Consolidate food related retailing around the existing supermarket. Encourage residential development within the centre.
Mordialloc	Provide for weekly shopping needs and increasingly leisure and entertainment needs.	Reinforce coastal character by enhancing links with foreshore and tourism potential through built form and land use.
<ul style="list-style-type: none"> ▪ Neighbourhood Activity Centres: ▪ Aspendale ▪ Aspendale Gardens ▪ Carrum ▪ Clarinda ▪ Dingley Village ▪ Edithvale ▪ Highett ▪ Parkdale ▪ Patterson Lakes ▪ Thrift Park ▪ Westall 	Primary focus for local and in some centres weekly convenience shopping, with a mix of retail and service facilities.	Land use and development in all centres guided by structure planning and urban design frameworks. Promote a wider mix of commercial, retail, residential and community facilities to enhance centres. Encourage built form consistent with character of the centres.
Other small convenience activity centres	Primary focus for convenience shopping	Facilitate a limited mix of uses complementary to the centre. Encourage built form to be consistent with character of the centre.

02.03-2 ENVIRONMENTAL AND LANDSCAPE VALUES**Biodiversity**

Kingston's environmental landscape is recognised for its diversity and significance through key assets such as Braeside Park, the Edithvale Seaford Wetlands and the Grange Reserve. Increased urbanisation places

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pressure on these natural resources, resulting in loss and fragmentation of indigenous vegetation and the invasion of pest plants and animals.

Strategic directions for biodiversity are to:

- Enhance the quality and ecological value of Kingston's natural environments.
- Maintain and enhance the tree canopy within existing urban areas.
- Identify and protect trees and vegetation corridors of significance.
- Encourage native planting to protect and improve rural landscape character, particularly along main roads in the green wedge areas.

Coastal areas

Managing the competing demands on Kingston's popular foreshore requires a balance to be struck between managing sensitive coastal ecosystems, while providing for broader community access.

Strategic directions for coastal areas are to:

- Balance tourism, recreational and commercial related opportunities to enhance the overall foreshore experience while protecting the integrity of natural coastal ecosystems.
- Limit the impact of urbanisation and encroachment of residential development on the coastal environment, including beach and dune erosion, environmental weeds, visual and aesthetic degradation.

Significant environments and landscapes

Significant environments including Braeside Park and the Edithvale Wetlands form an intrinsic part of Kingston's landscape. Protecting and enhancing areas of identified environmental value has social, economic and environmental benefits to the community and broader region.

Strategic directions for Kingston's significant environments and landscapes are to:

- Protect the physical and habitat diversity of the Edithvale-Seaford wetlands.
- Retain the green wedge area as a key feature of the municipality into the long term.
- Promote further development of the green wedge landscape character.

02.03-3 ENVIRONMENTAL RISKS AND AMENITY

Climate change impacts

The evidence underlying climate change science demonstrates that global warming is caused by increased concentrations of greenhouse gas emissions. The council is committed to meeting community demand for action through practical and measurable steps to 'act locally' on the reduction of greenhouse gas emissions.

Kingston's foreshore fronting Port Phillip Bay provides an important recreational and leisure asset for the region and accommodates substantial community infrastructure. Planning for the risks associated with sea level rise and an increased frequency of storm surges and extreme weather events is pivotal to the management of Kingston's coastline. Land use and development on or adjacent to the foreshore reserve and inland areas susceptible to storm surges needs to respond to the best available scientific information.

Strategic directions for climate change impacts are 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.

Noise and land use compatibility

The significant role played by the Moorabbin Airport in the local and regional economy and in the state's transport infrastructure must be protected. There is a need to ensure that the use and development of land around the Moorabbin Airport is sensitive to the long term operation of the airport.

Materials recycling facilities have played an important role in reducing waste at landfill sites. As landfill sites cease operation in Kingston, alternative locations for future facilities in the region are to be found outside Kingston's green wedge. It is important that these facilities are located appropriately in order to minimise off site impacts.

Strategic directions for noise and land use compatibility impacts are to:

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- Ensure that buffers are established and maintained around aircraft related activities at Moorabbin Airport and land filling operations, to minimise impacts on nearby sensitive land uses and the health and welfare of the community.
- Avoid intensifying use and development, particularly sensitive uses, in areas subject to high levels of aircraft noise.

02.03-4 NATURAL RESOURCE MANAGEMENT**Agricultural land**

The role of agriculture in the municipality is declining. The future of intensive agriculture, particularly in Heatherton, will be influenced by factors such as international markets and technology. Fragmentation of land holdings reduces agricultural land capability. Impacts of structural change in the sector also contribute to changes in agricultural land use.

Strategic directions for agriculture are to:

- Protect high-quality agricultural land for agricultural purposes.

Water

Kingston is located at the receiving end of a regional catchment system with major drainage networks running through the city. This network plays an important role in influencing water quality in Mordialloc Creek, Patterson River and eventually Port Phillip Bay, water resource management. Council is seeking to integrate water management such that water and waste water resources are predominately managed within the catchment's boundary.

There is an increasing focus on managing the water cycle more holistically to improve the efficiency of water use and the quality of our water. There is a need to improve waterways that have been degraded as a result of past drainage works and upstream pollution. Catchment planning and management requires coordination between agencies as a result of Kingston's location at the receiving end of a regional catchment system.

Strategic directions for water are to:

- Improve water quality within the municipality's waterways and Port Phillip Bay.
- Integrate the water quality treatment functions, habitat and recreation importance of waterways and floodplains.
- Facilitate the conservation and reuse of water.

02.03-5 BUILT ENVIRONMENT AND HERITAGE**Urban design**

The increased urbanisation of the municipality is changing the built environment, particularly development in and around Kingston's activity centres. Contemporary design approaches provide opportunities to enhance community safety, create vibrant places and preserve areas of significant character. The form of development can also impact on valued characteristics of the green wedge environment.

The display of signs is an integral part of business communication. However, signs can tend to dominate the urban environment. It is important to ensure that excessive or inappropriate signage is avoided, particularly in sensitive locations. Major promotion signs can be visually dominant and therefore their siting needs to be carefully controlled. Strategic directions for urban design are to:

- Ensure a high standard of design forms the cornerstone of future development.
- Site and design new residential development to take account of interfaces with sensitive and strategic land uses.
- Manage signage to facilitate business communication while complementing the local setting.

Neighbourhood character

Kingston's residential areas contain a variety of housing styles and types, from post war homes in Moorabbin and Clayton South, through to newer and larger dwellings in Patterson Lakes and Aspendale Gardens and apartment buildings predominantly located in and around activity centres. Respecting existing and shaping future neighbourhood character will vary according to the rate of change intended by housing policy.

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Strategic directions for neighbourhood character are to:

- Conserve built form elements that are valued by the community while accommodating change.
- Protect and enhance landscaped character of established areas.

Environmentally sustainable development

Kingston City Council is committed to creating an environmentally sustainable city. Critical to achieving this commitment is to integrate environmental sustainability principles into land-use planning, new developments and redevelopment of existing infrastructure. Early consideration of environmental sustainability at the building design stage achieves many efficiencies and benefits.

Strategic directions for sustainable development are to:

- Incorporate environmentally sustainable design into development.

Heritage

Kingston's historic building stock, although limited, tells a strong story of the city's tourist, market gardening and industrial heritage. Heritage assets include residential, commercial, industrial, community buildings and environmental areas that demonstrate the important eras in the growth of Kingston and survive in a reasonably intact state.

Strategic directions for heritage are to:

- Conserve built form elements that are valued by the community while accommodating change.

02.03-6 HOUSING

The municipality provides a diverse mix in housing types, including high proportions of medium density housing while other areas consist substantially of single detached houses. Areas in Kingston with greater diversity tend to be those areas in proximity to the foreshore, activity centres and railway lines.

The continued growth of Melbourne and the changing demographics of the Kingston community will create future demands for both greater diversity of housing types and additional dwellings. The ageing population coupled with the metropolitan trend towards smaller household size is a primary driver behind the future demand for additional housing.

Over recent years, the most significant new housing opportunities have occurred on large former industrial land parcels, and in Activity Centres. This has been supported through the development of Activity Centre Structure Plans and area specific rezoning initiatives. This trend is expected to continue and provide the most significant proportion of new housing in Kingston over coming decades.

It is anticipated that all residential areas of Kingston will continue to accommodate housing change, with those areas better serviced with public transport, infrastructure and job opportunities able to accommodate more. The Residential Framework Plan identifies the range of housing outcomes sought across the city.

Strategic directions for housing are to:

- Respond to demand for new, diverse and affordable housing to meet needs of Kingston's growing and ageing population.
- Encourage high levels of amenity in new residential development.
- Support residential change consistent with the preferred housing outcomes identified in Table 1.
- Facilitate access to housing for low income households.
- Redevelop smaller pockets of industrial land located within residential areas for innovative residential or mixed use development, taking into account local environmental and amenity issues.
- Consider site responsive approaches on large sites that present an opportunity for residential development that can establish their own character within the centre of the site.

Table 1 Preferred residential development outcomes

Preferred residential development outcome	
Activity Centres	Activity centres (Moorabbin, Highett, Southland, Cheltenham, Mentone and Mordialloc) will provide for housing intensification.

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Large Residential Opportunity sites	Sites that will accommodate an integrated mix of lot sizes and housing types, and medium to high density housing.
Substantial change - Mixed Use Zone areas	Mixed Use Zone areas will provide for housing intensification that incorporates non-residential uses in appropriate locations. These areas are often located on the periphery of activity centres, within residential areas or on former industrial sites, and therefore must carefully manage and transition to more sensitive interfaces.
Substantial change areas	In areas generally within a 400 or 800 metre walkable catchment of activity centres, a greater mix of housing diversity and increased residential densities will be provided. Development of four storey will be encouraged in the majority of these areas and greater building heights will be provided on identified sites in Highett and Clayton South. Apartment developments will cater for different household sizes and needs through the provision of a diversity of apartment sizes.
Increased housing change areas	These areas will provide a wider diversity of housing types and sizes (including the number of bedrooms) in development of up to 3 storeys. They are generally within a convenient walking distance of a Major Activity Centre, or a Neighbourhood Activity Centre that has an adequate level of services and infrastructure to support increased change.
Incremental housing change areas	In areas affected by Schedule 1 of the Design and Development Overlay, or where the character is defined by a single and double storey dwellings, new development will be limited to 2 storeys. Incremental change will also occur over time in newly developed estates and single sites with medium density townhouses, where development in some of these areas is limited to 3 storeys.
Limited change areas	In areas affected by constrained land, including precincts with heritage or neighbourhood character constraints, and environmental constraints, limited change is anticipated. New development will need to carefully respond to existing conditions, including the built form character of the area. Two areas are nominated as containing special character - Hillston Road Moorabbin and Ormond Street Mordialloc. These areas are protected by the Neighbourhood Character Overlay.

02.03-7 ECONOMIC DEVELOPMENT**Business**

Strip shopping centres remain an important part of the city's economy. New use and development should underpin rather than undermine these centres. Commercial office precincts that flank the Nepean Highway, particularly through Moorabbin and Cheltenham, generally complement the services and retail uses in the major activity centres. Several substantial out-of-centre restricted retail precincts have been established over recent years, serving a local and regional catchment. There is a need to limit activity within this sector to consolidate existing precincts and encourage future restricted retail development in major activity centres.

Strategic directions for business in Kingston are to:

- Support development comprising retail uses to reinforce viability of established strip shopping centres.
- To provide for the long term sustainability of Kingston's restricted retail (bulky goods) precincts and limit activity within this sector to consolidate existing precincts and support restricted retail premises in designated activity centres.

Industry

Kingston's industrial sector is one of the largest and most concentrated in Victoria. The importance of manufacturing in Kingston extends beyond municipal boundaries, providing almost 20,000 jobs, with many held by residents of neighbouring municipalities. The manufacturing sector continues to be the largest

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employer, and also has a relatively high multiplier effect, resulting in further jobs being created in other parts of the economy. Broader economic changes impacting manufacturing in Australia may impact on this important local economic driver.

Older established industrial areas accommodate small to medium sized industries, whereas newer estates generally provide for medium to large scale firms. Kingston's older industrial areas need revitalisation to remain viable locations for modern manufacturing businesses. Smaller, isolated pockets of industrial land are no longer appropriate locations for industry. The city's employment base is changing with a rise in the number of high skilled jobs. With limited greenfield industrial land available, the re-use and redevelopment of older sites will become more important as employment creators in the future.

Strategic directions for industry in Kingston are to:

- Adapt to the changing nature of the local economy and continue to provide a vibrant local employment base.
- Protect Kingston's supply of industrial land from encroachment from non-compatible uses.
- Facilitate the revitalisation of Kingston's older industrial areas.
- Improve the image and quality of all industrial areas in Kingston.
- Manage amenity impacts between industry and nearby sensitive land uses.

02.03-8 TRANSPORT

An integrated transport network based on public transport, road, pedestrian and cycle systems is important in providing access for Kingston residents to commercial and activity centres, community facilities, education and recreation areas. Kingston's landscape assets offer extensive opportunities for both cycling and walking. A great number of cyclists from other municipalities enjoy Beach Road, the coastal bike path and inland cycling routes. Improved public transport services, interchange facilities and links between activity centres will help address the issue of inadequate access for some parts of the municipality to public transport services.

The sustainability of Kingston's transport network is dependent upon improvements to the road network to manage capacity and address deficiencies identified in the north-south and east-west arterial road connections. The missing links in the road network has direct implications for inter/intra-regional movement patterns, the efficiency of local and industrial traffic movements throughout the municipality, air and noise pollution and road safety. Poor linkages between industrial precincts and the major arterial road network also cause significant conflict between industrial traffic and abutting land uses.

Strategic directions for transport planning are to:

- 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.
- Improve traffic circulation, car parking, site layout and truck access to sites within Kingston's older industrial areas.

Moorabbin Airport

The Moorabbin Airport plays a major role within the State's economic and transport infrastructure. Long term protection of its flight paths is required to optimise its potential for future growth.

Strategic directions for Moorabbin Airport are to:

- Protect Moorabbin Airport flight paths and their immediate environs from development or uses which may compromise long term viability of the airport or prejudice its safety and efficiency.
- Protect aircraft operations of Moorabbin Airport from intrusion of inappropriate development.

02.03-9 INFRASTRUCTURE

Community infrastructure

It is important to ensure planning and renewal of community infrastructure is managed to optimise community benefit.

Open space areas in Kingston include major parklands, golf courses, foreshore reserves, wetlands and regional open space networks provided through the Chain of Parks - Sandbelt project. Kingston's open spaces

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also cater for traditional leisure demands, through a variety of unstructured open space areas and sporting and active recreational facilities including the Kingston Heath Reserve, Bicentennial Park, Bradshaw Park and the Sir William Fry Reserve. A significant proportion of open space is provided through privately owned golf courses, agricultural holdings and green wedge land. Kingston enjoys a significant reputation for its world class golf courses, with continuing demand likely to consolidate golf as a prominent recreational activity.

Approximately half of new dwellings that will house Kingston's growing population are anticipated to be located within key activity centres. The forecast increase in population will significantly increase the demand for public open space. Provision of open space in Kingston's residential areas is unequally distributed with some suburbs enjoying high levels of open space and other areas being deficient.

Strategic directions for community infrastructure are to:

- Provide all residential neighbourhoods in Kingston with supporting community infrastructure adequate to the population's needs.
- Support the education cluster in Mentone as a significant attractor to the liveability of the municipality.
- Facilitate open space areas:
 - Of a size and form that meets the needs of the changing population.
 - Being developed as regionally significant parks and a network of open space linkages through the green wedge (Chain of Parks – Sandbelt).
 - With flexible and multi-functional features to adapt to a variety of uses and changes in demand over time.
 - By expanding a major north-south spine of open space through creation of the Chain of Parks - Sandbelt Parkland.
 - With flexibility in the permissible uses of recreation facilities and open space to assist in reducing development and operational costs of facilities.
- Provide a fair and equitable basis for the application of public open space contributions towards the provision of new and improved open space required as a result of new development.

Development infrastructure

The city has urban and non-urban areas susceptible to flooding. The limitations of the existing drainage system make it imperative that increased mitigation measures are introduced to manage flood risk. Increased urban density results in more impervious surfaces and greater runoff, placing pressure on infrastructure. The stormwater runoff from streets, roofs and other impervious areas also have a negative impact on downstream receiving waters including Mordialloc Creek, Patterson River and Port Phillip Bay.

Much of the physical infrastructure in Kingston is ageing and there are limits to its capacity for improvement and its potential to absorb additional development. As the municipality contains large areas of flood prone land, making ongoing improvements to drainage infrastructure is critical. Integrating water sensitive urban design measures to capture, treat and reuse stormwater on-site can significantly improve the quality and quantity of water entering our waterways.

Materials recycling facilities have played an important role in reducing waste at Kingston's landfill sites. As the landfill sites cease operation, alternative locations must be found for such facilities in the region outside Kingston's green wedge.

Strategic directions for development infrastructure are to:

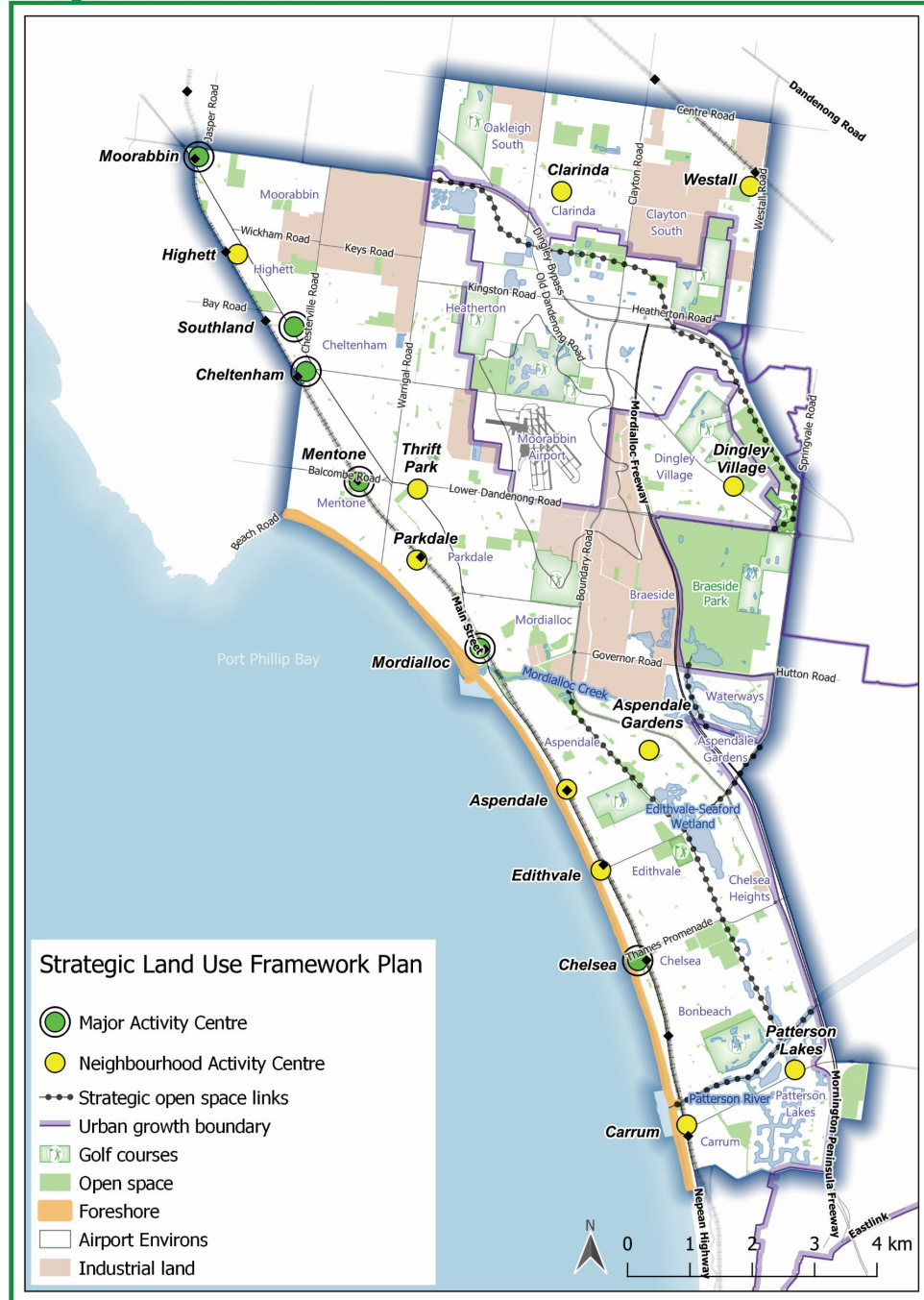
- Manage and protect floodplains and flood prone areas to minimise the impacts of flooding.
- Seek development contributions to augment the capacity of existing infrastructure.
- Limit the impact of increased stormwater run-off on drainage systems.
- Support the phasing out and rehabilitation of former extractive industry and landfill sites in the Green Wedge.
- Rehabilitate landfill sites in a way that is viable and sustainable.
- Locate and manage materials recycling facilities to minimise off site adverse amenity impacts on Kingston's green wedge and nearby residential land.

02.04 C203king

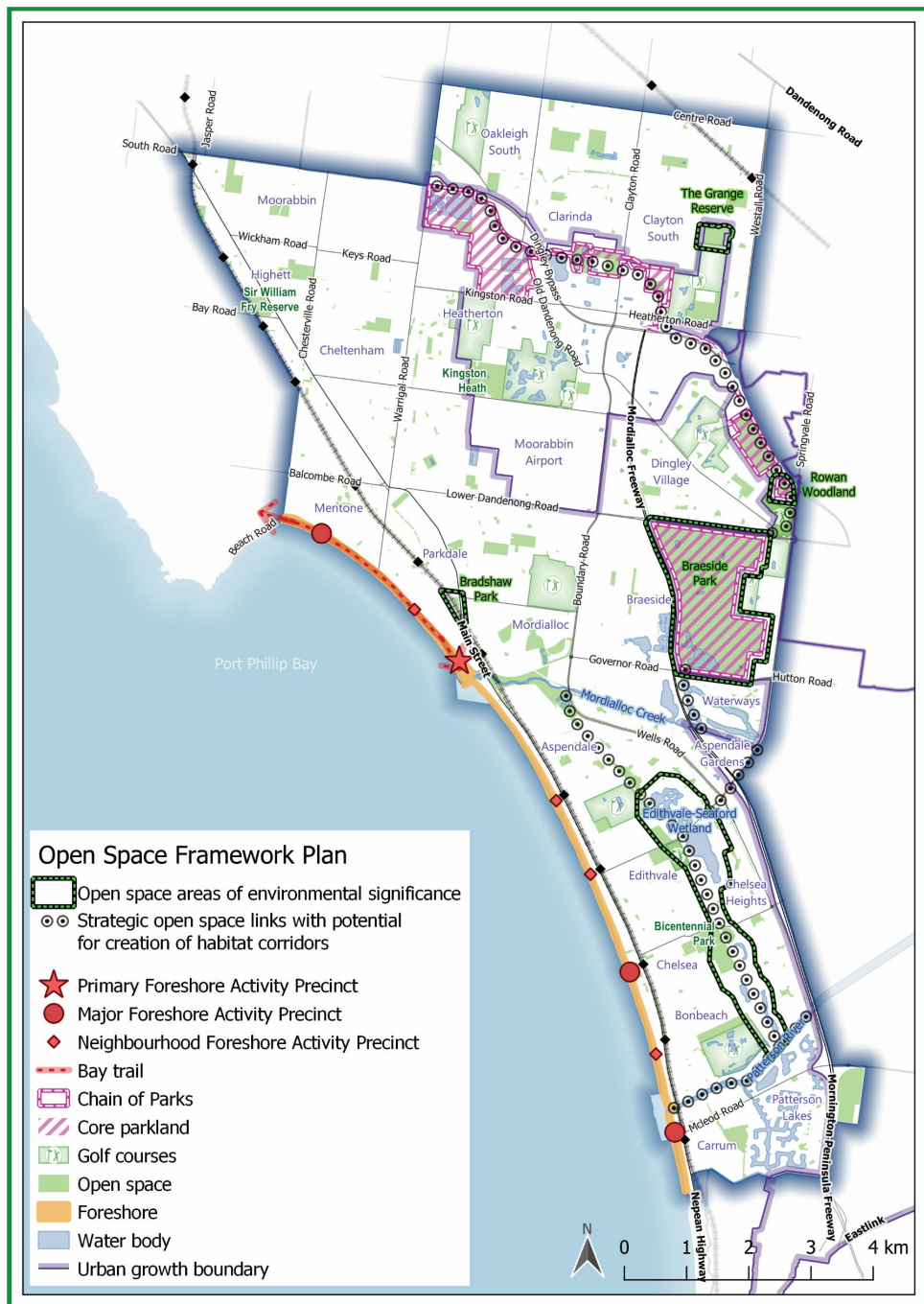
STRATEGIC FRAMEWORK PLANS

The plan contained in Clause 02.04 is to be read in conjunction with the strategic directions in Clause 02.03.

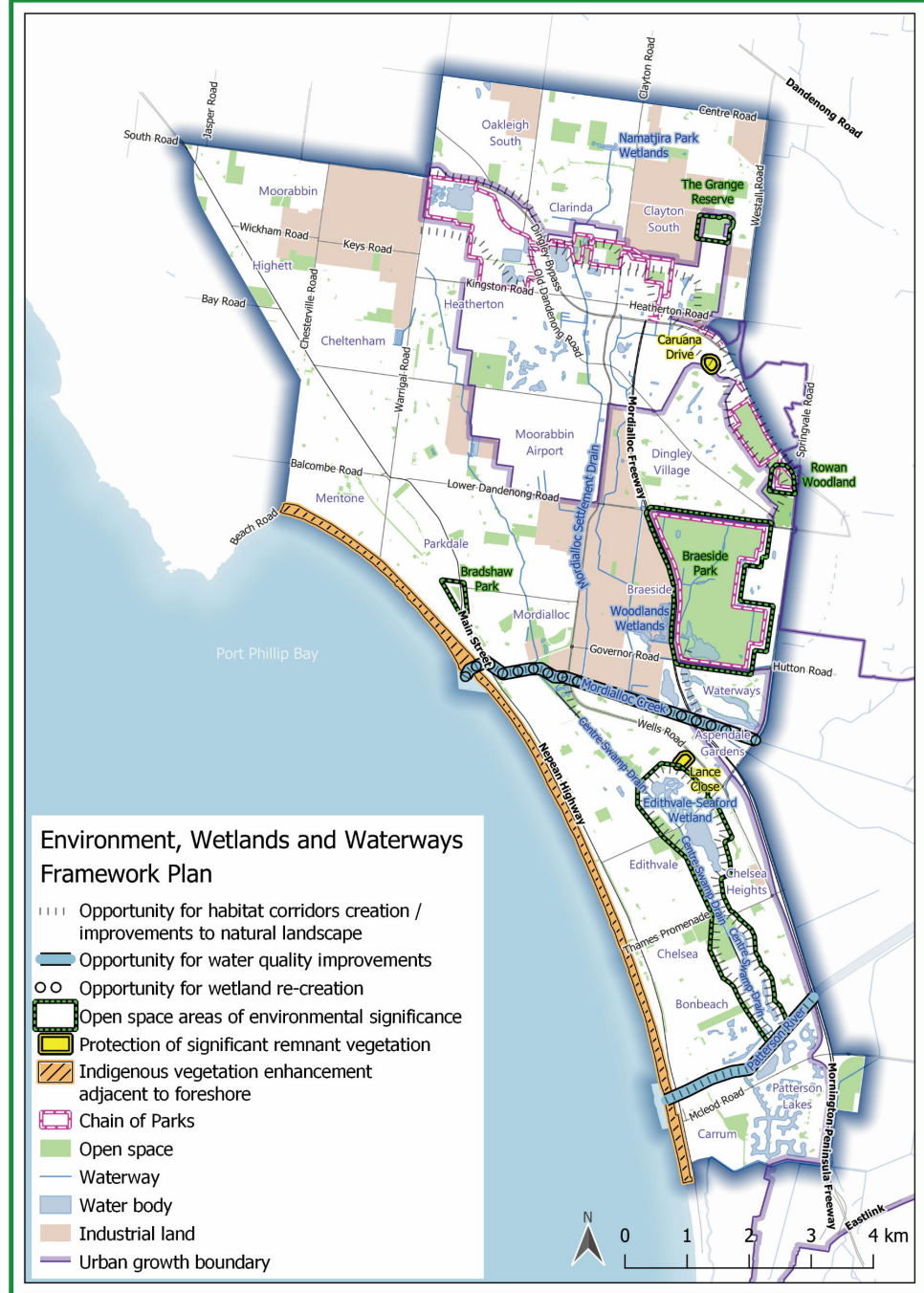
Strategic Land Use Framework Plan



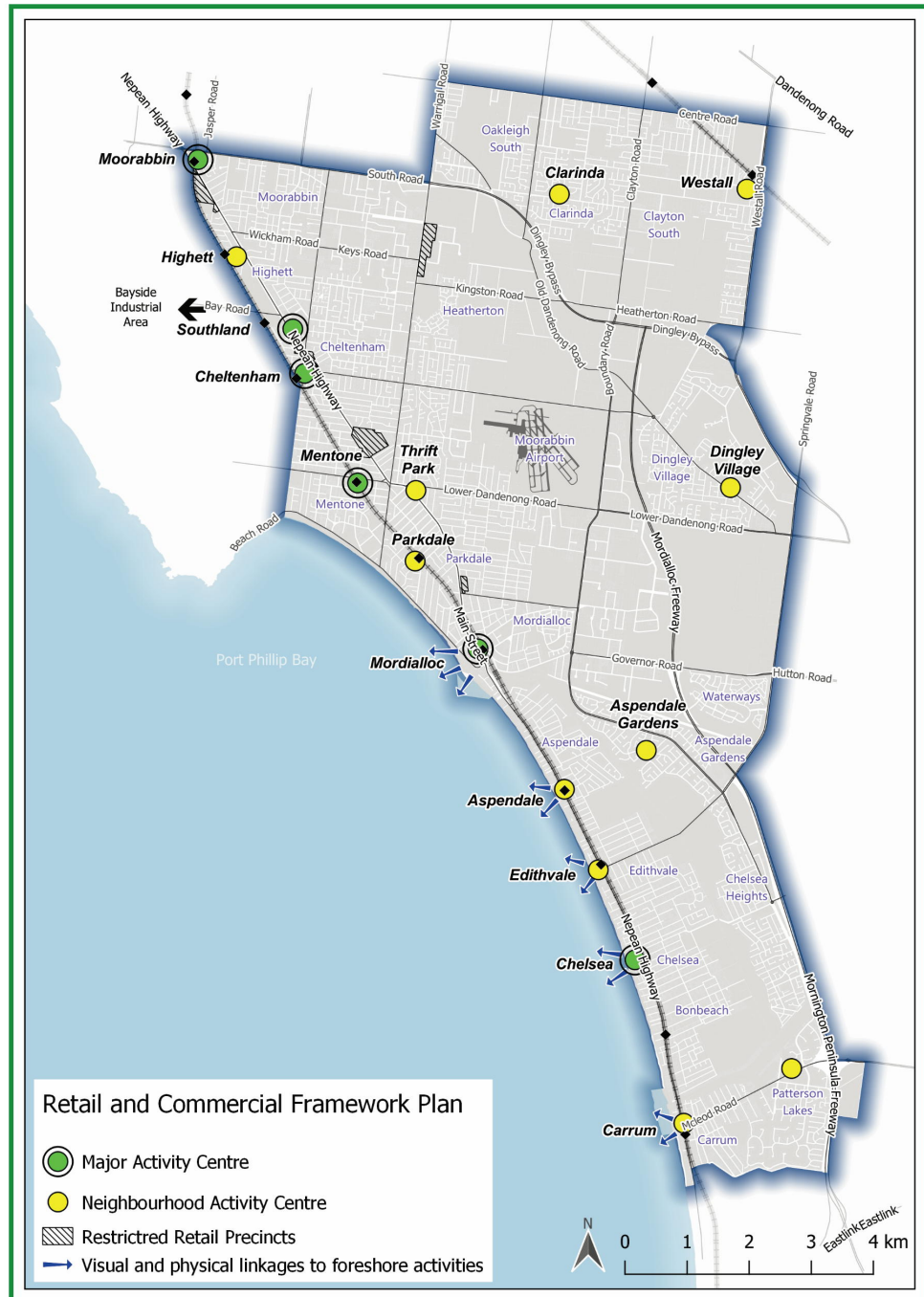
Open Space Framework Plan



Environment, Wetlands and Waterways Framework Plan



Retail and Commercial Land Use Framework Plan







11.03
31/07/2018
VC148

PLANNING FOR PLACES

11.03-1S03/02/2022
VC199**Activity centres****Objective**

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Strategies

Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- Comprises a range of centres that differ in size and function.
- Is a focus for business, shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by transport.
- Maximises choices in services, employment and social interaction.

Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.

Undertake strategic planning for the use and development of land in and around activity centres.

Give clear direction on preferred locations for investment.

Encourage a diversity of housing types at higher densities in and around activity centres.

Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

Improve access by walking, cycling and public transport to services and facilities.

Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Encourage economic activity and business synergies.

Improve the social, economic and environmental performance and amenity of activity centres.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2021)
- *Precinct Structure Planning Guidelines* (Victorian Planning Authority, 2021)

11.03-1R31/07/2018
VC148**Activity centres - Metropolitan Melbourne****Strategies**

Support the development and growth of Metropolitan Activity Centres by ensuring they:

- Are able to accommodate significant growth for a broad range of land uses.
- Are supported with appropriate infrastructure.
- Are hubs for public transport services.
- Offer good connectivity for a regional catchment.
- Provide high levels of amenity.

Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.

Locate new small scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.

Ensure Neighbourhood Activity Centres are located within convenient walking distance in the design of new subdivisions.

11.03-1L-01 Activity centres - Kingston

Proposed C203king

Strategies

Consolidate new retail land use within the boundaries of existing activity centres.

Encourage active commercial premises at ground level and inactive uses such as offices and residential at upper levels.

Discourage the intrusion of non-commercial uses at ground level except to provide separate access to upper levels.

Encourage the provision of service and commercial accommodation to address the needs of visitors and the surrounding region.

Create a broader range of cultural, social, commercial and higher density housing opportunities around the core of major activity centres.

Facilitate home based business activities to foster greater land use mix and sustain the neighbourhood and convenience centres.

Support development that reinforces the character and function of activity centres consistent with their position in the activity centre hierarchy.

Reinforce the role of the Nepean Highway and Frankston train line transport corridor as the links between Kingston's major activity centres.

11.03-1L-02 Cheltenham-Southland Major Activity Centre

Proposed C203king

Policy application

This policy applies to land shown on the Cheltenham-Southland Major Activity Centre Framework Plan to this clause.

Objectives

To direct regional office and retailing activities to the Cheltenham-Southland Major Activity Centre.

To consolidate and renew built form through the redevelopment of key sites within the centre.

To promote innovative medium to higher density residential development in areas around the activity centre.

To promote the aggregation of sites as a means of providing greater flexibility for the design of higher density housing.

Strategies

Develop precincts within the activity centre for a range of retail, office, commercial, restricted retail, community services, medical, entertainment and medium to higher density residential purposes.

Facilitate community, leisure, recreation and entertainment facilities as a focal point for community and social interaction.

Promote contemporary urban design and landscaping, particularly along the Nepean Highway that enhances the visual amenity of the activity centre and reinforces its regional significance.

Promote opportunities to enhance pedestrian access and connectivity with key peripheral areas adjacent to the activity centre including the Bayside Business Employment Area, Sir William Fry Reserve, former Gas and Fuel site and other key community facilities.

Consolidate complementary uses in accordance with the precincts identified in the Cheltenham-Southland Major Activity Centre Framework Plan to this clause.

Facilitate a high level of pedestrian amenity and activity throughout the centre including linkages along the Nepean Highway between Westfield Southland, the Charman Road commercial area, the Sir William Fry Reserve and other key open space/community facilities.

Provide safe pedestrian, cycling and vehicular access to and from the Nepean Highway.

Policy guidelines

Consider as relevant:

Precinct A - Mixed use (commercial support)

- Encouraging a wide mix of commercial development that:
 - Integrates with the landscape and urban design themes of the Sir William Fry Reserve.
 - Provides a high standard of urban and landscape design, including coordinated advertising signage.
 - Supports the formation of a quality landmark gateway to the Southland Activity Centre.
- Enhancing the visual amenity of the area through development that is compatible with the scale of surrounding development and achieves landscaped setbacks of at least:
 - 5 metres from the Nepean Highway on land to the east of the highway.
 - 9 metres on land to the west of the highway.

Precinct B - Regional retailing

- Promoting major retailing facilities that reinforce the function of this area as the predominant focus for regional retail activity, higher order shopping facilities, discount department stores and specialty retailing.
- Providing a range of entertainment, leisure and community facilities.

Precinct C - Medium - higher density residential

- Supporting medium to higher density residential development with a mixture of dwelling sizes.
- Encouraging site utilisation that is innovative, responsive to its streetscape context and incorporates the following design features:
 - A high level of articulation in building setbacks, facades and roof lines.
 - Open landscaped front gardens.
 - Low or transparent front fencing styles.
 - Apartment developments up to a maximum of three storeys in precinct C1 and up to four storeys in precinct C2, with a recessed fourth level.
 - Front and rear boundary setbacks that can accommodate medium sized canopy trees, and the integration of landscaping around the building perimeter on balconies, walls and roof.

Precinct D - Mixed use (office and retail)

- Promoting development of facilities for larger scale office, retail and commercial uses on sites of at least 1000 square metres.
- Promoting development of facilities for high quality office and retail uses that integrate with the landscape and urban design themes and complements the character of the Nepean Highway frontage.
- Creating large high exposure sites through the consolidation of smaller sites.
- Enhancing pedestrian, landscape and visual amenity by encouraging consistent building setbacks of at least 5 metres on land with frontage to Nepean Highway. Providing for reduced setbacks only where an exceptional design response is delivered.

Precinct E - Mixed use (office and medical)

- Providing office and medical uses that complement the regional focus of the Southland Shopping Centre.
- Discouraging retail uses in this area.
- Enhancing the visual, landscape and pedestrian amenity of the area by encouraging consistency in building setbacks of at least:
 - 5 metres on land with frontage to Nepean Highway.
 - 2 metres on land with frontage to Chesterville Road and Jamieson Street.

Providing for reduced setbacks only where an exceptional design response is delivered.

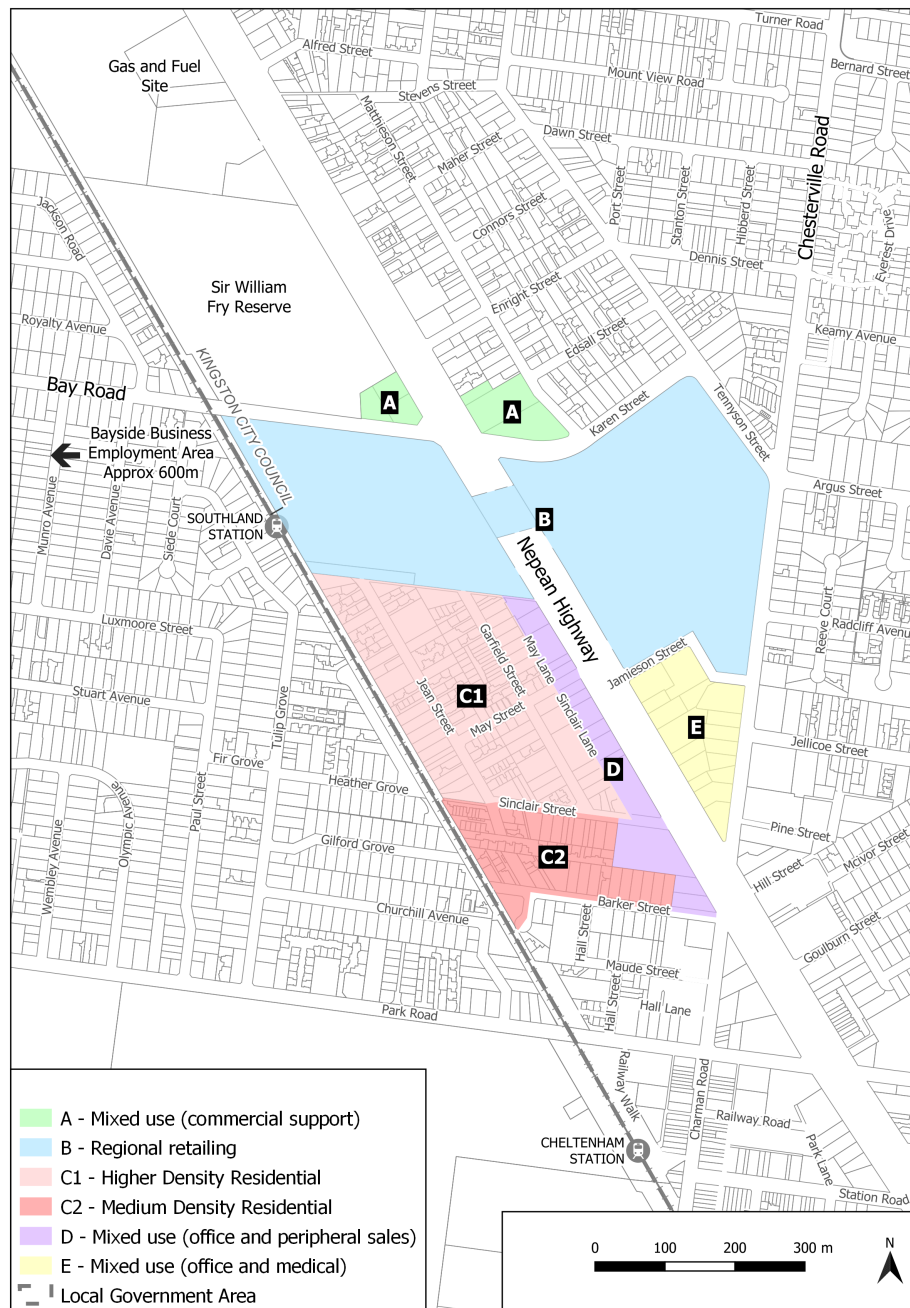
Policy documents

Consider as relevant:

- *Westfield Shoppingtown Southland Concept Plan* (November 1994)
- *Kingston Housing Strategy and Neighbourhood Character Study (2021)*

KINGSTON PLANNING SCHEME

Cheltenham-Southland Major Activity Centre Framework Plan



11.03-1L-03 Mordialloc Major Activity Centre

~~11.03-1L-03~~
Proposed C203king

Policy application

This policy applies to land in precinct areas as shown on the Mordialloc Activity Centre Framework Plan map that forms part of this clause.

Objective

To implement land use and development within Mordialloc Major Activity Centre consistent with the *Mordialloc Pride of the Bay: A Structure Plan for the Future of Mordialloc* (City of Kingston, November 2004) and:

- Protect and enhance the existing character, streetscape and heritage places.
- Encourage responsive and sensitively designed development.
- Protect and enhance places that reflect Mordialloc's historic maritime, boating and recreational activities.
- Protect and enhance vistas, views and landmarks.
- Protect the foreshore, dwellings, open space and pedestrian areas from overshadowing.
- Support development that contributes to the lively and commercial function of the activity centre.
- Improve and enhance pedestrian routes and connectivity throughout the centre, residential areas and foreshore.

General strategies

Enhance east-west pedestrian connections in the Mordialloc Major Activity Centre between the foreshore areas, Main Street and established area east of Albert Street.

Precinct 1 strategies: Mordialloc Railway Station

Promote land use and development that highlights the presence of the heritage railway station.

Encourage premises facing the Mordialloc Station forecourt to:

- Provide a range of retail and commercial services that address commuter needs at the ground floor.
- Provide residential and office uses on upper levels.

Encourage premises facing Main Street east to provide a frontage to both Main Street and onto the rear car park.

Encourage consolidation of the car park between the railway line and rear of the Main Street shops.

Precinct 2 strategies: Centreway Gateway

Encourage an active mixed use environment.

Avoid setbacks from the street frontage.

Promote the provision of shelter through continuous awnings, verandahs and canopies.

Promote development that reinforces a gateway to the commercial core at the Centreway and Beach Road intersection.

Encourage sidewalls of buildings at the intersection of Centreway and Main Street to open up onto Centreway.

Facilitate provision of an east-west principal pedestrian link between the Main Street commercial core and the foreshore area.

Encourage the development of additional carpark areas.

Precinct 4 strategies: Pier, Creek & Foreshore

Encourage the continuation and upgrade of the pathway system to provide access through the extensive open space network to the commercial area.

Maintain access to mooring and commercial and community recreational boating facilities provided within the creek and Mordialloc Island.

Support development that respects the connection between the adjacent Bridge Hotel and its interface with recreational and community activities within this precinct.

Precinct 5 strategies: Pompei's Landing

Encourage the development of the precinct into a maritime village fostering the boating history of Mordialloc.

Encourage the development of a restaurant, educational and interpretive museum, and new boat building shed on the northern bank of Mordialloc creek to provide an anchor for the precinct, drawing on the environmental and local historic characteristics of the site.

Encourage a mixed use residential development on the existing boat building yard site, generally of a scale of the existing workshop.

Support enhancements to pedestrian and bike paths and open space linkages throughout the precinct to encourage permeability and visitation.

Precinct 6 strategies: Main Street Precinct

Promote specialised retail and commercial services to continue to address Main Street at the street level, contributing to an attractive and active commercial promenade.

Enable the activation of upper level Main Street buildings through discreet additions set back behind the primary parapet.

Reinforce the historic rhythm of commercial street frontages within Main Street.

Avoid building setbacks from the street frontage and encourage permeable fenestration and points of entry.

Promote the provision of shelter in the form of continuous awnings, verandahs and canopies.

Encourage development to reflect the rhythm of storefronts facing Main Street.

Encourage enhancement of the Mordialloc Plaza façade to reinforce the rhythm of storefronts along Main Street through the incorporation of vertical elements and materials.

Promote the northern gateway of the Main Street Precinct through redevelopment of the site west of the junction of McDonald Street and Nepean Highway, south of Epsom Road comprising a mix of retail and commercial uses at ground and upper level residential or service accommodation uses.

Precinct 6 policy guidelines

Consider as relevant:

- Incorporating vertical elements, materials and details to reflect existing features of commercial street frontages, but not replicate or mimic them.
- Providing 7-9 metre store width frontages and incorporate building elements that reinforce this pattern of development at upper floors.
- Promoting consistent design, through the use of columns or breaks in fenestration of tenancies with large store frontages.

Precinct 7 strategies: Central Mordialloc

Enhance the form, image and presence of the Beach Road terminal 'arc' at its meeting with the Nepean Highway, overlooking the Mordialloc Creek and coastline.

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Promote a mixed use environment, providing a transition between the core commercial activities along Main Street and the foreshore environment.

Encourage site consolidation of residential land adjacent to Beach Road to enable integrated redevelopment that:

- Includes flexible ground floor uses such as residential, home office or small scale commercial or retail to encourage a lively mixed used streetscape.
- Establishes a rhythm of consolidated and attached built forms along Beach Road with discreet building breaks that emphasise intersecting openings and the laneway.
- Avoids setbacks from the Beach Road frontage.

Improve pedestrian safety and activity on the street by providing direct access for individual dwellings from Beach Road and the laneway.

Restrict vehicular access to new development via a single entry/exit point to Beach Road and an additional vehicular access point via the existing laneway to Main Street.

Precinct 8 strategies: Eastern Fringe

Provide a gradual transition in building scale from the low rise residential properties adjacent to this precinct to the taller buildings in the commercial core.

Encourage community facilities and institutional uses around the intersection of Albert Street and Lewis Street.

Encourage the redevelopment of existing commercial premises for medical and health related services around the intersection of McDonald Street and Albert Street.

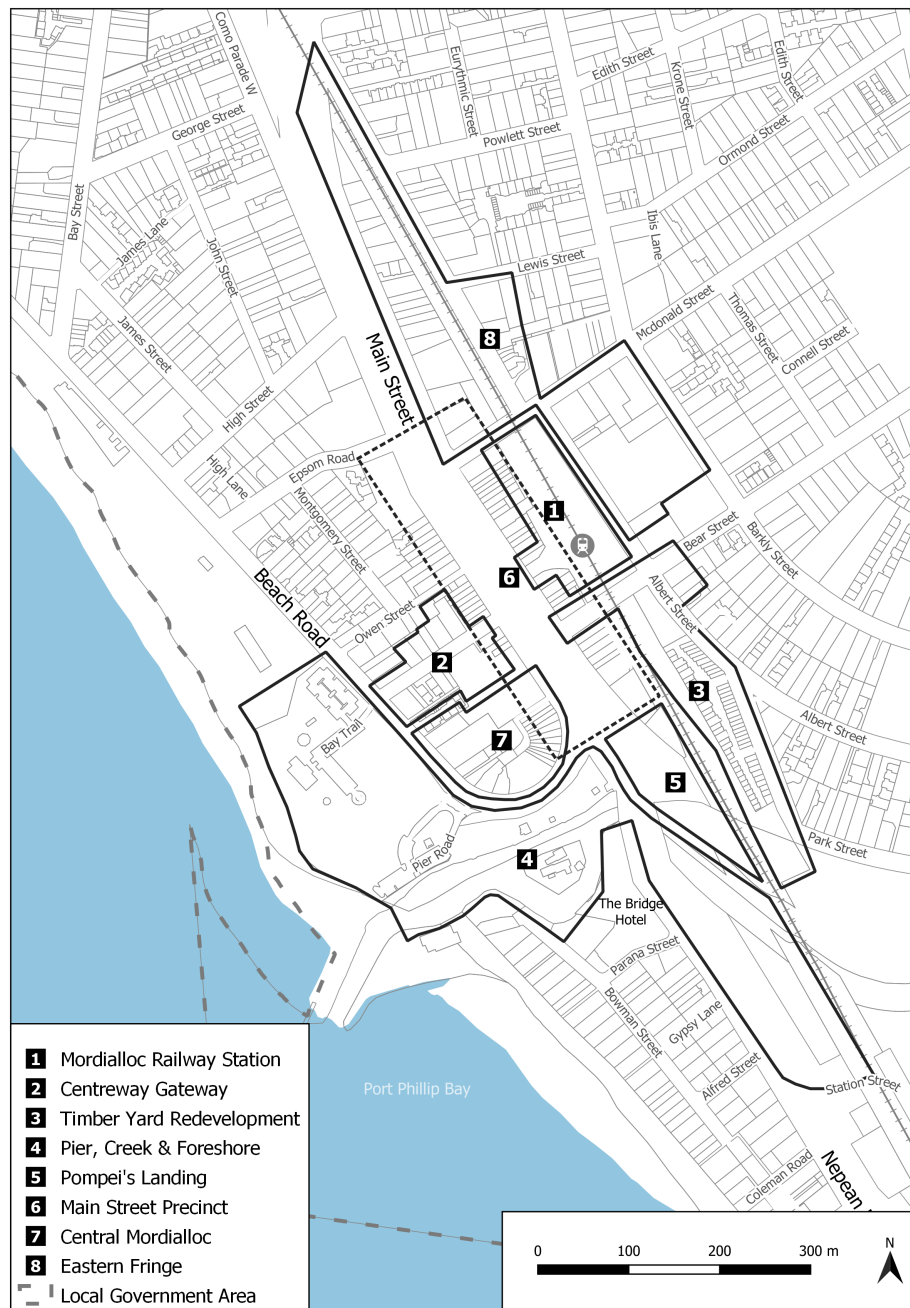
Policy document

Consider as relevant:

- *Mordialloc Pride of the Bay: A Structure Plan for the Future of Mordialloc* (City of Kingston, November 2004)

KINGSTON PLANNING SCHEME

Mordialloc Activity Centre Framework Plan



11.03-1L-04 Carrum Neighbourhood Activity Centre

not for use
Proposed C203king

Policy application

This policy applies to land within the policy area as shown on the Carrum Activity Centre Framework Plan map to this clause.

Objectives

To reinforce and revitalise Carrum Neighbourhood Activity Centre as a local retail centre comprising:

- Station Street Commercial Area providing for daily and weekly convenience shopping needs of the local community.
- Nepean Highway Commercial Area providing a specialist retail, business, recreation and entertainment focus, optimising synergies with foreshore activities.

To improve the vitality and pedestrian experience of the activity centre.

To increase housing diversity including:

- Medium density dwellings in residential areas around the shopping centre.
- Residential development above commercial uses within the Core Commercial Areas.

To create a strong sense of Carrum as a 'village' within a suburban coastal setting.

To protect the heritage character of parts of Carrum.

To respect and enhance the native indigenous landscape character of Carrum with sympathetic landscape treatments.

General strategies

Facilitate the upgrade of the public realm, including linking the disparate parts of the activity centre, creating a consistent appearance based on Carrum's suburban coastal location and responding to the prevailing environmental elements such as coastal vegetation, sun exposure and wind.

Facilitate improvements to the movement network in and around the centre including:

- Pedestrian safety, circulation and access, particularly between the disparate parts of the centre and between the station and shops.
- Upgrades and better management of commuter and retail car parking facilities.
- Management of traffic in and around the centre.
- Physical links between the centre, the foreshore and the river.

Support improvements to the design and appearance of commercial premises in the activity centre.

Encourage design of medium density housing that is responsive to the preferred precinct character.

Support development that is sympathetic to the physical and environmental characteristics of Carrum's coastal suburban location.

Support development in Carrum that respects the amenity of adjoining properties and the public domain.

Facilitate upgrades to the public realm consistent with Carrum's suburban coastal location, resulting in improved public spaces and attractive streetscapes with an emphasis on the pedestrian experience.

Facilitate land use and development consistent with precinct areas shown on the Carrum Framework Plan and:

Retain native coastal vegetation and protect trees from damage during construction.

General policy guidelines

Consider as relevant:

- Supporting native coastal screen planting in front of buildings, between buildings and the Nepean Highway, streets and lanes and the foreshore reserve.
- Encouraging at least 90 per cent of new landscaping to be native or indigenous.

Foreshore Precinct strategies

- Support commercial development within the Mixed Use Activity Areas such as cafes, restaurants and galleries.
- Promote a diversity of coastal related retail and commercial activities fronting the Nepean Highway.
- Encourage commercial land uses to consolidate within the Nepean Highway Core Commercial Area.
- Facilitate the relocation or removal of structures and club facilities on the foreshore whose function is not dependent on this location.
- Facilitate redevelopment of buildings on the Crown Foreshore Reserve that:
 - Enable the co-location of club facilities.
 - Site buildings on less environmentally sensitive land behind the primary dune or adjoining the foreshore reserve.
 - Result in no overall increase in the current total footprint area of foreshore buildings.
- Promote development of a contemporary coastal architectural character.
- Facilitate development of buildings that establish a frontage to the street along Stephens Street, Johnson Avenue, Old Post Office Lane or Nepean Highway.
- Restrict private vehicular access into properties from the foreshore reserve.
- Avoid high solid fences adjacent to the foreshore boundary.
- Facilitate enhancements of the Beauty Spot gateway site through landscape and physical improvements that respect and complement its historical, visual, recreational, environmental and community significance.

Foreshore Precinct policy guidelines

Consider as relevant:

- Supporting uses within the Nepean Highway Core Commercial Area including:
 - Recreation and leisure related uses, including boating supplies, beach supplies, bicycles, fitness equipment, camping, fishing, hiking, walking supplies, sporting goods, art supplies, plant nursery, gifts, and recreation and leisure equipment.
 - Antiques and second hand stores, including furniture, renovation supplies, stamps, coins, drapery, china, cutlery, crockery, glassware, household utensils, books, records, art, toys and hobbies.
 - Professional business services, including accountants, solicitors, financial and insurance, and chemist and other medical related activities.
 - Support services and activities, including tourist accommodation, ATM facility, restaurants, tavern/bistro, takeaway food and cafes.
- Incorporating detailed design features such as:
 - Flat or gently angled roof forms.

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- Hardy materials such as stainless steel, glass, appropriate timber types and masonry.
- Shade and screening devices.
- Elevated living areas and associated outdoor spaces in the form of open decks and balconies.
- Incorporating rooftop decks and terraces designed to maximise the opportunity for outdoor living areas with Bay views.
- Using staggered and varied roof lines (including pitches and curves) and varying the setback of walls to reduce the visual bulk and impact of buildings as viewed from the foreshore and other public spaces.
- Adopting building design techniques and materials that are responsive to the harsh coastal conditions (withstanding wind and salt attack).
- Using building materials which are non-reflective, lightweight, glazed and metallic, and are of natural and muted colours that will blend with the coastal setting.
- Utilising robust coastal building materials in an innovative manner, including sensitive use of horizontal weatherboard cladding, light tone rendered brickwork, Colourbond roofs, timber and stainless steel verandahs, doors and windows and painted finishes.
- Maximising Bay views, avoiding instances where views may be built out by adjoining development by:
 - Avoiding the design of views that depend on gaining view lines across adjacent properties.
 - Graduating building form in a stepped effect towards the foreshore reserve to maximise Bay views achievable from within the site.
- Supporting development adjacent to Stephens Street, Johnson Avenue, Old Post Office Lane, the Beauty Spot and the foreshore designed with the aim of:
 - Fronting dwellings towards side streets and lanes (where not fronting the Bay or the Highway) and providing oblique views towards the Bay for units without a direct Bay frontage.
 - Avoiding the dominance of garage doors and blank walls at street level.
 - Achieving a small setback of buildings on lots that have a sideage to Old Post Office Lane and Johnson Avenue by staggering setbacks from one to three metres to aid in opening views towards the beach from the Highway and to provide the opportunity for landscaping to complement street planting.
- Encouraging outdoor living areas in the form of elevated open decks, balconies and roof terraces to take advantage of Bay views and reflect the coastal location.

Station Street Precinct strategies

- Support commercial development within the Mixed Use Activity Areas such as cafes, restaurants and galleries.
- Promote local convenience shopping activities fronting Station Street within the Core Commercial Area.
- Encourage commercial land uses to consolidate within the Station Street Core Commercial Area.
- Promote development design that responds to the precinct's traditional coastal village character.

Station Street Precinct policy guidelines

Consider as relevant:

- Supporting uses including:

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- Supermarket, chemist, greengrocer, bakery and other specialist food shops, takeaway food, hairdresser, liquor store, bank, medical centre, butcher, cafe, newsagency, post office and coffee shop.
- Encouraging design responses:
 - Interpreting traditional building designs which include single and double frontages, eaves, pitched, hipped and gable roofs, vertical rectangular window openings and posted verandahs.
 - Using traditional building materials including horizontal weatherboard cladding, rendered brickwork, corrugated iron roofs, brick chimneys, timber verandahs, and door and window joinery and painted finishes.
 - Using building materials, finishes and colours appropriate to the coastal location which are non-reflective and are of natural and light colours that will blend with the suburban coastal setting and the traditional village character.
 - Utilising robust coastal building materials in an innovative manner, including sensitive use of horizontal weatherboard cladding, light tone rendered brickwork, Colorbond roofs, timber and stainless steel verandahs, doors and windows and painted finishes.
- Maximising Bay views by:
 - Avoiding designs that depend on gaining view lines across adjacent properties.
 - Graduating building form in a stepped effect towards the foreshore reserve to maximise views achievable from within the site.
- Promoting development that minimises impacts on neighbouring properties by:
 - Concentrating upper storey building form towards the front of the site.
 - Encouraging upper storey components to be set back adequately from the rear boundary.

Eastern Residential Precinct strategies

Promote housing diversity, in particular medium density dwelling developments in the form of townhouses and unit development that reflect the preferred character.

Eastern Residential Precinct policy guidelines

Consider as relevant:

- Promoting any two storey component of dwellings at the rear sites being considerably less in area than the ground floor and set back from property boundaries to avoid overshadowing or visual intrusion to the rear yards of abutting residential land.

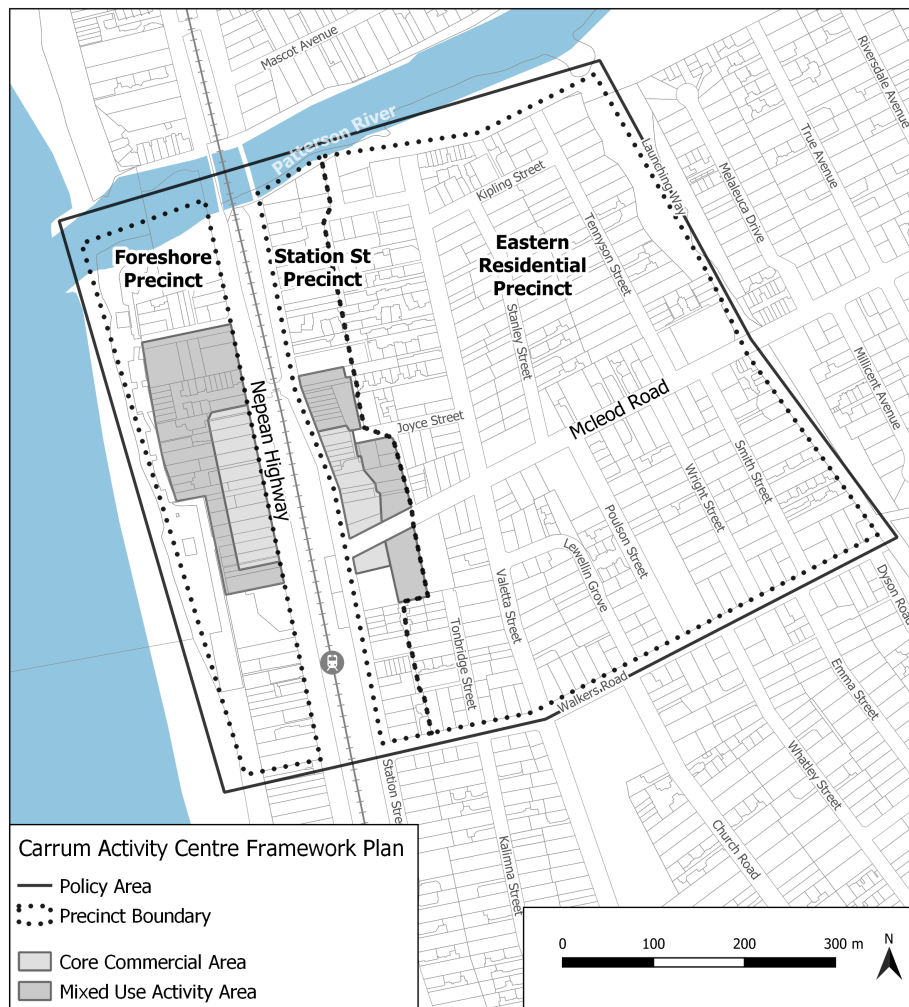
Policy document

Consider as relevant:

- *Carrum Urban Design Framework* (Hansen Partnership, February 2003)
- *Kingston Housing Strategy and Neighbourhood Character Study* (2021)
- *Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines* (2021)

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Carrum Activity Centre Framework Plan



11.03-1L-05 Highett Neighbourhood Activity Centre

Proposed C203king

Policy application

This policy applies to land within the precincts as shown on the Highett Activity Centre Framework Plan to this clause.

Objective

To promote use and development in accordance with the *Highett Structure Plan* (Hansen Partnership, May 2006) and:

- Provide for local shopping, business and community services suited to the needs of people living and working in the area.
- Increase residential development opportunities and dwelling diversity.
- Manage change in the surrounding established residential areas that responds to neighbourhood character and advantages of proximity to public transport and activity centres.
- Improve access to public transport, pedestrian networks and cycling facilities.
- Mitigate adverse impacts of traffic on Highett Road and in established residential areas.
- Improve pedestrian access throughout the area.
- Provide a greater diversity of dwelling types.

Precinct 1: Highett Shopping Centre strategies

Facilitate site consolidation on the northwest and southwest corner of Nepean Highway and Highett Road and encourage the development of a gateway building to signify entry into the centre, providing for retail or commercial uses at ground level and a mix of residential or offices above.

Promote the extension of Edwin Parade through to Highett Road for pedestrian access.

Establish a community focal point and multi-purpose facility to the south of the Highett Road shops, between Station Street and the railway line, incorporating the RSL site.

Promote the redevelopment of shops and the RSL site.

Encourage site consolidation at the corner of Railway Parade and Highett Road and the development of a prominent building with retail uses at ground level and residential or offices uses at upper levels.

Encourage the redevelopment of ground level car parks behind the Highett Road frontage, maintaining the number of accessible car parking spaces available.

Enhance pedestrian safety along Highett Road and side streets.

Precinct 2: Preferred Medium Density Residential Areas strategies

Support the development of contemporary medium density housing in the form of well-designed apartment developments rather than villa unit and town house style developments.

Encourage site consolidation.

Precinct 3: Increased Density – Highway West strategies

Promote increased high density housing, in the form of apartment buildings ranging from 5 storeys to 8 storeys.

Encourage the development of apartments of various sizes and formats.

Encourage community uses compatible with the Moorabbin Justice Centre and residential activities, such as a child care centre or kindergarten.

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Encourage basic convenience retail uses to serve the needs of residents and employees within the precinct without undermining the role of Highett Shopping Centre precinct or Cheltenham-Southland major activity centre.

Encourage retail premises, home based business and medical centre uses at ground floor level, as part of multi-level developments providing for residential uses in the floors above.

Discourage land use and development for freestanding or drive through cafes and restaurants.

Ensure buildings face the Nepean Highway and any new network of streets established throughout the precinct to provide for surveillance of the Sir William Fry Reserve.

Facilitate delivery of new streets, pedestrian and cycling paths connected to the adjoining street network and open space areas west, north and south of the precinct as identified in the *Highett Structure Plan* (Hansen Partnership, May 2006).

Encourage development at a mixture of building heights and varying built forms and layouts to provide visual interest.

Promote innovative contemporary design and built form for all development.

Provide a connection to the other activity centre precincts by relocating pedestrian lights on Highett Road to the Station Street intersection.

Promote traffic management that minimises impacts on adjoining residential areas by:

- Directing primary vehicle access for all traffic from the precinct to the Nepean Highway to mitigate traffic impacts.
- Minimising the speed and volume of vehicle movements within the adjoining residential area.

Encourage car parking within multi-level buildings and discourage visible ground level car parking, except for short-term parking.

Maximise opportunity for access by alternative modes of transport and minimise environmental impacts associated with car parking.

Provide open space links to create pedestrian and cycling path connections between the Lyle Anderson Reserve, open space within the precinct, the Moorabbin Justice Centre and the Sir William Fry Reserve through to Southland.

Promote improved pedestrian access across Highett Road and the railway line south of Highett Road.

Precinct 4: Substantial change area strategies

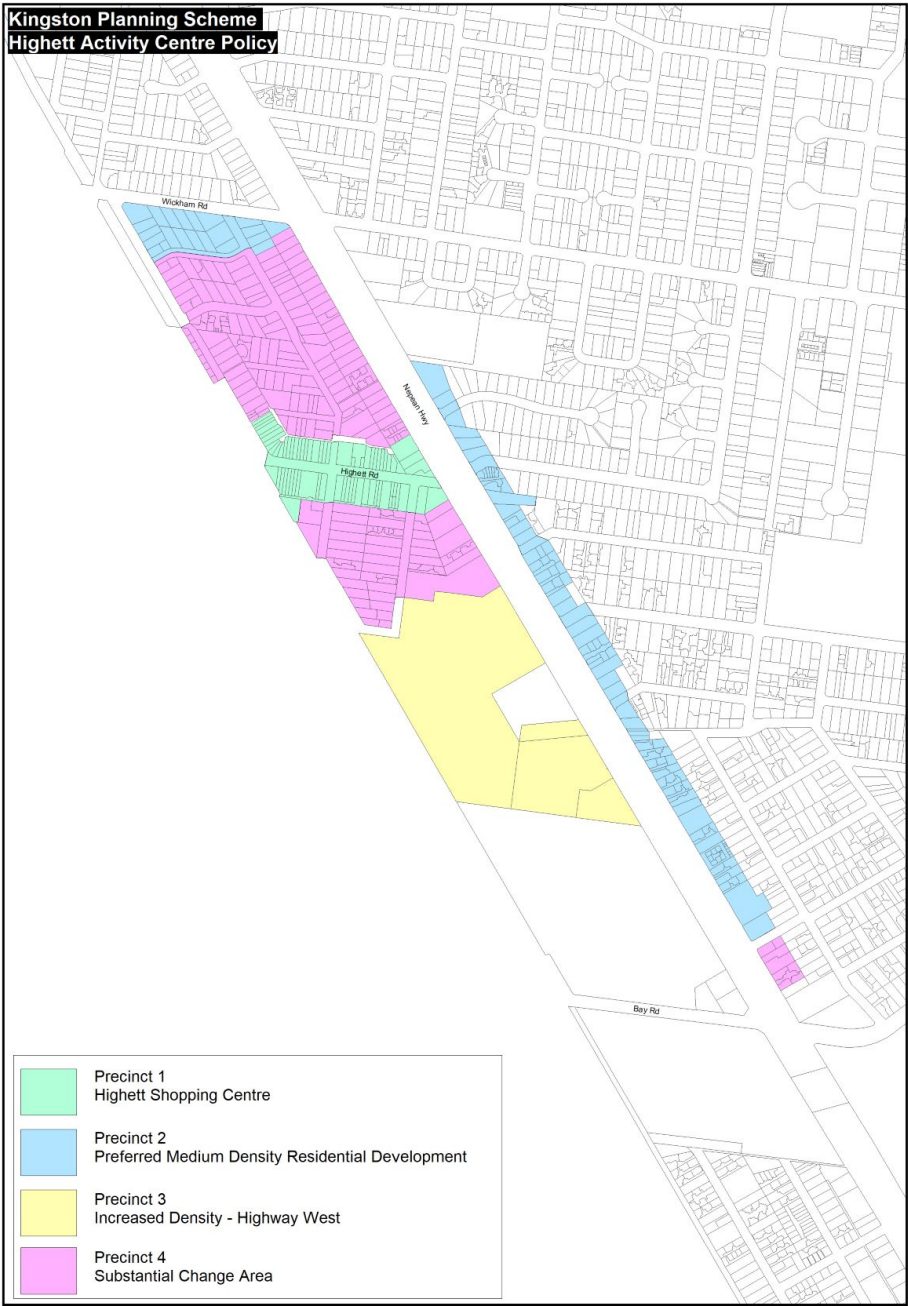
- Promote new development in the form of four storey apartment buildings.
- Retain the amenity of existing residential development by ensuring that adequate side and rear setbacks are provided to taller buildings to allow screen planting and a landscape setting.
- Encourage car parking to be provided within buildings rather than at ground level, to maximise the opportunity to use ground level open space for landscaping, and communal and private open space.
- Encourage consolidation of land that facilitates the creation of viable development sites capable of achieving the outcomes promoted by the Scheme and the *Highett Structure Plan* (Hansen Partnership, May 2006).

Policy document

Consider as relevant:

- *Highett Structure Plan* (Hansen Partnership, May 2006)
- *Kingston Housing Strategy and Neighbourhood Character Study* (2021)

Highett Activity Centre Framework Plan



11.03-2S04/05/2022
VC210**Growth areas****Objective**

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Strategies

Concentrate urban expansion into growth areas that are served by high-capacity public transport.

Implement the strategic directions in the Growth Area Framework Plans.

Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.

Deliver timely and adequate provision of public transport and local and regional infrastructure and services, in line with a preferred sequence of land release.

Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.

Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.

Provide a diversity of housing type and distribution.

Retain unique characteristics of established areas impacted by growth.

Protect and manage natural resources and areas of heritage, cultural and environmental significance.

Create well planned, easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

Develop Growth Area Framework Plans that will:

- Include objectives for each growth area.
- Identify the long term pattern of urban growth.
- Identify the location of broad urban development types, for example activity centre, residential, employment, freight centres and mixed use employment.
- Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed.
- Identify transport networks and options for investigation, such as future railway lines and stations, freight activity centres, freeways and arterial roads.
- Identify the location of open space to be retained for recreation, and/or biodiversity protection and/or flood risk reduction purposes guided and directed by regional biodiversity conservation strategies.
- Show significant waterways as opportunities for creating linear trails, along with areas required to be retained for biodiversity protection and/or flood risk reduction purposes.
- Identify appropriate uses for constrained areas, including quarry buffers.

Develop precinct structure plans consistent with the *Precinct Structure Planning Guidelines* (Victorian Planning Authority, 2021) approved by the Minister for Planning to:

- Establish a sense of place and community.
- Create greater housing choice, diversity and affordable places to live.
- Create highly accessible and vibrant activity centres.
- Provide for local employment and business activity.

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- Provide better transport choices.
- Respond to climate change and increase environmental sustainability.
- Deliver accessible, integrated and adaptable community infrastructure.

Policy documents

Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- *Precinct Structure Planning Guidelines* (Victorian Planning Authority, 2021)
- *Ministerial Direction No. 12 – Urban Growth Areas*

11.03-3S31/07/2018
VC148**Peri-urban areas****Objective**

To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Strategies

Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.

Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.

Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Enhance the character, identity, attractiveness and amenity of peri-urban towns.

Prevent dispersed settlement and provide for non-urban breaks between urban areas.

Ensure development is linked to the timely and viable provision of physical and social infrastructure.

Improve connections to regional and metropolitan transport services.

11.03-4S06/09/2021
VC171**Coastal settlement****Objective**

To plan for sustainable coastal development.

Strategies

Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.

Protect areas between settlements for non-urban use.

Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.

Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Prevent the development of new residential canal estates.

Policy documents

Consider as relevant:

- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013)
- *Gippsland Regional Growth Plan* (Victorian Government, 2014)
- *Great South Coast Regional Growth Plan* (Victorian Government, 2014)
- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)
- *Victorian Coastal Strategy* (Victorian Coastal Council, 2014)

11.03-5S30/04/2021
VC185**Distinctive areas and landscapes****Objective**

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

Strategies

Recognise the unique features and special characteristics of these areas and landscapes.

Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.

Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.

Recognise the important role these areas play in the state as tourist destinations.

Protect the identified key values and activities of these areas.

Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.

Support use and development where it enhances the valued characteristics of these areas.

Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.

Protect areas that are important for food production.

Policy documents

Consider as relevant:

- *Bellarine Peninsula Localised Planning Statement* (Victorian Government, 2015)
- *Macedon Ranges Statement of Planning Policy* (Victorian Government, 2019)
- *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014)
- *Yarra Ranges Localised Planning Statement* (Victorian Government, 2017)

11.03-6S31/07/2018
VC148**Regional and local places****Objective**

To facilitate integrated place-based planning.

Strategies

Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

13.05
31/07/2018
VC148

NOISE

13.05-1S10/06/2022
VC216**Noise management****Objective**

To assist the management of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy guidelines

Consider as relevant:

- The noise requirements in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017*.

Policy documents

Consider as relevant:

- *Environment Protection Regulations under the Environment Protection Act 2017*
- *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826, Environment Protection Authority, May 2021)
- *Environment Reference Standard* (Gazette No. S 245, 26 May 2021)
- *Passenger Rail Infrastructure Noise Policy* (Victorian Government, 2013)
- *VicTrack Rail Development Interface Guidelines* (VicTrack, 2019)

KINGSTON PLANNING SCHEME

13.07
26/05/2020
VC175

AMENITY, HUMAN HEALTH AND SAFETY

13.07-1S01/07/2021
VC203**Land use compatibility****Objective**

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Policy documents

Consider as relevant:

- *Recommended separation distances for industrial residual air emissions* (Publication 1518, Environment Protection Authority, March 2013).

KINGSTON PLANNING SCHEME

13.07-1L Land use compatibility – Kingston

Proposed C203king

Strategies

Discourage alternative uses on existing landfill, materials recycling or transfer station land that has the potential to detrimentally impact on the amenity of the locality.

13.07-2S26/10/2018
VC152**Major hazard facilities****Objective**

To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.

Strategies

Ensure major hazard facilities are sited, designed and operated to minimise risk to surrounding communities and the environment.

Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.

Apply appropriate threshold distances from sensitive land uses for new major hazard facilities and between major hazard facilities.

Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.

13.07-3S28/09/2020
VC183**Live music****Objective**

To encourage, create and protect opportunities for the enjoyment of live music.

Strategies

Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.

Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Policy guidelines

Consider as relevant:

- The social, economic and cultural benefits to the community of:
 - Retaining an existing live music venue.
 - The development of new live music entertainment venues.
 - Clustering licensed premises and live music venues.

15.01 BUILT ENVIRONMENT**15.01-1S URBAN DESIGN****Objective**

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

15.01-1R URBAN DESIGN - METROPOLITAN MELBOURNE**Objective**

To create a distinctive and liveable city with quality design and amenity.

Strategies

Support the creation of well-designed places that are memorable, distinctive and liveable.

Integrate place making practices into road space management.

Strengthen Melbourne's network of boulevards.

Create new boulevards in urban-growth areas and selected existing road corridors across Melbourne.

Provide spaces and facilities that encourage and support the growth and development of Melbourne's cultural precincts and creative industries.

15.01-1L-01 URBAN DESIGN – KINGSTON**Strategies – General**

Enhance the public realm through contemporary open spaces and the use of public art.

Encourage contemporary architectural expression throughout all facets of development.

Create new views, vistas and landmarks, where possible and appropriate.

Integrate infrastructure with its surroundings so it is not visually dominant or unduly visually obtrusive.

KINGSTON PLANNING SCHEME

Design buildings to interact with the public realm and communal areas by providing entrances, windows and the like that maximise movement and surveillance.

Encourage passive surveillance over pedestrian and bicycle paths through appropriate siting and design.

Support enhancements to overcome the barriers presented by the railway line and Nepean Highway through improved signage, safety measures and major infrastructure works.

Achieve a high standard of amenity in new development while maintaining or enhancing the amenity of adjoining development.

Design building height, setbacks and massing to maximise solar access to within new development and adjoining land.

Integrate balconies and roof decks with buildings to provide minimal visual impact when viewed from the street and surrounding area.

Strategies – Industrial development

Encourage development of all industrial land to provide high quality and well landscaped industrial estates.

Retain trees that have been identified as significant in the development of new industrial estates and the redevelopment of older industrial areas.

Improve environmental performance of industrial precincts through landscaping, building design and construction.

Facilitate provision of cycling, walking and public transport infrastructure within and between industrial areas and surrounding residential areas.

15.01-1L DESIGN IN SUBSTANTIAL CHANGE AREAS

Policy application

This policy applies to the development of land in areas shown as Substantial change on the Residential Framework Plan at Clause 02.04.

Objective

To encourage housing intensification in substantial change areas that makes a positive contribution to the area and allows for greater housing change.

Strategies

Substantial change - Neighbourhood Renewal Areas

Support site consolidation to facilitate development that makes efficient use of land.

Locate car parking in basements to limit the visual impact of car parking on the streetscape.

Provide articulated facades and soften visual bulk with landscaping, materials, breaks and recesses in built form.

Support building design on busy or arterial roads that manages the impact of traffic on apartments by providing a buffer such as winter gardens, adjustable screens to balconies and windows and landscaping.

Support the seamless integration of shading or overlooking devices into the design response.

Support development that avoids deep cantilevered forms and wedding cake profiles.

Substantial change - Mixed Use Areas

Provide contemporary, mixed-use development with active street frontages, and street walls that respond to the alignment pattern and grain of development in the precinct.

Support development that addresses potential amenity impacts from non-residential uses in the precinct through measures such as siting, orientation, building materials and architectural treatments.

Encourage the incorporation of commercial uses, or floor space that can be converted for commercial uses when required.

KINGSTON PLANNING SCHEME

Ensure that mixed use development is designed to manage potential conflicts between residential and non-residential uses within the building.

Limit new front fences.

Policy guidelines

Consider as relevant:

- The use of separate entrances and building services for residential and non-residential uses.
- The location and design of commercial services and infrastructure, and proximity to sensitive residential areas within the building.

15.01-1L LANDSCAPE DESIGN

Policy application

The following objectives and strategies apply to residential development assessable by Clause 54, Clause 55, Clause 58 and land in residential areas identified in the Residential Framework Plan at Clause 02.04.

Objective

To ensure development maximises opportunities for landscaping, including trees.

Strategies

Retain existing trees and space around them to ensure survival, particularly indigenous and native trees.

Support building and basement design that maximises the availability of deep soil and opportunities to retain trees and plant new vegetation and in ground canopy trees.

Encourage street setbacks that can accommodate large and medium sized trees.

Promote understorey planting below trees to provide a layered greenery outcome.

Support development that provides landscaping treatments on balconies, roofs and walls that maximises the greening of buildings.

Promote building siting that enables the retention of street trees.

Maximise landscaping opportunities in street setbacks by limiting hard and impervious surface areas, including basement ramps, driveways, paths and paving.

Policy guidelines

Consider as relevant (excluding apartment development):

- Planting trees with heights and spreads of small, medium and large canopy trees at maturity; and the required soil volume and minimum area required for tree planting in ground in accordance with Table 1.
- Trees close to each other may have 50% of in ground soil area reduced for each subsequent tree.
- Where trees cannot be planted in ground, locate in planters with adequate soil volume in accordance with Table 2.

Table 1: Tree sizes, required soil volumes and minimum in ground area requirements

Size of tree	Mature height	Mature canopy spread	Canopy area at maturity	Minimum area required (in ground)	Minimum dimension
Small	6-8m	4m	12.5m ²	4m ²	2m
		5m	19.6m ²	6m ²	
		6m	28.3m ²	9m ²	

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		7m	38.5m ²	12m ²	3m
		8m	50.3m ²	16m ²	
Medium	8-12m	9m	63.7m ²	20m ²	
		10m	78.5m ²	25m ²	
		11m	95m ²	30m ²	
		12m	113m ²	36m ²	
Large	≥ 12m	13m	132.7m ²	42m ²	
		14m	154m ²	48m ²	

Table 2: Tree sizes and above ground planter depth requirements

Size of tree	Mature canopy spread	Minimum depth of planter soil	Required soil volume
Small	4m	1m	7.5m ³
	5m		11.8m ³
Medium	6m		16.9m ³
	7m		23.1m ³
	8m		30.2m ³
	9m		38.2m ³
Large	10m	1.5m	70.6m ³
	11m		85.5m ³
	12m		101.7m ³
	13m		119.4m ³
	14m		138.6m ³

Objective

To support development that contributes to urban cooling and greening.

Strategies

Where the removal of existing trees is unavoidable, provide replacement trees.
Provide shade to hardscaped areas wherever possible.

Policy guideline

Consider as relevant:

- The provision of three replacement trees for every tree removed.

Policy document

Consider as relevant:

KINGSTON PLANNING SCHEME

- Kingston Cooling Strategy: Creating a cool Kingston (2020)

Policy application

The following strategies apply to the development of land in areas shown as Substantial change on the Residential Framework Plan at Clause 02.04.

Strategies**Substantial change - Neighbourhood Renewal Areas and Mixed Use Areas**

Encourage the planting of native and indigenous trees and vegetation.

Encourage the planting of large native trees when sites redevelop, in particular within common garden areas on the ground level.

Provide connections with public open space and communal garden areas from the private realm.

Provide tree planting and terraced landscaping to front setbacks to break up visual bulk.

Integrate planter boxes to balconies, podiums and roof tops for increased greening, screening and natural shade.

To communal podium and rooftop gardens, provide terraced landscaping and tree canopy cover.

Encourage the integration of green walls and green facades to break up visual bulk.

Incorporate where possible, green roofs.

Where tall fencing or building façade is provided along main roads, complement with tree planting, vegetation or alternative greening such as climbing vines visible from the public realm.

Provide landscaping that maintains clear sightlines to entrances, along pedestrian paths and within communal open space.

15.01-1L-04 SIGNS**Strategies – General**

Discourage the display of animated signs, sky signs, panel signs, major promotion signs, pole signs, bunting signs, inflatable and blimp signs, high wall signs, and V-board signs to reduce visual clutter.

Facilitate signs that result in an overall improved presentation of a building or site.

Discourage signs that dominate the building to which it is fixed or the property on which it is sited.

Discourage the display of above-verandah V-board signs.

Encourage signs that complement existing architectural forms, integrate with the architecture or are placed on blank wall surfaces.

Encourage wall or fascia signs to be directly applied to the building and where projection occurs it should be minimal and vertically orientated (i.e. the height of the sign being greater than the width).

Encourage signs to be orientated either vertically or horizontally unless it can be demonstrated that an alternative orientation is appropriate due to the design of the sign or the area to which it is to be displayed.

Encourage signs to be sited within the overall building facade, rather than siting above the building line, protruding from the building into the skyline or extending beyond any edge of its host building.

Limit the display of above-verandah and upper level façade signage.

Reduce visual clutter through the display of fewer, more effective signs and where possible, encouraging new signs to be consolidated with existing signs.

Policy guidelines – General

Consider as relevant:

- Avoiding large supporting frameworks for signs.
- Avoiding the location of signs to face residential uses or the entrance to residential streets, unless the host building or site is in a residential area and the sign is on the frontage of the site.
- Limiting permanent signs on display windows to cover no more than 25 per cent of the display window.

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- Incorporating measures to conceal any external lighting, electrical cables, conduits, supporting structures and other equipment associated with the signage, which detracts from the appearance of a building.
- Supporting signs on walls that do not cover the architectural features or detailing of a building and are sized in proportion with parapets, panels, windows and wall areas.
- Designing high-wall signs to have a minimal projection and a vertical orientation.
- Ensuring signs are not duplicated.
- Sharing sign space between multiple occupancies of a building.

Strategies – Shopping and commercial areas

Encourage signs that are consistent with signage themes or patterns in the area.

Discourage signs that prevent views to ground level display windows.

Discourage the proliferation of above-verandah signs and upper level façade signs, particularly in areas with no or minimal existing above-verandah signage.

Discourage upper façade or above-verandah signs particularly where the building is used for residential purposes, such as shop-top housing and on larger mixed retail and residential developments.

Discourage the display of pole signs unless:

- Set back from the street.
- Located within the setback area.
- Contained within the site.
- Limited to one per frontage.

Encourage a coordinated and consistent approach to the design and location of signs in shopping centres.

Strategies – Industrial and office areas

Discourage promotion signs on perimeter fences promoting goods and services supplied on site.

Encourage a coordinated approach to advertising within large industrial areas and buildings with multiple occupancies including:

- Signs for individual businesses in joint occupancy buildings to be of a uniform size, shape and presentation.
- Consolidated business directory signs in industrial estates and shared occupancy areas.

Encourage signs that enhance the appearance of industrial buildings through their design, scale and location.

Support the display of pole signs that are:

- Set back from the street.
- In scale with the built form of the area.
- Limited to one per frontage.

Strategies – Restricted retail areas

Encourage signs to be sited to a non-residential street frontage and their appearance to be softened by landscaping.

Support the display of pole signs that are:

- Set back from the street.
- In scale with the built form of the area.
- Limited to one per frontage.

Strategies – Residential areas

Limit signs to identify premises as necessary and discourage signs from facing directly towards adjoining residences.

Policy guidelines – Residential areas Consider as relevant:

- Limiting signs to one per frontage.

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- Including landscaping to minimise the impact of signage.
- Orientating freestanding signs to be parallel to the street or frontage.
- Encouraging signs of a small, respectful scale, located to be clearly visible.

Strategies – Heritage places and precincts

Discourage above-verandah signs on heritage buildings.

Discourage illuminated signs on heritage buildings or in heritage precincts.

Discourage painting of signs on unpainted masonry walls of heritage places.

Discourage display of business identification signs that include prominent business logos on heritage buildings and in heritage precinct areas.

Encourage the retention of surviving signs of historic value, including permanent lettering cut into stone or in raised cement render, painted signs and the like.

Strategies – Non-urban and green wedge areas

Discourage signs on vacant or public land where they intrude on the amenity and appearance of the surrounding area.

Strategies – Public land

Design signs on public land to have minimal impact on surroundings.

Limit signs on sporting grounds and grandstands that would be visible from surrounding parkland.

Strategies – Main road areas

Limit promotion signs to not be greater in size than or extend beyond any edge of host buildings.

Support the display of sky signs or major promotional signs where they will not:

- Dominate the skyline or landscape.
- Contribute to or create visual clutter.

Strategies – Major promotion signs

Discourage major promotional signage.

Limit major promotion signs to areas within the municipality where other major promotion signs are already located.

Discourage the siting of major promotion signs in locations oriented to and visible from open space areas, parkland or residential areas.

Support the display of major promotion and promotion signs at focal points such as major or regional commercial centres on main roads, industrial estates or on major transport routes, where they are in scale with the built form of the immediate locality.

Strategies – Creative signs

Support signage with creative or artistic merit that will make a significant positive contribution to the streetscape and character of the locality.

Encourage the development of innovative signage that is appropriate to its setting including signs:

- Related to historical, cultural or architectural themes found in the locality.
- Designed by local artists, with artistic or sculptural merit and high visual quality.
- That recreate or reinterpret a known earlier historic sign.
- Consistent with a theme or character of a particular neighbourhood or locality.

Strategies – Illuminated signs

Limit the impact of illuminated signs on the character and amenity of the area.

KINGSTON PLANNING SCHEME

Policy guidelines – Illuminated signs

Consider as relevant:

- Designing illuminated signs in residential or sensitive use areas (where illumination is deemed necessary) to ensure:
 - There is no glare or light spillage.
 - Any lighting equipment is concealed from view.
 - Signs are only illuminated during the premises operating hours.
- Designing illuminated signage to be no more than 3.7 metres above pavement level or located in a display window (neon type).
- Limiting high-wall or above-verandah signs to:
 - Areas where such a pattern is already generally established and approved.
 - Signs with a minimal projection and a vertical orientation.

15.01-2S BUILDING DESIGN**Objective**

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Improve the energy performance of buildings through siting and design measures that encourage:

- Passive design responses that minimise the need for heating, cooling and lighting.
- On-site renewable energy generation and storage technology.
- Use of low embodied energy materials.

Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.

Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.

Encourage water efficiency and the use of rainwater, stormwater and recycled water.

Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.

Encourage development to retain existing vegetation.

Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

Policy documents

Consider as relevant:

KINGSTON PLANNING SCHEME

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2021)
- Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019)

15.01-2L BUILDING DESIGN - KINGSTON**Objective**

To support well-designed development that makes a positive contribution to the streetscape and public realm.

Policy application

The following strategies apply to all residential development.

Strategies

Support development with well-designed basement entries to the street by:

- Providing vehicle entries from secondary street frontages where available.
- Designing vehicle entries that are separate to, and less prominent than the primary pedestrian entry to the building.
- Integrating basement entries within the building façade to minimise the appearance of a large void from the street.

Locate and design site services and infrastructure to minimise their visibility and impact on street frontages and sensitive interfaces.

Support building design that limits the design palette to a select number of colours and quality materials to avoid visual clutter.

Support development with low or no front fencing, to maximise passive surveillance and interaction between the private and public realm.

Support the softening of driveways and shared laneways with material changes, vegetation and trees to avoid a 'gun barrel' effect.

Ensure driveways and basement ramps do not dominate the street by minimising hard surfaces and incorporating planter boxes or landscaped garden beds.

Development that is accessed from a shared driveway or laneway should be designed to:

- Incorporate passive surveillance opportunities to the driveway or laneway.
- Limit the visual dominance of garages and incorporate habitable room windows at ground level.
- Make provision for landscaped areas along driveways and laneways where possible to reduce hard surface areas and soften the appearance of the accessway and built form.

Policy application

The following objective and strategies apply to residential development assessable by Clause 54, Clause 55 and Clause 58.

Strategies

Support roof decks on dwellings and residential buildings in Incremental change - Coastal Suburban 1, 2 and 3, Incremental change - Urban Contemporary 2, Increased change - Garden Urban, Increased change - Patterson Lakes Urban Waterways, and Substantial change - Neighbourhood Renewal Areas 1, 2 and 3, which are:

- Designed and constructed to integrate with the style and form of the building and are visually unobtrusive.
- Designed to limit views into secluded private open space and habitable room windows of adjacent dwellings.
- Set back at least 2 metres from the roof edge immediately below on all sides to minimise the visual impact on the street and adjoining properties.

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- Accessed by a structure that is designed and located to have minimal impact on the street and adjoining properties, does not enclose any useable floor space and does not exceed 2.4 metres in height (measured from floor level at the point of access to the roof deck).

Support building design that orientates views from dwellings to non-sensitive land uses.

Support ground level apartments that:

- Provide dwellings entries direct to the street where appropriate;
- Limit front fencing height to a maximum of 1.5 metres; and
- Incorporate at least 50% permeability to front fencing and landscaping to front boundary treatments.

Support two dwellings side by side (duplex arrangements), facing the street that:

- Integrate development with the street at ground level by incorporating habitable room windows facing the street.
- Limit the visual dominance of garage doors and hard surface areas.
- Provide a side boundary setback where boundary to boundary development is not a predominant feature in the streetscape.

Support development that includes measures to limit visual bulk. These measures include:

- Discernible visual breaks at the upper levels of townhouses sited in tandem arrangements along the length of sites.
- Articulation that responds to sensitive interfaces by using breaks and recesses in built form.
- Limiting the use of cantilevered built form.

On deep sites, support apartment development that:

- Articulates or provides breaks to long sections of built form down the length of the site to break up visual massing.
- Integrating landscaping within the built form, such as green walls and planter boxes on balconies to soften buildings.

Where tall fencing is proposed for development abutting land in a Transport Zone 2, ensure that dwelling entries are visible from the street and front fencing is complemented with tree planting and vegetation that is visible from the public realm.

Policy guidelines

Consider as relevant:

- The design and materials of garage doors that add visual interest and limit the prominence of garage doors in a building façade visible to the street.
- The location of habitable rooms and windows at ground level should be designed and arranged to break up continuous or large expanses of garage doors.

Objective

To support development that provides a high-level of amenity for residents.

Strategies

Support 'reverse living' arrangements (i.e. where living areas are at the upper level and secluded private open space is a balcony or roof-top area) where the development is adjacent to public open space or landscaped communal open space within the site and where living room windows and secluded private open space do not require screening treatments.

Design and locate secluded private open space to maximise its useability, free of services such as air conditioning units or storage sheds.

Support development that incorporates light coloured roof materials and light coloured, permeable paving materials.

Limit the need for overlooking treatments, and where it is required, it should be innovatively designed to maximise internal amenity, including outlook opportunities.

Design dwellings with functional layouts that provide appropriately sized living, dining, and kitchen areas to meet the needs of future residents.

KINGSTON PLANNING SCHEME

Provide external shade to windows.

Moderate room depth and provide internal ceiling heights that maximise daylight access.

15.01-3L ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT**Policy application**

This policy applies to residential and non-residential development, excluding subdivision, in accordance with the thresholds detailed in this policy.

Objective

To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Strategies

Facilitate development that minimises environmental impacts.

Encourage environmentally sustainable development that:

- Is consistent with the type and scale of the development.
- Responds to site opportunities and constraints.
- Adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimise environmental impacts.

Energy performance

Reduce both energy use and energy peak demand through design measures such as:

- Building Orientation.
- Shading to glazed surfaces.
- Optimising glazing to exposed surfaces.
- Inclusion of or space allocation for renewable technologies.

Integrated water management

Reduce total operating potable water use through appropriate design measures such as water efficient fixtures, appliances, equipment, irrigation and landscaping.

Encourage the appropriate use of alternative water sources (including greywater, rainwater and stormwater).

Incorporate best practice water sensitive urban design to improve the quality of stormwater runoff and reduce impacts on water systems and water bodies.

Indoor environment quality

Achieve a healthy indoor environment quality, including thermal comfort and access to fresh air and daylight, prioritising passive design over mechanical heating, ventilation, cooling and lighting.

Reduce indoor air pollutants by encouraging use of low-toxicity materials.

Minimise noise levels and noise transfer within and between buildings and associated external areas.

Transport

Design development to promote the use of walking, cycling and public transport, in that order; and minimise car dependency.

Promote the use of low emissions vehicle technologies and supporting infrastructure.

Waste management

Promote waste avoidance, reuse and recycling during the design, construction and operation stages of development.

Encourage use of durable and reuseable building materials.

Ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.

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Urban ecology

Protect and enhance biodiversity by incorporating natural habitats and planting indigenous vegetation.

Reduce urban heat island effects through building design, landscape design, water sensitive urban design and the retention and provision of canopy and significant trees.

Encourage the provision of space for productive gardens, particularly in larger residential developments.

Policy guidelines

Consider as relevant:

Residential

A Sustainable Design Assessment (including an assessment using BESS, STORM or other methods) for:

- 3 - 9 dwellings.
- A building used for accommodation other than dwellings with a gross floor area between 1000 square metres and 2499 square metres.

A Sustainability Management Plan (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a Green Travel Plan for:

- 10 or more dwellings.
- A building used for accommodation other than dwellings with a gross floor area of more than 2499 square metres.

Non-residential

A Sustainable Design Assessment (including an assessment using BESS and STORM/MUSIC or other methods) for:

- A non-residential building with a gross floor area of 1000 square metres to 2499 square metres.

A Sustainability Management Plan (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a Green Travel Plan for:

- A non-residential building with a gross floor area of more than 2499 square metres.

Mixed use

Applicable assessments for the residential and non-residential components of the development.

Consider as relevant the following tools to support a Sustainable Design Assessment or Sustainability Management Plan:

- Sustainable Design Assessment in the Planning Process (IMAP, 2015)
- Built Environment Sustainability Scorecard 'BESS' (Council Alliance for a Sustainable Built Environment 'CASBE')
- Green Star (Green Building Council of Australia)
- Model for Urban Stormwater Improvement Conceptualisation 'MUSIC' (Melbourne Water)
- Nationwide House Energy Rating Scheme 'NatHERS' (Department of Climate Change and Energy Efficiency)
- Stormwater Treatment Objective - Relative Measure 'STORM' (Melbourne Water)
- Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)
- Waste Management and Recycling in Multi-Unit Developments - Better Practice Guide (Sustainability Victoria, 2018)

Commencement

This policy does not apply to applications received by the responsible authority before 18 October 2018.

Expiry

This policy will expire when it is superseded by a comparable provision of the Victoria Planning Provisions.

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15.01-3S SUBDIVISION DESIGN**Objective**

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing habitat for native flora and fauna, and providing opportunities for people to experience nature in urban areas.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
 - Convenient and safe public transport.
 - Safe and attractive spaces and networks for walking and cycling.
 - Subdivision layouts that allow easy movement within and between neighbourhoods.
 - A convenient and safe road network.
- Minimising exposure of sensitive uses to air and noise pollution from the transport system.
- Being accessible to people with disabilities.
- Creating an urban structure that:
 - Responds to climate related hazards.
 - Incorporates integrated water management, including sustainable irrigation of open space.
 - Minimises peak demand on the electricity network.
 - Supports energy efficiency and solar energy generation through urban layout and lot orientation.
 - Supports waste minimisation and increased resource recovery.
- Providing utilities and services that support the uptake of renewable energy technologies, such as microgrids and energy storage systems, including batteries.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

15.01-4S HEALTHY NEIGHBOURHOODS**Objective**

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

KINGSTON PLANNING SCHEME

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)

15.01-4R HEALTHY NEIGHBOURHOODS - METROPOLITAN MELBOURNE**Strategy**

Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

15.01-5S NEIGHBOURHOOD CHARACTER**Objective**

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.

- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Neighbourhood character values and built form that reflect community identity.

15.01-5L-01 NEIGHBOURHOOD CHARACTER – KINGSTON**Policy application**

This policy applies to residential land identified in the Residential Framework Plan provided at Clause 02.4 and to development assessable by Clause 54, Clause 55 and Clause 58.

Strategies

Encourage development that responds to the spacing of dwellings in the street and provides side setbacks that allow for visual breaks between buildings.

Support the management of sensitive interfaces with landscaping, building setbacks or visual breaks in built form.

On sloping sites support development that minimises excavation and follows the topography of the land.

Support low, permeable or no front fencing on local streets.

Preserve and enhance the special character of Hillston Road, Moorabbin and Ormond Street, Mordialloc.

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Policy documents

Consider as relevant:

Kingston Housing Strategy and Neighbourhood Character Study (2021)

15.01-5L-02 LANDSCAPE CHARACTER – KINGSTON NEIGHBOURHOODS**Policy application**

This policy applies to land in residential areas identified in the Residential Framework Plan at Clause 02.04 and land affected by Schedule 3 to Clause 42.01 Environmental Significance Overlay.

Strategies

Encourage the planting of trees, understorey vegetation and lawn area within the front and rear setbacks.

Support landscaping comprising primarily native and indigenous vegetation.

Use of porous surface material such as gravel, toppings or permeable pavers is encouraged to driveways.

Locate new trees along site boundaries to create continuous spines of interconnected canopy.

Design gardens to follow the natural topography of the land and minimise excavation.

Encourage new development adjacent to wetlands or waterways to incorporate Water Sensitive Urban Design initiatives such as rain gardens and infiltration gardens.

Soften driveways and laneways with material changes and vegetation.

Landscaping including trees and/or garden beds along driveway edges should be provided to discourage car parking in the front setback.

Improve landscape character by accommodating complementary landscaping within new residential developments.

Protect trees that have been identified as significant in the City of Kingston Register of Significant Trees (City of Kingston, June 2015).

Ensure that buildings and works do not adversely affect the health, appearance, stability and values of significant trees.

Policy guidelines

Consider as relevant:

- Planting native or exotic species only where they contribute to ecological values or the landscape setting.

Consider as relevant in Coastal Suburban areas:

- Planting 80-90% coastal indigenous species.

Policy documents

Consider as relevant:

- City of Kingston Register of Significant Trees (City of Kingston, June 2015)
- Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines (2021)
- Kingston Cooling Strategy: Creating a cool Kingston (2020)

15.01-6S DESIGN FOR RURAL AREAS**Objective**

To ensure development respects valued areas of rural character.

KINGSTON PLANNING SCHEME

Strategies

Ensure that the siting, scale and appearance of development protects and enhances rural character.

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

16.01 RESIDENTIAL DEVELOPMENT**16.01-1S HOUSING SUPPLY****Objective**

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Encourage the development of well-designed housing that:

- Provides a high level of internal and external amenity.
- Incorporates universal design and adaptable internal dwelling design.

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Policy documents

Consider as relevant:

- Homes for Victorians - Affordability, Access and Choice (Victorian Government, 2017)
- Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2021)

16.01-1R HOUSING SUPPLY - METROPOLITAN MELBOURNE**Strategies**

Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:

- In and around the Central City.
- Urban-renewal precincts and sites.
- Areas for residential growth.
- Areas for greyfield renewal, particularly through opportunities for land consolidation.
- Areas designated as National Employment and Innovation Clusters.
- Metropolitan activity centres and major activity centres.
- Neighbourhood activity centres - especially those with good public transport connections.
- Areas near existing and proposed railway stations that can support transit-oriented development.

Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.

KINGSTON PLANNING SCHEME

Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

Create mixed-use neighbourhoods at varying densities that offer more choice in housing.

16.01-2S HOUSING AFFORDABILITY**Objective**

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.
- Increase the supply of well-located affordable housing by:
- Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

Policy documents

Consider as relevant:

- Homes for Victorians - Affordability, Access and Choice (Victorian Government, 2017)

16.01-3S RURAL RESIDENTIAL DEVELOPMENT**Objective**

To identify land suitable for rural residential development.

Strategies

Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

- Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:
- Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
- Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
- Minimising or avoiding property servicing costs carried by local and state governments.
- Maintaining an adequate buffer distance between rural residential development and animal production.

Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

KINGSTON PLANNING SCHEME

Discourage development of small lots in rural zones for residential use or other incompatible uses.

Encourage consolidation of existing isolated small lots in rural zones.

Ensure land is only zoned for rural residential development where it:

- Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.
- Can be supplied with electricity, water and good quality road access.

16.01-4S COMMUNITY CARE ACCOMMODATION**Objective**

To facilitate the establishment of community care accommodation and support their location being kept confidential.

Strategies

Planning schemes should not require a planning permit for or prohibit the use of land in a residential area for community care accommodation that accommodates no more than 20 clients and that is funded by, or conducted by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.

Facilitate the confidential establishment of community care accommodation through appropriate permit, notice and review exemptions.

16.01-5S RESIDENTIAL AGED CARE FACILITIES**Objective**

To facilitate the development of well-designed and appropriately located residential aged care facilities.

Strategies

Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.

Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).

Ensure local housing strategies, precinct structure plans and activity centre structure plans provide for residential aged care facilities.

Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.

Encourage planning for housing that:

- Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.
- Enables older people to live in appropriate housing in their local community.

Provide for a mix of housing for older people with appropriate access to care and support services.

Ensure that proposals to establish residential aged care facilities early in the life of a growth area are in locations that will have early access to services and public transport.

Ensure that residential aged care facilities are designed to respond to the site and its context.

Promote a high standard of urban design and architecture in residential aged care facilities.

Policy guidelines

Consider as relevant:

- The Commonwealth Government's Responsible ratios for the provision of aged care places under the *Aged Care Act 1997*.

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SCHEDULE 1 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as RGZ1.

SUBSTANTIAL CHANGE - NEIGHBOURHOOD RENEWAL AREA 1 – 1142 AND 1144-1146 NEPEAN HIGHWAY HIGHTT, JACKSON GREEN ESTATE CLAYTON SOUTH AND 1400 CENTRE ROAD CLAYTON SOUTH**1.0 Design objectives**

To encourage contemporary building design that softens visual bulk using materials, breaks and articulation in built form.

To support new development that provides ground level apartment entries direct to the street, landscaped street setbacks and minimises the visibility of any services and infrastructure from the public realm and adjoining properties.

To encourage low or no front fencing, and where fencing is provided, it is permeable and incorporates landscaping.

2.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one medium tree (8-12 metres) in the front setback at least one large tree (12 metres and over) in communal open space at least one small tree (6-8 metres) per area of ground level private open space a landscape buffer with a minimum dimension of 0.3m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> 2 metres for streets in a Transport Zone 2; 1.2 metres for other streets.

3.0 Maximum building height requirement for a dwelling or residential building

None specified.

4.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing existing vegetation including any trees proposed to be removed and dimensions from existing vegetation to proposed buildings.

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- Plans showing proposed landscaping works and planting including tree species and mature height.
- Sustainability Management Plan.
- Construction Management Plan.
- Waste Management Plan.

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development provides a range of dwelling sizes to meet the needs of different sized households.
- Whether the site layout and building massing provides for the equitable and efficient development of adjoining lots.
- Whether there is an opportunity to retain existing vegetation, including street trees.
- The capacity of the development to enhance its integration with streetscape landscaping, and opportunities to contribute to streetscape improvements.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Whether alternative proposed landscaping and vegetation planting, such as balcony planting, climbing vines and planted pergolas, will achieve a suitable outcome where tree planting is not possible.
- Whether the location of site services and infrastructure limits the impact on the streetscape and adjoining properties.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 3 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONEShown on the planning scheme map as **RGZ3**.**SUBSTANTIAL CHANGE-NEIGHBOURHOOD RENEWAL AREA 2-
CHELTENHAM, CLAYTON SOUTH, HIGHETT, MENTONE & MOORABBIN****1.0****Design objectives**

To support development that provides spacing around buildings that responds to the grain of development in the street.

To encourage contemporary building design that softens visual bulk using materials, breaks and articulation in built form.

To provide development with a garden setting, through the retention of trees and planting of new canopy trees and vegetation in front, side and rear setbacks, and landscaped balconies, roofs and walls.

To support new development that provides ground level apartment entries direct to the street, incorporates low and permeable front fencing and minimises the visibility of any services and infrastructure from the street and adjoining properties.

2.0**Requirements of Clause 54 and Clause 55**

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings should be set back from a front street 5 metres. Where a new development is located on a corner site, the setback to the side street should be at least 3 metres.
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one medium tree (8-12 metres) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in communal open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.3m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> 2 metres for streets in a Transport Zone 2; 1.2 metres for other streets.

3.0**Maximum building height requirement for a dwelling or residential building**

A building used as a dwelling or a residential building must not exceed a height of 13.5 metres and 4 storeys.

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4.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing existing vegetation including any trees proposed to be removed and dimensions from existing vegetation to proposed buildings.
- Plans showing proposed landscaping works and planting including tree species and mature height.
- Sustainability Management Plan.
- Construction Management Plan.
- Waste Management Plan.

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development provides a range of dwelling sizes to meet the needs of different sized households.
- Whether the site layout and building massing provides for the equitable and efficient development of adjoining lots.
- Whether there is an opportunity to retain existing vegetation, including street trees.
- The capacity of the development to enhance its integration with streetscape landscaping, and opportunities to contribute to streetscape improvements.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether the location of site services and infrastructure limits the impact on the streetscape and adjoining properties.
- Whether alternative proposed landscaping and vegetation planting, such as balcony planting, climbing vines and planted pergolas, will achieve a suitable outcome where tree planting is not possible.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 4 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONEShown on the planning scheme map as **RGZ4**.**SUBSTANTIAL CHANGE - NEIGHBOURHOOD RENEWAL AREA 3 – 90 NEPEAN HIGHWAY AND 19-27 BALCOMBE ROAD, MENTONE AND 202-208 NEPEAN HIGHWAY, PARKDALE****1.0 Design objectives**

To encourage contemporary building design that softens visual bulk using materials and articulated built form.

To support new development that minimises the visibility of any services and infrastructure from the street and adjoining properties.

To retain trees and plant new canopy trees and vegetation including on balconies, roofs and walls.

2.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one medium tree (8-12 metres) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in communal open space a landscape buffer with a minimum dimension of 0.3m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

3.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 13.5 metres and 4 storeys.

4.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing existing vegetation including any trees proposed to be removed and dimensions from existing vegetation to proposed buildings.
- Plans showing proposed landscaping works and planting including tree species and mature height.
- Sustainability Management Plan.
- Construction Management Plan.

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- Waste Management Plan.

5.0**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 32.07, in addition to those specified in Clause 32.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development provides a range of dwelling sizes to meet the needs of different sized households.
- Whether the site layout and building massing provides for the equitable and efficient development of adjoining lots.
- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Whether alternative proposed landscaping and vegetation planting, such as balcony planting, climbing vines and planted pergolas, will achieve a suitable outcome where tree planting is not possible.
- Whether the location of site services and infrastructure limits the impact on the streetscape and adjoining properties.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ1.

INCREMENTAL CHANGE - URBAN CONTEMPORARY 1A PRECINCT – BONBEACH**1.0 Neighbourhood character objectives**

To support contemporary building designs that incorporate architectural elements and limited variations in building materials to articulate facades.

To respond to the existing grain of dwellings in the estate and maintain the predominant pattern of setbacks and dwelling siting.

To encourage the planting of indigenous and native trees, shrubs and grasses and the provision of open front gardens with no front fencing.

To minimise the visual dominance of driveways, garages and carports, by integrating within buildings and minimising hard surface areas.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

No

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one medium tree (8-12 metres) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified

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Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> 2 metres for streets in a Transport Zone 2; 1.2 metres for other streets.

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Whether alternative proposed landscaping and vegetation planting will achieve a suitable outcome where tree planting is not possible within the rear setback.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 4 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ4.

INCREMENTAL CHANGE - URBAN CONTEMPORARY 2**1.0 Neighbourhood character objectives**

To encourage contemporary building designs with variations in materials and articulation to soften visual bulk.

To respond to sensitive interfaces through the recessing of the third floor and by providing landscaping to soften the built form.

To encourage the planting of indigenous and native trees, shrubs and grasses, and incorporating the use of landscaping treatments such as balcony planting.

To minimise the visual dominance of driveways, basement entries, garages and carports, by integrating within buildings and minimising hard surface areas.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

No

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one medium tree (8-12 metres and over) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified

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	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> ▪ 2 metres for streets in a Transport Zone 2; ▪ 1.2 metres for other streets

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Whether alternative proposed landscaping and vegetation planting, such as balcony planting, climbing vines and planted pergolas, will achieve a suitable outcome where tree planting is not possible.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 5 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ5.

INCREASED CHANGE - GARDEN URBAN AREAS**1.0 Neighbourhood character objectives**

To minimise visual bulk through siting, articulation and recessive third floor levels of new development.

To respond to the rhythm of dwelling spacing by providing visual breaks between and around buildings.

To retain existing trees and plant new indigenous trees and vegetation to soften the visual impact of new development.

To minimise hard surface areas and maximise landscaping opportunities in street setbacks.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

No

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	<p>New development should provide:</p> <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5 metres between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	<ul style="list-style-type: none"> Walls of buildings should be set back 5 metres from a rear boundary, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre over 6.9 metres. Walls of buildings should be set back 1 metre from side boundaries, plus 0.3 metres for every metre of height over 3.6

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		metres up to 6.9 metres, plus 1 metre for every metre over 6.9 metres.
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> ▪ 2 metres for streets in a Transport Zone 2; ▪ 1.2 metres for other streets

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Whether alternative proposed landscaping and vegetation planting, such as balcony planting, climbing vines and planted pergolas, will achieve a suitable outcome where tree planting is not possible.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 6 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONEShown on the planning scheme map as **GRZ6**.**INCREASED CHANGE - PATTERSON LAKES URBAN WATERWAYS****1.0 Neighbourhood character objectives**

To encourage contemporary building design that articulates built form to minimise visual bulk through material selection and recesses in built form.

To ensure that development with a frontage to the street and a water body provides a primary sense of address to the street.

To encourage the planting of indigenous trees, shrubs and grasses and the provision of open front gardens with low or no front fencing.

To minimise the visual dominance of driveways, basement entries, garages and carports, by integrating within buildings and minimising hard surface areas.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

No

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
	A17	None specified

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Private open space		
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> ▪ 2 metres for streets in a Transport Zone 2; ▪ 1.2 metres for other streets.

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Whether alternative proposed landscaping and vegetation planting, such as balcony planting, climbing vines and planted pergolas, will achieve a suitable outcome where tree planting is not possible.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ1.

INCREMENTAL CHANGE - COASTAL SUBURBAN 1**1.0 Neighbourhood character objectives**

To use a mix of building materials and finishes that complement the coastal setting and minimise visual intrusion into the coastal landscape.

To reduce visual bulk by incorporating articulated facades, recessing the second floor level of buildings and providing visual breaks between buildings.

To retain established coastal indigenous vegetation and plant new coastal indigenous vegetation to soften development and improve the interface with foreshore areas.

To minimise the visual dominance of driveways, basement entries, garages and carports, by integrating within buildings and using porous surface materials for driveways and footpaths..

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback one small tree (6-8 metres) per area of ground level private open space one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> 2 metres for streets in a Transport Zone 2; 1.2 metres for other streets.

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5.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 11 metres and 2 storeys.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 2 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ2.

INCREMENTAL CHANGE - COASTAL SUBURBAN 2**1.0 Neighbourhood character objectives**

To use a mix of building materials and finishes that complement the coastal setting and minimise visual intrusion into the coastal landscape.

To reduce visual bulk on sloped sites by stepping development with the topography of the land and minimising excavation.

To minimise visual bulk by incorporating articulated facades, recessing the second floor level of buildings and providing visual break between buildings.

To retain established coastal indigenous vegetation and plant new coastal indigenous vegetation to soften development.

To reduce the visual dominance of driveways, basement entries, garages and carports, by integrating within buildings and minimising the projection of basements above ground level.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	The site area covered by buildings should not exceed: 50%
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least: 30%
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> 2 metres for streets in a Transport Zone 2;

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-
- 1.2 metres for other streets.
-

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ3.

INCREMENTAL CHANGE - URBAN CONTEMPORARY 1B – THE HEATH ESTATE**1.0 Neighbourhood character objectives**

To encourage contemporary building designs that respond to the estates predominant use of brick and render wall materials, with architectural elements to articulate facades.

To respond to the existing grain of dwellings in the estate and maintain the predominant pattern of setbacks and dwelling siting.

To retain and plant native and indigenous trees and vegetation, with open front gardens that have no front fencing.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one medium tree (8-12 metres) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> 2 metres for streets in a Transport Zone 2; 1.2 metres for other streets.

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5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Whether alternative proposed landscaping and vegetation planting will achieve a suitable outcome where tree planting is not possible within the rear setback.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 4 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ4.

INCREMENTAL CHANGE - PATTERSON LAKES SUBURBAN WATERWAYS**1.0 Neighbourhood character objectives**

To encourage contemporary building designs with setbacks at the second floor level to soften visual bulk and provide visual breaks between buildings.

To ensure that new development with a frontage to the street and a water body provides a primary sense of address to the street.

To encourage formal terraced garden styles within front setbacks, including lawn and larger trees, using primarily indigenous species.

To protect the character of adjoining sites that have open rear gardens or single storey built form to the rear, by locating double storey built form to the front half of development sites.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	The site area covered by buildings should not exceed: 50%
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least: 30%
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	<ul style="list-style-type: none"> Provide an area of 60 square metres of ground level private open space with one part to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room, or

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		<ul style="list-style-type: none"> ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
	B28	<ul style="list-style-type: none"> ▪ Provide an area of 60 square metres of ground level private open space with one part to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room, or ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
Front fence height	A20 and B32	<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> ▪ 2 metres for streets in a Transport Zone 2; ▪ 1.2 metres for other streets.

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 5 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ5.

LIMITED CHANGE - WATERWAYS ESTATE**1.0 Neighbourhood character objectives**

To encourage the planting of indigenous trees and understorey vegetation in an informal garden style with low or no front fencing.

To support development that provides visual breaks between dwellings through boundary setbacks.

To encourage contemporary building designs that incorporate brick and render wall materials with recessed second floor levels, and breaks in built form to minimise visual bulk.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> 2 metres in a Transport Zone 2; 1.2 metres for other streets.

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

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6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 6 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ6.

INCREMENTAL CHANGE - COASTAL SUBURBAN 3**1.0 Neighbourhood character objectives**

To use a mix of building materials and finishes that complement the coastal setting and minimise visual intrusion into the coastal landscape.

To reduce visual bulk on sloped sites by stepping development with the topography of the land and minimising excavation.

To minimise visual bulk by incorporating articulate facades, recessing the second floor of buildings and providing visual breaks between buildings.

To retain established coastal indigenous vegetation and plant new coastal indigenous vegetation to soften development.

To minimise the visual dominance of driveways, basement entries, garages and carports, by integrating within buildings and minimising the projection of basements above ground level.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed:

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- | | |
|--|------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> ▪ 2 metres for streets in a Transport Zone 2; ▪ 1.2 metres for other streets. |
|--|------------------------------------------------------------------------------------------------------------------------------------------|

5.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 11 metres and 2 storeys.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact on tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 7 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ7.

INCREMENTAL CHANGE - GARDEN SUBURBAN**1.0 Neighbourhood character objectives**

To provide a garden setting for new dwellings by retaining existing trees and planting new native and indigenous trees and vegetation in front and rear setbacks.

To maintain and reinforce the rhythm of dwelling spacing, providing visual breaks between and around buildings.

To minimise visual bulk through siting, articulation and by providing a second floor level that is recessed from the first (ground) floor level.

To minimise the visual dominance of driveways, garages and carports, by integrating within buildings and minimising hard surface areas.

To protect the character of adjoining sites that have open rear gardens or single storey built form to the rear, by locating double storey built form to the front half of development sites.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	The site area covered by buildings should not exceed: 50%
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least: 30%
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one small tree (6-8 metres) per area of ground level private open space at least one large tree (12 metres and over) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	<ul style="list-style-type: none"> Provide an area of 60 square metres of ground level private open space with one part to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum

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		dimension of 5 metres and convenient access from a living room, or <ul style="list-style-type: none"> ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
	B28	<ul style="list-style-type: none"> ▪ Provide an area of 60 square metres of ground level private open space with one part to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room, or ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> ▪ 2 metres for streets in a Transport Zone 2; ▪ 1.2 metres for other streets.

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 8 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ8.

LIMITED CHANGE – SPECIAL CHARACTER AREAS**1.0 Neighbourhood character objectives**

None specified.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one medium tree (8-12 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

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6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 9 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ9.

LIMITED CHANGE - AIRPORT ENVIRONS AND HERITAGE PRECINCTS**1.0 Neighbourhood character objectives**

To retain existing trees and plant new native and indigenous trees in front and rear setbacks.

To maintain and reinforce the rhythm of dwelling spacing, providing visual breaks between and around buildings.

To minimise visual bulk through siting, articulation and by providing a second floor level that is recessed from the first (ground) floor level.

To minimise the visual dominance of driveways, garages and carports, by integrating within buildings and minimising hard surface areas.

To protect the character of adjoining sites that have open rear gardens or single storey built form to the rear, by locating double storey built form to the front half of development sites.

2.0 Minimum subdivision area

None specified.

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	None specified

4.0 Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	The site area covered by buildings should not exceed: 50%
Permeability	A6 and B9	The site area covered by pervious surfaces should be at least: 30%
Landscaping	B13	New development should provide: <ul style="list-style-type: none"> at least one large tree (12 metres and over) in the front setback at least one medium tree (8-12 metres) per area of ground level private open space at least one medium tree (8-12 metres) in the rear setback a landscape buffer with a minimum dimension of 0.5m between a side boundary and an accessway.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	<ul style="list-style-type: none"> Provide an area of 60 square metres of ground level private open space with one part to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room, or

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		<ul style="list-style-type: none"> ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
	B28	<ul style="list-style-type: none"> ▪ Provide an area of 60 square metres of ground level private open space with one part to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 5 metres and convenient access from a living room, or ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
Front fence height	A20 and B32	<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> ▪ 2 metres for streets in a Transport Zone 2; ▪ 1.2 metres for other streets.

5.0 Maximum building height requirement for a dwelling or residential building

None specified.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing all existing vegetation, any vegetation proposed to be removed, and distances between existing vegetation and new development.
- Plans showing all proposed landscaping including trees, vegetation, species and mature height.

7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether there is an opportunity to retain existing vegetation.
- Whether the location of site services, infrastructure and building footings would impact tree retention.
- Whether there is sufficient volume of soil appropriate to the species to support the health of the tree.
- Where a tree planting requirement is specified for private open space, and the space is in a rear or front setback, regard should be given to the capacity of the space to accommodate multiple trees, and whether one tree would be sufficient.

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SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**

FORESHORE AND URBAN COASTAL AREAS**1.0 DESIGN OBJECTIVES**

To protect and enhance the Port Phillip Bay and Patterson River foreshore environment.

To maintain visual separation between the foreshore and adjoining urban areas.

To ensure that new buildings and works are compatible with, and sympathetic to, the foreshore environment.

To ensure that new buildings and works do not adversely impact the amenity and character of the foreshore and surrounding land.

2.0 BUILDINGS AND WORKS

For the purposes of this schedule:

- ‘foreshore reserve boundary’ means any property boundary that adjoins land in the area shown as DDO1-F in the planning scheme.

PERMIT REQUIREMENTS

A permit is required to construct:

- A television antenna or a flagpole exceeding 6 metres in height.

Permit not required

A permit is not required to construct a building, or to construct or carry out works provided the conditions in Table 1 are met.

Mandatory Requirements

A permit cannot be granted for buildings and works that do not meet the conditions set out in Table 1. This does not apply (that is, a permit can be granted) to:

- The building setback from a second or subsequent boundary to the foreshore reserve if the site has more than one boundary to the foreshore reserve.
- Works exceeding 6 metres in height.
- Buildings and works to extend, alter, or replace an existing building, or existing works, that were lawfully constructed before the gazettal of Amendment C203king provided that:
 - The height of an existing building that exceeds two storeys (not including a basement) is not increased (measured in both storeys and metres).
 - An extension to an existing building does not exceed the building height of the existing building or contain a greater number of storeys than the existing building
 - No new private access of any kind is created across a foreshore reserve boundary.
 - The setback of the existing buildings to the foreshore reserve boundary that is less than 4.5 metres is not further reduced.

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Table 1 Conditions

Conditions
Buildings must be setback at least 4.5 metres from the foreshore reserve boundary, except that an eave may encroach a maximum of 500mm into this setback.
A building must not exceed two storeys, not including any basement.
A fence which is to be constructed within 2 metres of the foreshore reserve boundary, must not exceed a height of 1.8 metres above natural ground level.
Development must not create a new private accessway of any kind across a foreshore reserve boundary.
Works that do not form part of any building must not exceed 6 metres in height.

3.0 Subdivision

A permit is not required to subdivide land.

4.0 Signs

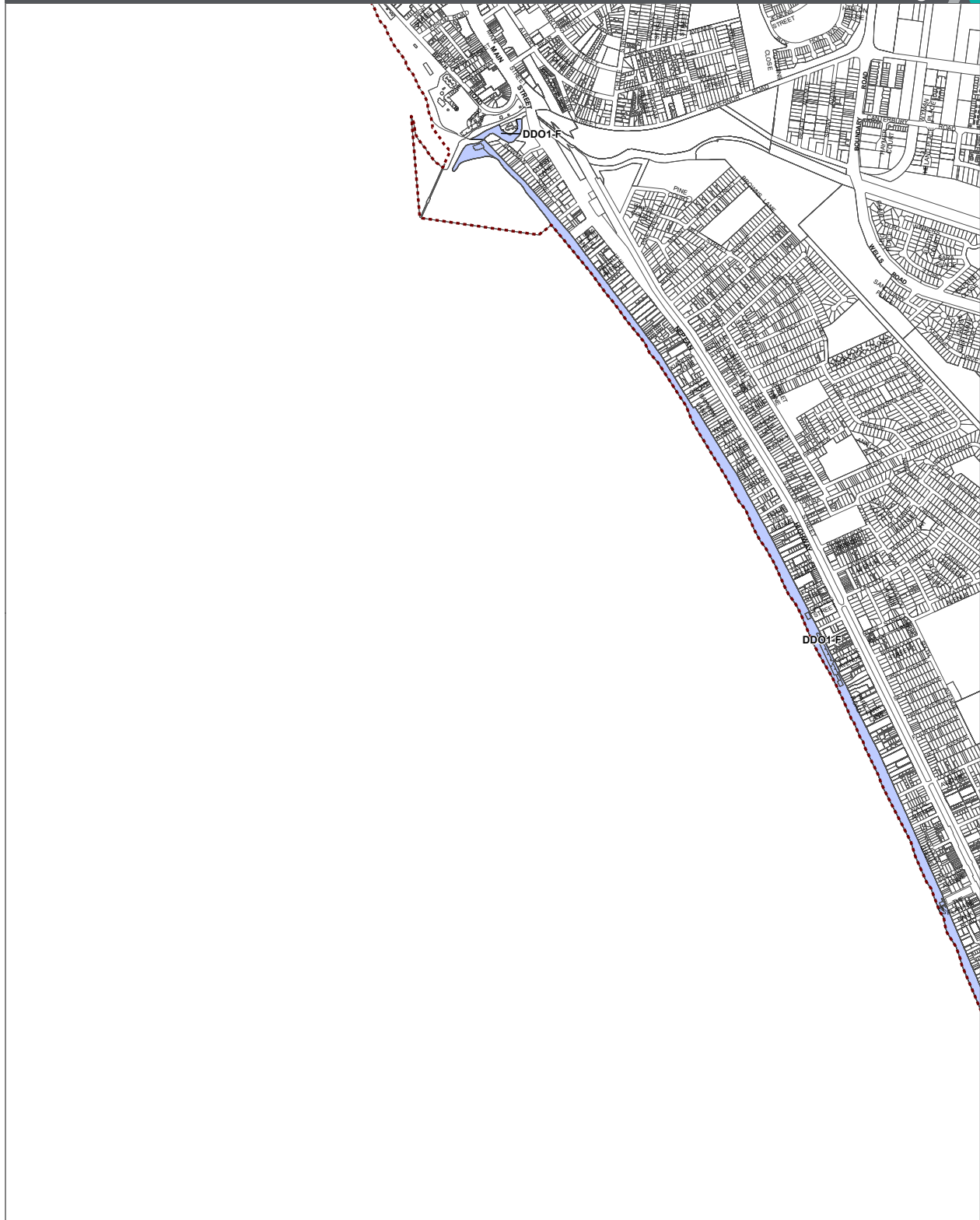
None specified.

5.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Where buildings or works are proposed to an existing building, the integration of the proposed buildings and works to the existing building, and the impact of the proposed modifications on the visual bulk of the existing building.
- Whether the buildings or works meet the objectives of this schedule.
- The impact of the buildings and works on the amenity of the area.
- The visual impact of the proposed buildings and works when viewed from the foreshore reserve.
- The proposed building or works improve the amenity of the area, or do not result in any further, material adverse impact on the amenity of the area.

KINGSTON PLANNING SCHEME - LOCAL PROVISION AMENDMENT C203king

**LEGEND**

DDO1-F - Design and Development Overlay - Foreshore Reserve

Municipal Boundary

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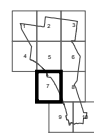
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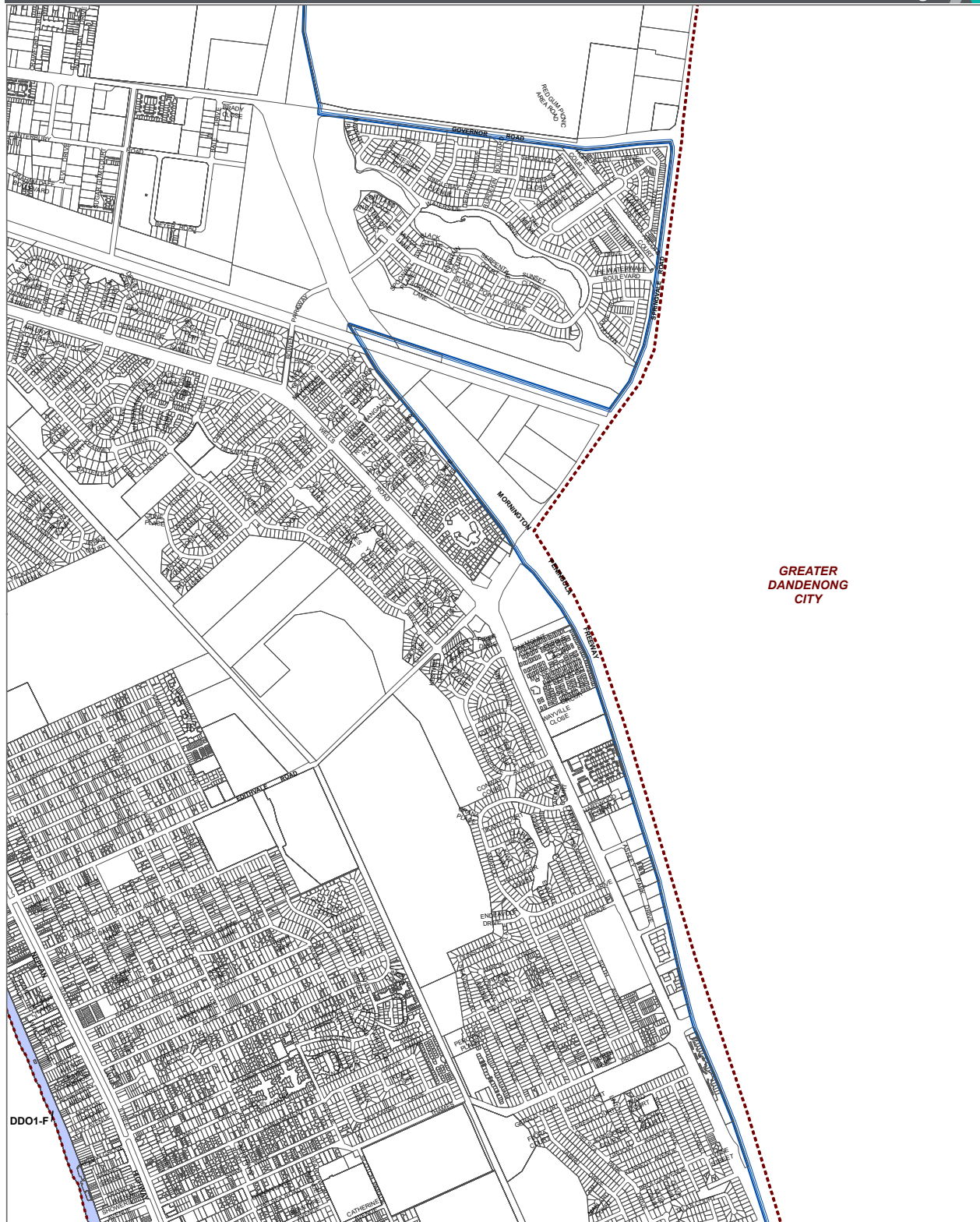
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**LEGEND**

DDO1-F - Design and Development Overlay - Foreshore Reserve

Municipal Boundary
Land Outside Urban
Growth Zone

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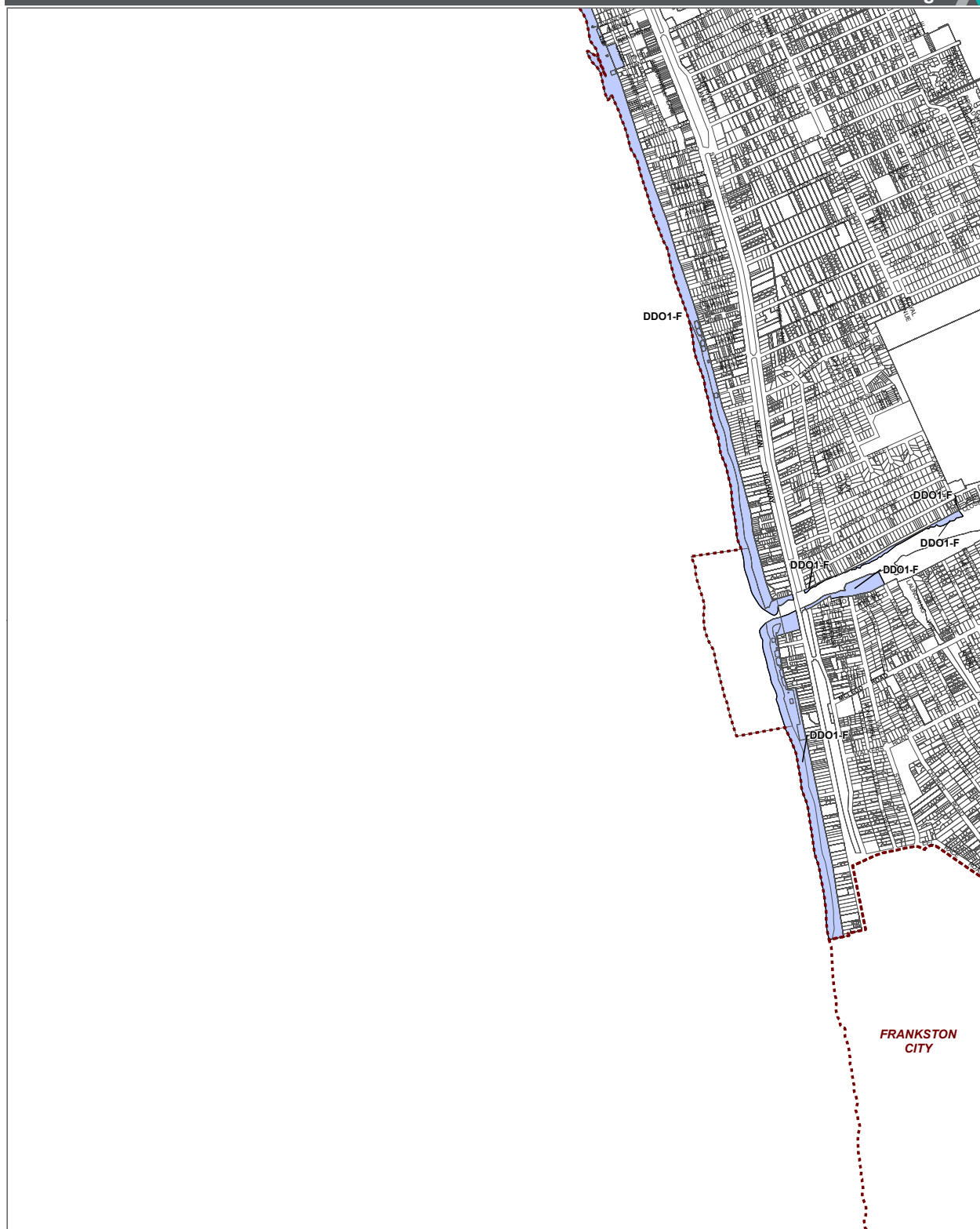
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KINGSTON PLANNING SCHEME - LOCAL PROVISION AMENDMENT C203king

**LEGEND**

DDO1-F - Design and Development Overlay - Foreshore Reserve

Municipal Boundary

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DESIGN AND DEVELOPMENT OVERLAY

MAP No 9DDO

KINGSTON PLANNING SCHEME

SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**.

MORDIALLOC ACTIVITY CENTRE**1.0 DESIGN OBJECTIVES**

To reinforce the low rise coastal village form, character, streetscape and heritage of the Mordialloc Activity Centre.

To achieve responsive and sensitively designed development that is of a high quality architectural and urban design standard.

To ensure development has proper regard for the established heritage values, streetscape and development pattern in terms of building design, height, scale, and siting.

To preserve solar access to the foreshore, dwellings, public and private open space and pedestrian paths.

To protect and enhance key views, vistas and landmarks.

In addressing the Design objectives all development proposals must have regard to the *Mordialloc Pride of the Bay: A Structure Plan for the Future of Mordialloc* (2004).

2.0 Buildings and works**Heights**

New development must not exceed the maximum building height specified in Column 2 of Table 1 to this Schedule.

A permit cannot be granted to vary the maximum building height specified in Column 2 of Table 1 to this Schedule.

Design standards

New development must comply with the design standard provisions specified in Column 3 of Table 1 to this Schedule.

A permit cannot be granted to vary the building setbacks specified in Column 3 of Table 1 to this Schedule, unless otherwise specified in the Table.

Terraces, balconies and roof decks may be located within the building setbacks specified in Column 3 of Table 1 to this Schedule, unless otherwise specified in the Table. A permit cannot be granted to construct a terrace, balcony or roof deck which is not in accordance with a requirement in the Table.

Performance Criteria

In addition to responding to the height and design standards in Column 2 and 3 of Table 1 to this Schedule new development must demonstrate how specific performance criteria have been addressed.

A permit may be granted to vary components of the performance criteria.

Roof Decks

A roof deck should:

- Be set back a minimum of 2 metres (unless a greater setback is prescribed in the specified design standard provisions in Column 3 of Table 1 of this Schedule) from the roof edge on all sides to minimise the visual impact on the street, coastal environs and adjoining properties.
- Not include any structures or elements that exceed a height of 1.7 metres, apart from an access structure with a maximum height of 2.1 metres.

A permit can be granted to construct a roof deck which is not in accordance with these requirements.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

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5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A neighbourhood and site description and design response which demonstrate show the proposed building and works achieve the design objectives.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The neighbourhood and site description.
- The design response.
- The effect of the building height on the scale and character of the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level, and staggered building forms.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Any applicable heritage study.
- The views of Council's Heritage Advisor.
- Whether third and fourth storey articulation has been achieved.
- Whether third and fourth storeys are visually intrusive when viewed from the street and surrounding area.
- Whether the proposed siting, height, design and building setbacks will be in keeping with the character of the area.
- Whether the Roof Decks/Balcony is:
 - Designed to minimise views into secluded private open space and habitable room windows of adjacent dwellings.
 - Designed and located to have minimal impact on the street and surrounding area.
- Use of materials, finishes and colour.
- The *Mordialloc Pride of the Bay: A Structure Plan for the Future of Mordialloc* (2004)
- The *Siting and Design Guidelines for Structures on the Victorian Coast* (1998), or any superseding guidelines.

Table 1 to Schedule 10**Maximum Building Height in the Mordialloc Activity Centre**

Precinct	Maximum Building Height	Design Standard	Performance Criteria
DDO10-A1 Southern Edge of the Railway Station Forecourt (507 Main Street, Mordialloc)	1 storey (4.5 metres)		Existing views from Centreway to the roofline gable of the former Masonic Lodge on Albert Street and the memorial clock tower from the station must be retained.
503 Main Street, Mordialloc	2 storeys (7.5 metres)	Any 2nd storey must be set back a minimum of 12 metres from the Main Street frontage. Terraces, balconies and roof decks	Building additions must be sympathetic to the significance and character of heritage places, and designed in a manner that does not impact upon the existing single storey heritage building's

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		must not be located within the setback on all levels. Any 2nd storey to the rear of the site should be recessed from the forecourt frontage to reduce the visual impact when viewed from the south and west of the building.	significant elements including the verandah, roof form, parapet, height and general layout.
DDO10-A2			
Centreway Gateway (9-11 and 13 Centreway, Mordialloc)	3 storeys (11 metres)	Buildings on the north side of Centreway must not cast a shadow exceeding 1 metre in height above the pavement on the south side of Centreway at any point after 10AM on 21 June.	
DDO10-A3			
Timber Yard Redevelopment	4 storeys (14 metres)		Any 4th storey must be recessed and not be clearly visible from Park Street.
Eastern Intersection of Bear and Albert Streets (9 Bear Street and 89 Albert Street, Mordialloc)	3 storeys (11 metres)		New development must present a gateway to the commercial core and a continuous edge to the intersection.
DDO10-A4			
Pier, Creek & Foreshore			
DDO10-A5			
Pompei's Landing			
Pompei's Existing Boat Shed Site (557-661 Main Street, Mordialloc)	4 storeys (14 metres)		Any 4th storey must be recessed from the buildings frontage.
Buildings in the Vicinity of the Creek	2 storeys (7.5 metres)		
New Boating Facility	10.5 metres		
DDO10-A6			
Main Street	3 storeys (11 metres)		
Buildings that contribute to streetscape values and early character (refer to Table 2)	3 storeys (11 metres)	Any 3rd storey must be set back a minimum of 8 metres from the Main Street frontage. Terraces, balconies and roof decks, must not be located within the setback on all levels.	Building additions must be sympathetic to the significance and character of heritage places.
Buildings that contribute to streetscape values only (refer to Table 2)	3 storeys (11 metres)	Any 3rd storey must be set back a minimum of 4 metres from the Main Street frontage. Terraces, balconies and roof decks	Buildings additions must be sympathetic to the significance and character of heritage places.

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		must not be located within the setback on all levels.	
541 –555 Main Street	4 storeys (14 metres)		Any 4th storey must be recessed from the buildings frontage.
Supermarket Carpark fronting Centreway	3 storeys (11 metres)		
Supermarket facing Main Street	3 storeys (11 metres)	Any 3rd storey must be set back a minimum of 4 metres from the Centreway Street frontage.	
(11/598 – 618 Main Street, Mordialloc)			
DDO10-A7			
Central Mordialloc	3 storeys (11 metres)	Any 3rd storey must be set back a minimum of 4 metres from the street frontage.	
622-626 Main Street	3 storeys (11 metres)	Any 3rd storey must be set back a minimum of 8 metres from the Main Street frontage. Terraces, balconies and roof decks must not be located within the setback on all levels.	Buildings additions must be sympathetic to the significance and character of heritage places.
DDO10-A8			
Eastern Fringe			
Mordialloc Scouts (429 Main Street, Mordialloc)	1 storey (4.5 metres)		
Area bounded by McDonald Street, Albert Street, Bear Street and Barkly Street, Mordialloc	3 storeys (11 metres)		
Main Street North	3 storeys (11 metres)		Any 3rd storey must be recessed from the buildings frontage.
19, 21, 23, 25 and 27 Albert Street, Mordialloc	3 storeys (11 metres)		Where a 3rd storey is contemplated the consolidation of two or more allotments is encouraged. Any 3rd storey must be recessed from the buildings frontage.

Table 2 to Schedule 10

Mordialloc Main Street Building Contribution to Heritage Significance

Main Street East Side

Address	Description	Buildings that contribute to streetscape values and early character	Buildings that contribute to streetscape values only
McDonald Street			

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Address	Description	Buildings that contribute to streetscape values and early character	Buildings that contribute to streetscape values only
469	Single storey postwar shop		Yes
471	Two storey postwar shop		Yes
473	Two storey nineteenth century shop	Yes	
475	Two storey nineteenth century shop	Yes	
477	Two storey nineteenth century shop	Yes	
479	Single storey interwar shop	Yes	
481	Two storey nineteenth century bank Former ES&A Bank	Yes	
483A/483B	Single storey postwar pair of shops		Yes
485	Single storey postwar shop		Yes
491	Two storey postwar shop		Yes
495	Single storey postwar shop		Yes
497	Two storey interwar shop	Yes	
499	Two storey postwar shop		Yes
501	Two storey early twentieth century shop	Yes	
503	Single storey nineteenth century shop	Yes	
Station Forecourt			
507	Single storey postwar shop		Yes
511	Two storey postwar shop		Yes
515	Two storey nineteenth century shop Former Butchers shop	Yes	
517	Two storey interwar shop	Yes	
519	Two storey interwar shop	Yes	
521-523	Single storey postwar shop		Yes
Bear Street			

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Address	Description	Buildings that contribute to streetscape values and early character	Buildings that contribute to streetscape values only
525	Two storey postwar shop		Yes
529	Single storey postwar shop		Yes
533-535	Two storey postwar shop		Yes
537	Two storey interwar shop	Yes	
539	Two storey early twentieth century shop	Yes	
541	Development site	Not assessed as part of this schedule	
555	Modern apartments	Not assessed as part of this schedule	

Main Street West Side

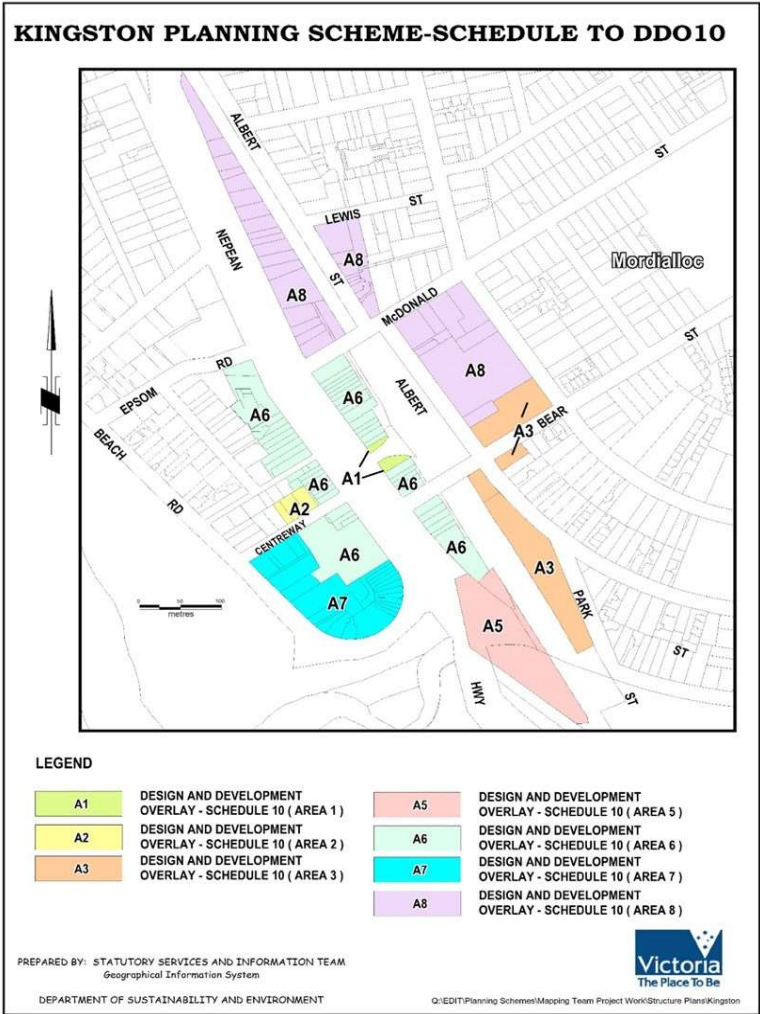
Address	Description	Buildings that contribute to streetscape values and early character	Buildings that contribute to streetscape values only
Epsom Road			
530	Single storey interwar garage		Yes
540	Single storey postwar shop		Yes
554/554A	Single storey postwar shop		Yes
558/558A	Single storey postwar shop		Yes
562	Two storey postwar shop		Yes
564	Single storey postwar shop		Yes
566	Two storey postwar shop		Yes
570	Two storey interwar shop (altered)		Yes
Owen Street			
572	Single storey postwar shop		Yes
574/574A	Two storey postwar shop		Yes
576	Single storey interwar shop (altered)		Yes

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Address	Description	Buildings that contribute to streetscape values and early character	Buildings that contribute to streetscape values only
578	Two storey interwar shop	Yes	
580	Single storey early twentieth century shop	Yes	
582	Single storey interwar shop	Yes	
584	Single storey interwar shop	Yes	
Centreway			
588-590	Two storey interwar shop	Yes	
592	Single storey interwar shop	Yes	
594/596A	Single storey interwar shop (altered)		Yes
598	Multi storey postwar shop Safeway site	Not assessed as part of this schedule	
Laneway			
622	Two storey interwar shop	Yes	
624	Two storey interwar shop	Yes	
626	Two storey interwar shop	Yes	
Main Street continues as Beach Road			
225A	Single storey postwar shop		Yes
226	Single storey postwar shop		Yes
227	Single storey postwar shop		Yes
228	Single storey interwar shop (altered)		Yes
229	Single storey interwar shop (altered)		Yes
230	Single storey interwar shop (altered)		Yes
231	Single storey interwar shop (altered)		Yes
232	Single storey interwar shop (altered)		Yes

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Map 1 to Schedule 10 to Clause 43.02



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SCHEDULE 12 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAYShown on the planning scheme map as **DDO12****HIGHETT ACTIVITY CENTRE****1.0****Design objectives – General**

All buildings should achieve a high standard of building design and articulation.

Highett Road

- To revitalise the Highett Activity Centre as an attractive, vibrant and well used 'Main Street' and community focal point by implementing the objectives of the *Highett Structure Plan (2006)*.
- To achieve an acceptable balance between the opportunities for increased built form, bulk and height, and maintaining a reasonable level of residential amenity.
- To ensure the built form and building siting respects the dominant street patterns.
- To achieve high quality, well designed new buildings, works and additions that are compatible with the existing architectural and streetscape character of Highett Activity Centre.
- To ensure that active frontages are achieved.
- To protect and enhance the visual amenity of the Highett Activity Centre including sunlight to pedestrian areas.
- To encourage the appropriate redesign of car parking areas to compliment the streetscape of the Highett Activity Centre.

Preferred Medium Density Residential Areas

- To encourage apartment residential development of up to three storeys in height on consolidated lots in residential areas close to the Highett Activity Centre.
- To retain the amenity of existing low density residential development by ensuring that adequate side and rear setbacks are provided to taller buildings to allow screen planting and a landscape setting, and to prevent unreasonable overlooking, overshadowing and visual bulk.
- To encourage car parking to be provided within buildings rather than at ground level, to maximise the opportunity to use ground level open space for landscaping, and communal and private open space.
- To encourage consolidation of land that facilitates the creation of viable development sites capable of achieving the outcomes promoted by the Scheme and the *Highett Structure Plan, May (2006)*.

Increased Density Highway West

- To ensure integrated development of the whole Increased Density Highway West Precinct.
- To encourage the use of contemporary architecture combined with innovative urban design principles.
- To ensure buildings within Precinct H6 (Increased Density Highway West) address Nepean Highway, any new network of streets established and open space areas throughout and adjoining the precinct to provide for surveillance.
- To achieve residential development within Precinct H6 (Increased Density Highway West) that provides a mixture of building heights sizes and formats and varying built forms and layouts to provide visual interest.
- To ensure that building heights increase to a maximum furthest from established residential areas to the north to minimise visual impact from surrounding residential areas.
- To encourage a transition of building heights across Precinct H6 (Increased Density Highway West) from 7.5 metres adjacent to established residential areas up to a maximum building height of 17 metres near the south-east corner of the precinct.

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- To create treed boulevards and high quality landscape treatment along new network or public streets and open spaces.
- To achieve development of circulation networks that focus on providing strong linkages within the Increased Density Highway West precinct with the Lyle Anderson Reserve west of the Railway line, the Highett Activity Centre, the Sir William Fry Reserve south of the precinct and Southland Principal Activity Centre.
- To achieve development that provides accessible, safe, attractive and functional private and public open space opportunities, which are well connected and integrated within a permeable urban environment.
- To provide solar access in mid winter to key boulevards within the precinct to contribute to a comfortable, pedestrian friendly urban environment.
- To facilitate the enjoyment of public urban spaces, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling from new buildings and works.
- To encourage consolidation of land that facilitates the creation of viable development sites capable of achieving the outcomes promoted by the Scheme and the Highett Structure Plan (May 2006) for land within this precinct.
- To discourage the fragmentation of sites other than in association with a development proposal that achieves the outcomes promoted by this Scheme and the *Highett Structure Plan (May 2006)* for the precinct.
- Buildings with unique architectural or design features that substantially contributes to the overall building form and appearance as identified by the *Highett Structure Plan (May 2006)*, must:
 - Substantially contribute to the overall building form and appearance by forming part of a distinctive architectural design feature;
 - Be based on contemporary architectural and innovative urban design elements;
 - Be located where higher built form outcomes are identified in the Highett Structure Plan, (May 2006) and Kingston Housing Strategy and Neighbourhood Character Study (2021);
 - Not cast additional overshadowing upon adjacent and nearby properties and public spaces at 12 noon on 22 June.

Substantial Change Areas

- To support higher density housing in a mid-rise apartment format that delivers pedestrian scaled buildings to the street.
- To provide a landscaped garden setting around buildings including front and rear setbacks that can accommodate in ground canopy trees.
- To ensure reasonable future development potential for the precinct and encourage lot consolidation to maximise development opportunity and efficiency.
- To provide adequate side and rear setbacks which present tall elevations, designed to respond to the preferred future character including streetscape, building height, siting and built form.
- To mitigate visual and shadowing impacts on adjoining properties, with a greater emphasis on minimising impacts on land within the General Residential Zone.
- To achieve a high level of internal amenity for all residential development typologies.

2.0**Buildings and works****Permit Requirements**

A permit is not required for buildings and works associated with environmental audit and site remediation.

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Height**Areas H1, H2, H3, H4, H5 and H7.**

Buildings and works must not exceed the maximum building height set out in the Table to this Schedule for Areas H1, H2, H3, H4, H5 and H7.

A permit cannot be granted to vary the maximum building height set out in the Table to this Schedule for Areas H1, H2, H3, H4, H5 and H7.

Area H6

Buildings and works should not exceed the maximum building height set out in the Table to this Schedule for Area H6.

A permit may be granted to exceed the height limit if the additional height is necessary to achieve the design objectives. The development must continue to comply with the design objectives and design standards for that area.

Landscape Design

Landscape design must:

- Provide canopy trees and native and indigenous plantings;
- Provide landscape treatments to soften the urban built form environment; and
- Create private and public open space areas/links to established public open spaces areas within the surrounding area that are accessible, safe, attractive and functional for all users.

Setbacks

Buildings and works must be constructed in accordance with the setback requirements in the Table to this Schedule.

A permit cannot be granted to vary any of the setback requirements in the Table to this Schedule unless otherwise specifically stated in the Table to this Schedule.

Table to Schedule 12

Height Control Area as shown on the plan to Schedule 12	Maximum Building Height	Design Standard
DDO12 - H1 Northwest and southwest corners of Nepean Highway and Highett Road	4 storeys (14 metres) subject to site consolidation	<p>New development on the northwest corner must be setback to not intrude on viewlines into the centre from Nepean Highway and further east.</p> <p>Development on the north west corner must respect the scale of, and provides a transition down to, adjoining lower scale residential buildings.</p> <p>Setbacks of new development on the southwest corner from street frontages on the southern side of Highett Road are not required.</p> <p>New development must present a gateway to the commercial area and reinforce Highett Road as a Neighbourhood Activity Centre. Ground floors must comprise active commercial uses.</p>

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Height Control Area as shown on the plan to Schedule 12	Maximum Building Height	Design Standard
		<p>The scale of development on these gateway sites should take advantage of the opportunities of consolidated sites but maintain a comfortable relationship with the surrounding low scale and pedestrian oriented built form character of the shopping centre. It should not unreasonably overshadow Highett Road and streets in the precinct.</p> <p>The quality of architecture should be high to respond to its visibility from Nepean Highway.</p>
DDO12 - H2 Corner of Railway Parade and Highett Road	3 storeys (11 metres)	<p>New development on consolidated land should reinforce the prominence of the corner.</p> <p>A consistency of building height, built form and a strong urban edge to Highett Road should be provided with a strong urban edge and zero front setbacks.</p>
DDO12 - H3 Highett Road (north & south)	3 storeys (11 metres)	<p>Any 3rd storey must be setback a minimum of 8 metres from the frontage and appear as a two storey building form from Highett Road.</p> <p>This setback may be reduced where the building height is reduced and it can demonstrate sunlight access to the street and public spaces.</p> <p>Any 3rd storey must be setback 4 metres from the rear boundary to respect the scale of, and provide adequate setback to, adjoining lower residential buildings.</p> <p>A feeling of openness and intimate scale for pedestrians should be maintained.</p> <p>The scale of development should have a comfortable relationship with the low-scale, built form character of the Highett Activity Centre.</p>
DDO12 - H4 Civic Plaza south of the Highett Road shops, between Station Street, the railway line and incorporating the Highett Library and the RSL	3 storeys (11 metres)	<p>An attractive and active pedestrian environment should be provided.</p> <p>Development should not overshadow the Square. Lower building forms with a maximum height of 2 storeys should be provided along the edges of the Square and Highett Road.</p> <p>New buildings around the Square should provide a transition from 2 storeys along the edges of the Square and Highett Road to higher 3 storey built forms. Any 3rd storey must be setback a minimum of 8 metres from the street frontages.</p>
DDO12 - H5 Residential zoned land bounded by Wickham Road, Railway Parade, Viola Street and Henry Street. Includes 42-48 Henry Street and 1050 Nepean Highway. Residential zoned land east of Nepean Highway, between Wickham Road and Karen Street.	3 storeys (11 metres)	<p>Site consolidation is encouraged and the preference is for apartment developments rather than villa units or townhouses.</p> <p>New development should be setback from rear boundaries 5 metres, and should be setback from side boundaries greater than the standards of Clause 55 of this Scheme.</p> <p>Setbacks are to provide for a garden setting and substantial landscaping opportunities to the front and rear, and to provide a reasonable level of amenity for adjoining residences.</p> <p>Car parking spaces be provided primarily within new developments rather than at ground level, in order to maximise the opportunity to use ground level areas for landscaping, and communal open space.</p>

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Height Control Area as shown on the plan to Schedule 12	Maximum Building Height	Design Standard
DDO12 - H6 Increased Density Highway West		
	DDO12 - H6 (a) 3 storeys (11 metres) for a depth of 15 metres along Nepean Highway 4 storeys (14 metres) for the remaining precinct	<p>The scale of development must have a comfortable relationship with the lower-scale, built form of adjoining development.</p> <p>Development must setback to provide for a landscaped and tree-lined new network of streets.</p> <p>High quality architecture must respond to its visibility from Nepean Highway and makes a positive contribution to Nepean Highway.</p>
	DDO12 - H6 (b) 5 storeys (17 metres)	<p>Development must be set back to provide for a landscaped and tree-lined new network of streets.</p> <p>High quality architecture must respond to and addresses the new network of public streets, open and public spaces and Sir William Fry Reserve.</p> <p>High quality architecture must respond to its visibility from Nepean Highway and make a positive contribution to Nepean Highway.</p> <p>New buildings to provide a transition from 4 storeys to higher storey built forms. Any 5th or higher storey must be setback from the street frontages to minimise its visual bulk.</p> <p>Development must provide a transition to adjoining lower scale residential buildings within the precinct.</p>

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Height Control Area as shown on the plan to Schedule 12	Maximum Building Height	Design Standard
DDO12 - H7 Substantial Change Areas Residential zoned land south of the Highett shopping centre, bounded by Station Street, the Frankston rail line and Nepean Highway. Residential areas north of the Highett shopping centre, bounded by Viola Crescent, the Frankston rail line and Nepean Highway.	4 storeys (13.5 metres)	Development should be set back from front boundaries by a minimum of 5 metres and be set back from rear boundaries by a minimum of 5 metres. A fourth level should be set back from the front boundary by a further 3 metres from the level below to present as pedestrian scaled. Side boundaries should be set back: <ul style="list-style-type: none"> Primary outlooks (balcony, living room or open planned living area) 4.5 metres from the boundary. Secondary outlooks (bedroom, kitchen or any other habitable room) 2 metres from the boundary. Fourth level a minimum of 4 metres from the boundary. Development should seek to: <ul style="list-style-type: none"> Design all primary outlooks to have a reasonable outlook, and design to avoid relying on screening at upper levels. Design secondary outlooks at upper levels to contribute to passive surveillance, if not viable then have highlight glazing or be screened, and design to maximise the potential for developable adjoining land. Provide basements for all developments and with adequate front and rear setbacks for deep soil planting. Present the top floor as visually distinct from lower levels. A siting that enables an appropriate extent of landscaping. Excessive visual bulk is avoided, along with minimising cantilevered built form, providing adequate building separation and top floor rebates.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

None specified.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible:

- The site analysis and urban context report.
- The visibility of the building form and height on the scale and character of Highett Road.
- Whether opportunities exist to avoid the building being visually obtrusive by the use of alternative building designs and staggered building forms.
- On a corner site, the architectural style and detail of the building, and whether it will make a positive statement as a corner element.
- The amenity impacts on any adjoining residentially zoned land, particularly with respect to overshadowing, privacy and visual bulk.
- The use of materials, finishes and colour.

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- The visual impact of any balcony or roof deck and associated access when viewed from the street and surrounding area.
- Whether the third and fourth storeys are visually intrusive when viewed from the street and surrounding area.
- Whether the subdivision is associated with a development proposal that supports the objectives promoted by this Scheme and does not result in fragmentation of sites.
- Whether the proposed buildings achieve the desired mix of building heights, sizes, formats and layouts throughout Precinct H6.
- Whether appropriate surveillance of open space links and open space and public areas is achieved through building design and placement.
- The impact of new development on historic features and views to historic features.
- The ability for new development within Precinct H6 to integrate with adjoining built forms.
- The visual impact and integration of new development within Precinct H6 when viewed from the surrounding area.

Background documents

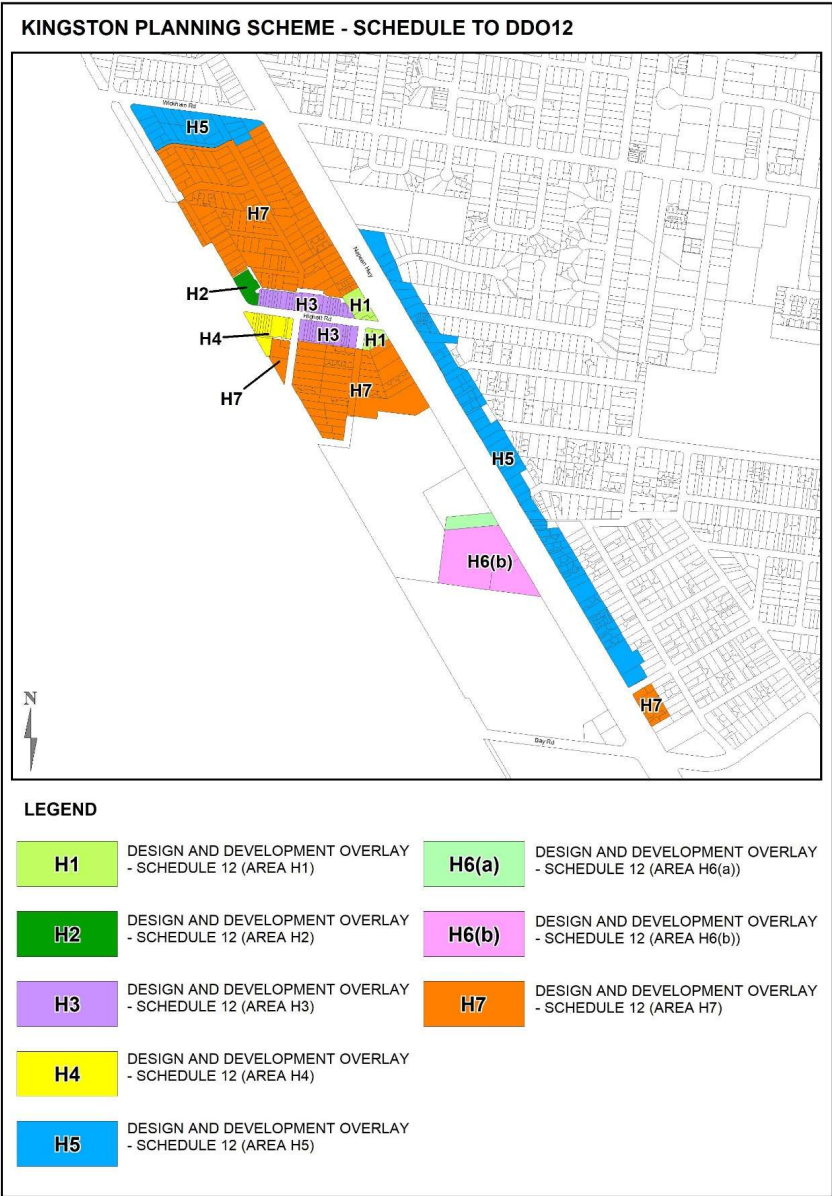
Highett Structure Plan (May 2006)

Kingston Housing Strategy and Neighbourhood Character Study (2021)

Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines (2021)

KINGSTON PLANNING SCHEME

Map 1 to Schedule 12 to Clause 43.02



KINGSTON PLANNING SCHEME

SCHEDULE 22 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO22.

MENTONE JUNCTION PRECINCT**90 – 116 NEPEAN HIGHWAY, MENTONE (EVEN NO'S)****202 – 208 NEPEAN HIGHWAY, PARKDALE (EVEN NO'S)****10 – 44 BALCOMBE ROAD, MENTONE (EVEN NO'S)****1 – 21 BALCOMBE ROAD, MENTONE (ODD NO'S)****23-27 BALCOMBE ROAD, MENTONE (ODD NO'S)****33 – 35 CHILDERS STREET, MENTONE (ODD NO'S)****1.0****Design objectives****General**

- To establish a high quality built form which reinforces its strategic context in close proximity to the Mentone Activity Centre and prominent location at the junction of the Nepean Highway, Warrigal Road and Balcombe Road.
- Encourage a good sense of streetscape rhythm in built form through the retention of existing fine grain character where it is a feature.
- Encourage parapet street walls to reflect the alignment pattern, in particular to encourage zero lot setbacks for fine grain development.
- Encourage built form that protects adjacent residential areas from imposing and incongruous forms which create visual bulk and have detrimental overshadowing impacts.
- Encourage high quality architectural detailing and forms on prominent corner locations.
- Encourage street level active frontages along main roads.
- Encourage landscaping consisting of native vegetation at direct residential interfaces and at interfaces with residential streets.
- Encourage the use of existing laneways for vehicular access and discourage new vehicular crossovers along Category 1 Zone Roads.

Built form

Where appropriate:

- Encourage a consistent 2 and 3 storey street wall in accordance with the table to this Schedule, with greater architectural features and detailing on prominent corner sites.
- Maintain upper level setbacks above the street wall in accordance with the table to this Schedule. Street walls should be designed to assist in concealing upper level additions and forms via parapet wall extensions which also function as balcony balustrades.
- Encourage the construction of canopies along Balcombe Road and Nepean Highway which should accommodate for the provision of native street trees.
- Encourage built form which strengthens a high quality public realm such as balconies and glazing overlooking the street, entrances directly onto the street, and high quality built form presentation to the laneways.
- Maintain the 'garden setting' via soft landscaping and native vegetation buffers along residential interfaces
- Encourage the widening, use and active surveillance of existing laneways.

KINGSTON PLANNING SCHEME

2.0 Buildings and works**Building Height and Street Wall Height****Precincts A, B and C**

Buildings and works other than domestic services normal to a dwelling including lift overruns should not exceed the building height set out in the table to this Schedule for Precincts A, B and C.

A permit may be granted to vary any of the height requirements unless specified in the table to this Schedule.

Setbacks**Precincts A, B and C**

Buildings and works including domestic services normal to a dwelling including lift overruns should be setback no less than those set out in the table for precincts A, B and C.

A permit may be granted to vary any of the setback requirements unless specified in the table to this Schedule.

Preferred Future Character**Precinct A: Fine grain mixed use precinct**

Precinct A will continue to service as the primary retail focus with opportunities for shop-top housing in a general form of three storeys which preserves the existing character of traditional terraced shopfronts and retains a sense of fine grain rhythm.

Precinct B: Business Precinct

Precinct B will provide an employment focus with a mix of existing fine grain character and consolidated lots of three storeys. Laneway widening is envisioned at the rear of lots and an enhance building quality that engages positively with the streets and laneways.

Precinct C: Broad grain mixed use precinct

Precinct C will provide for a mix of uses including retail at the street level and residential apartments above which will provide for increased pedestrian activity and an improved public realm. Large forms on consolidated sites should address the junction intersection and provide a moderated building form at residential interfaces.

Table to Schedule 22

Height Control Area as shown on the Map to Schedule 22	Building Height	Street Wall Height	Setbacks	Design Standard
Precinct – A1				
92 - 116 Nepean Highway, Mentone (Even No's)	11 metres (3 storeys)	92- 104 Nepean Highway: ▪ Maximum 11 metres (3 storeys) street wall	92- 104 Nepean Highway: ▪ 3rd storey setback at 1metre:1metre* to rear boundary 106-116 Nepean Highway:	The following is applicable to all Precinct A: Create human scale proportions within

KINGSTON PLANNING SCHEME

Height Control Area as shown on the Map to Schedule 22	Building Height	Street Wall Height	Setbacks	Design Standard
		106-116 Nepean Highway: <ul style="list-style-type: none"> Maximum 8.5 metres (2 storeys) street wall. 	<ul style="list-style-type: none"> 2nd storey setback at 0.5metre:1metre* to front and rear boundaries 104-116 Nepean Highway <ul style="list-style-type: none"> Buildings should be setback no less than 3 metres from the south western boundary. 	streetscapes through appropriate massing and built form. Encourage a good sense of streetscape rhythm through retention of existing fine grain character.
Precinct – A2				Encourage parapet street walls to reflect the existing alignment pattern, in particular encourage zero lot street frontage setbacks.
90 Nepean Highway, Mentone	13.5 metres (4 storeys)	Maximum height of 11 metres (3 storeys) on the Nepean Highway frontage. Maximum height of 8.5 metres (2 storeys) on the western boundary maximum height of 11 metres (3 storeys) on both sides of the laneway interface	Buildings should be setback no less than 3 metres from the western boundary to allow for landscaping, with the 3 rd storey setback 0.5metre:1metre*. 4 th storey setback at 1metre:1metre* from all boundaries 90 Nepean Highway east of laneway <ul style="list-style-type: none"> Buildings should be setback not less than 3metres from the boundary of the adjoining laneway 90 Nepean Highway west of laneway <ul style="list-style-type: none"> Buildings should be setback not less than 3metres from the laneway directly opposite properties at 92-104 Nepean Highway 	Encourage active uses on main road frontages. Protect amenity at residential interfaces. Encourage the use of existing laneways for rear access to properties and discourage new vehicular crossovers along street frontages with high pedestrian use. Encourage landscaping at direct residential interfaces and at interfaces with residential streets.
Precinct – B1				
14 – 44 Balcombe Road, Mentone (Even No's)	11 metres (3 Storeys)	Maximum 11 metres (3 storeys) street wall	Buildings should be setback no less than 3 metres from the northern and north-eastern boundary	The following is applicable to all Precinct B: Encourage a good sense of streetscape rhythm in the
Precinct – B2				built form through retention of existing fine grain character.
10 – 12 Balcombe	14 metres (4 storeys)	Maximum 11 metres (3 storey) street wall	Buildings should be setback not less than 3metres from the northern boundary	

KINGSTON PLANNING SCHEME

Height Control Area as shown on the Map to Schedule 22	Building Height	Street Wall Height	Setbacks	Design Standard
Road, Mentone			4 th storey setback at 1metre:1metre* to all boundaries	Encourage parapet street walls to reflect the alignment pattern, in particular encourage zero lot street frontage setbacks. Encourage active street level uses on main road frontages Encourage the use of existing laneways for rear access to properties and discourage new vehicular crossovers along street frontages with high pedestrian use.
Precinct – C1				
23-25 and 27 Balcombe Road	13.5 metres (4 storeys)	Maximum 11 metres (3 storey) street wall	Buildings should be setback not less than 5 metres from the western boundary for landscaping. Buildings should be setback not less than 3 metres from the southern boundary for landscaping with the 3 rd storey setback at 1metre:1metre*	The following is applicable to all Precinct C: Create appropriate proportions within streetscapes through appropriate massing and built form.
Precinct – C2				Encourage parapet street walls to reflect the existing alignment pattern, in particular encourage zero lot setbacks.
17-21 Balcombe Road, Mentone (Odd No's)	13.5 metres (4 storeys)	Maximum 11 metres (3 storeys) street wall	The 4 th storey should be setback at 1metre:1metre from the street wall to Balcombe Road Buildings should be setback not less than 3 metres from the southern boundary for landscaping, with the 3 rd storey setback at 1metre:1metre* and the 4 th storey setback at 2metres:1metre*	Encourage prominent corner sites to incorporate a greater degree of architectural detailing fitting of their visual exposure.
Precinct – C3				Encourage street level active uses on main road frontages.
11-15 Balcombe	14 metres (4 storeys)	Maximum 11	4 th storey setback at 1metre:1metre* to Balcombe Road	

KINGSTON PLANNING SCHEME

Height Control Area as shown on the Map to Schedule 22	Building Height	Street Wall Height	Setbacks	Design Standard
Road, Mentone (Odd No's)		metres (3 storeys) street wall	Buildings should be setback no less than 3 metres from the southern boundary for landscaping, with the 3 rd storey setback at 1metre:1metre* and the 4 th storey setback at 2metres:1metre*	Protect the amenity at residential interfaces. Protect adjacent residential areas from imposing forms that create visual bulk and have detrimental overshadowing impacts.
Precinct – C4				
1-9 Balcombe Road, Mentone (Odd No's)	20 metres (6 storeys) ¹	A maximum 14 metres (4 storeys) street wall to the junction intersection	Buildings should be setback no less than 3metres from the western boundary with a maximum 2 storey wall, with the 3 rd and 4 th storeys setback 1metre:1metre*. Buildings should have a maximum street wall height of 11 metres (3 storeys) and must be setback no less than 5 metres from Warrigal Road and Balcombe Road. The 4 th storey to be setback 1metre:1metre* from the 3 rd storey.	Encourage landscaping at direct residential interfaces and at interfaces with residential streets. Storeys above the 4th storey to have a reduced footprint and appear visually recessive.
Precinct – C5				
33-35 Childers St, Mentone (Odd No's)	14 metres (4 storeys) ¹	Maximum 11 metres (3 storeys) from the southern boundary Maximum 8.5metres (2 storeys) street wall from the eastern interface.	Buildings on the southern boundary should be setback no less than 5 metres to allow for landscaping with the 4 th storey setback 1metre:1metre*. Buildings on the western boundary should be setback 3metres to allow for landscaping, with the 3 rd and 4 th storeys setback 1metre:1metre*. Buildings on Warrigal Road and Nepean Hwy should be setback no less than 5metres to allow for a landscaping, with the 4 th storey setback 1metre:1metre*.	
Precinct C6				
202-208 Nepean Highway, Parkdale (Even no's)	13.5 metres (4 storeys) ¹	14 metres (4 storeys) street wall along Nepean Hwy. 11 metres (3 storeys) street wall	Buildings should be setback not less than 3metres from the eastern and southern boundaries at the ground and first floor levels with the 3 rd and 4 th storeys each setback a further	

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Height Control Area as shown on the Map to Schedule 22	Building Height	Street Wall Height	Setbacks	Design Standard
		along Warrigal Road and Potts Street.	<p>1metre:1metre* from the floor below.</p> <p>The 4th storey fronting Warrigal Road and Potts Street should be setback 1metre:1metre* from the 3rd storey.</p> <p>A 5metre landscape setback should be provided along Warrigal Road and Potts Street.</p> <p>A 3metre landscape setback should be provided along Nepean Hwy</p> <p>A 3metre landscape setback should be provided along the southern and eastern interfaces with adjoining properties</p>	

* The ratio expressed in the above table depicts the height and required setback, eg 1metre:1metre means that for every 1 metre in height, the built form should be setback 1 metre.

¹ On these three strategic redevelopment sites (Precincts C4, C5 and C6), high quality architectural treatment of the prominent corner is required which may include architectural detailing, modest increases in height, variation in material treatments and other embellishments.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

None specified.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

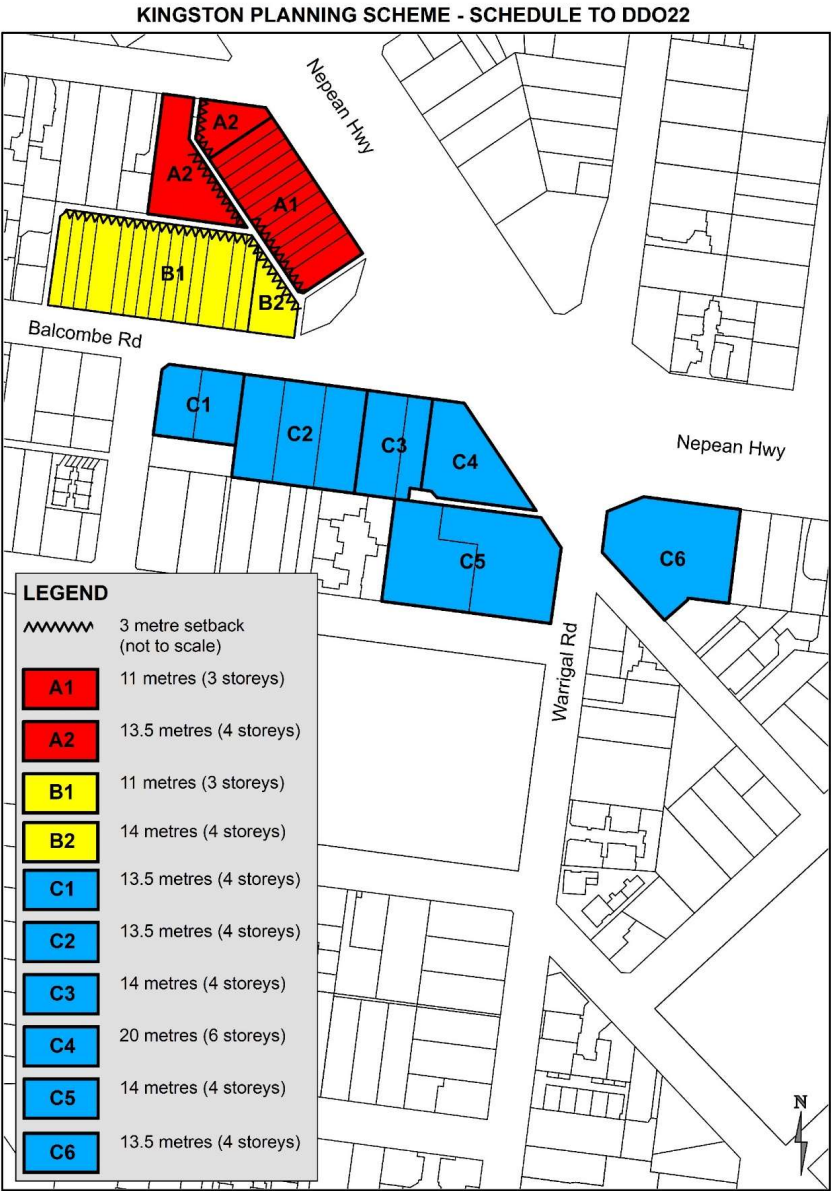
- The design objectives, design standards of this Schedule and the design guidance provided through the background document.
- The site analysis and urban context report.
- The visibility of the building form and height on the scale and character of surrounding residential interfaces.
- Whether opportunities exist to avoid the building being visually obtrusive by the use of alternative building designs and staggered building forms.
- The architectural style and detail of the building, and whether it will make a positive statement, particularly on prominent corner locations as detailed in the table to the schedule.
- The amenity impacts on any adjoining land in a Residential Zone, particularly with respect to overshadowing, privacy and visual bulk.

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- The use of materials, finishes and colour.
 - The visual impact of any balcony or roof deck and associated access when viewed from the street and surrounding area.
 - Whether the fourth or higher storeys are visually intrusive when viewed from the street and surrounding area.
 - Whether appropriate surveillance of laneways and public spaces is achieved through building design and placement.
 - Whether the proposed siting, height, and design is in keeping with the preferred built form outcome and height.
 - The potential for underdevelopment of sites through buildings that achieve a significantly lower built form outcome than encouraged.
-

KINGSTON PLANNING SCHEME

Map 1 to Schedule 22 to Clause 43.02



KINGSTON PLANNING SCHEME

SCHEDULE 25 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO25.

NEIGHBOURHOOD RENEWAL AREAS 2 - LOCAL ROADS**1.0 Design objectives**

To support higher density housing in a four storey apartment format that is well designed and presents a three storey form along a local road.

To provide a landscaped garden setting around buildings including front and rear setbacks that can accommodate in ground canopy trees.

To encourage lot consolidation to maximise development opportunity and efficiency.

To ensure the setback of a building from a boundary enables the preferred future development of the area.

To achieve positive internal amenity outcomes for all new residential development.

2.0 Buildings and works

A permit is not required to extend one dwelling on a lot.

A permit is required to construct a front fence within 3 metres of the front boundary.

For the purpose of this schedule, main roads are described as any road designated a Transport Zone 2 or 3, and the following: Karen Street and Tennyson Street Highett where opposite to Southland shopping centre, Argus Street Cheltenham, and Rayhur Street Clayton South. Local roads are any other road.

For the purpose of this schedule: a primary outlook is from a balcony or living room or open planned living area, a secondary outlook is from a bedroom, kitchen or any other habitable room.

On an abuttal to a local road, support buildings that have a three storey street wall and are fully detached from all boundaries, with a recessive fourth level from all boundaries.

BUILDINGS AND WORKS REQUIREMENTS

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building setback requirements

- A building should be setback 5 metres from the street.
- A fourth level of a building on a local road should be setback from the street boundary a further 3 metres from the level below.
- A fourth level of a building should be setback at least 4 metres from the side boundary.
- A primary outlook should be setback 4.5 metres from the side boundary.
- A secondary outlook should be setback 2 metres from the side boundary.
- A building should be setback 5 metres from the rear boundary.

Site consolidation requirements

- Sites should be consolidated wherever possible to maximise dwelling density and efficient use of the site.
- On consolidated sites, consider a higher site coverage where the preferred setbacks are achieved.

Outlook, internal amenity and passive surveillance requirements

Development should:

- Design all primary outlooks to have a reasonable outlook and avoid screening.

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- Design secondary outlooks at upper levels to contribute to passive surveillance, if this is not viable, provide highlight glazing or screening to maximise the potential to develop adjoining land.

Avoid overshadowing the secluded ground level private open space of an existing adjoining dwelling in the Residential Growth Zone for at least three hours between 9:00am and 3:00pm to an area of 25 square metres with a minimum dimension of 3 metres on 22 September.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

None specified.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design objectives and building and works requirements of this schedule.
- Whether building siting and basement design enables the retention of existing trees and planting of new trees and landscaping.
- Whether the site has maximised the development efficiency by consolidation, where possible.
- Whether the proposed boundary setbacks are consistent with the preferred future character.
- Whether the development is sited to minimise the need for screening to primary outlooks.
- Whether visual and shadowing impacts on adjoining properties have been mitigated, particularly to adjoining land that is within a General Residential Zone.
- The capacity of the development to enhance its integration with streetscape landscaping, and opportunities to contribute to streetscape improvements.

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SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO26**.

NEIGHBOURHOOD RENEWAL AREAS 2 - MAIN ROADS**1.0 Design objectives**

To support higher density housing in a four storey apartment format that is well designed and delivers prominent buildings along main roads.

To provide a landscaped garden setting around buildings including front and rear setbacks that can accommodate in ground canopy trees.

To encourage lot consolidation to maximise development opportunity and efficiency.

To ensure the setback of a building from a boundary enables the preferred future development of the area.

To achieve positive internal amenity outcomes for all new residential development.

2.0 Buildings and works

A permit is not required to extend one dwelling on a lot.

A permit is required to construct a front fence within 3 metres of the front boundary.

For the purpose of this schedule, main roads are described as any road designated a Transport Zone 2 or 3, and the following: Karen Street and Tennyson Street Highett where opposite to Southland shopping centre, Argus Street Cheltenham, and Rayhur Street Clayton South. Local roads are any other road.

For the purpose of this schedule: a primary outlook is from a balcony or living room or open planned living area, a secondary outlook is from a bedroom, kitchen or any other habitable room.

On an abuttal to a main road (including corner sites with a local road abuttal), support buildings that are four storeys and predominantly detached from all boundaries.

BUILDING AND WORKS REQUIREMENTS

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Building setback requirements

- A building should be setback 5 metres from the street.
- A fourth level of a building should be setback at least 4 metres from the side boundary.
- A primary outlook should be setback 4.5 metres from the side boundary.
- A secondary outlook should be setback 2 metres from the side boundary.
- A building should be setback 5 metres from the rear boundary.

Site consolidation requirements

- Sites should be consolidated wherever possible to maximise dwelling density and efficient use of the site.
- On consolidated sites, consider a higher site coverage where the preferred setbacks are achieved.

Outlook, internal amenity and passive surveillance requirements

Development should:

- Design all primary outlooks to have a reasonable outlook and avoid screening.
- Design secondary outlooks at upper levels to contribute to passive surveillance, if this is not viable, provide highlight glazing or screening to maximise the potential to develop adjoining land.

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- Avoid overshadowing the secluded ground level private open space of an existing adjoining dwelling in the Residential Growth Zone for at least three hours between 9:00am and 3:00pm to an area of 25 square metres with a minimum dimension of 3 metres on 22 September.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

None specified.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design objectives and building and works requirements of this schedule.
- Whether building siting and basement design enables the retention of existing trees and the planting of new trees and landscaping. Whether site consolidation is possible.
- Whether the proposed boundary setbacks are consistent with the preferred future character.
- Whether any proposed wall on a boundary is consistent with the preferred future character.
- Whether the development is sited to minimise the need for screening to primary outlooks.
- Whether visual and shadowing impacts on adjoining properties have been mitigated, particularly to adjoining land that is within a General Residential Zone.

SCHEDULE 1 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO1.

HILLSTON ROAD, MOORABBIN PRECINCT**1.0 Statement of neighbourhood character**

The character of the Hillston Road, Moorabbin precinct is based on the combination of the unusually high consistency of building form and siting, which reflect the patterns established by the earlier development of the area, and the unusual characteristic of low rock wall front fences not generally found elsewhere in the municipality.

The built form character elements that generate this distinct and unusually consistent character include:

- Unobtrusive buildings through design, articulation, scale, setback, site coverage, location and overall form.
- The presence of detached predominantly single storey buildings with stepped footprints at the front of dwellings, and oriented towards the street.
- Building mass directed away from the site boundaries.
- Single car access points with limited driveway and parking areas together with garages and carports not typically located forward of a dwelling fronting the street.
- Low rubble stone wall front fences extending across the frontage of properties.
- Low pitched complex hipped roofs at right angles to the road network.
- A distinct pattern of side and front setbacks.
- Generous amounts of open space set aside for landscaping extending from dwelling facades to front property boundaries.
- A substantial tree population through informal plantings of native and exotic vegetation that surround dwellings.

Background document

Character Area 4 – City of Kingston Neighbourhood Character Guidelines (David Lock Associates Pty Ltd, August 2007)

Kingston Housing Strategy and Neighbourhood Character Study (2021)

2.0 Neighbourhood character objective

To ensure that new buildings and works reflect the neighbourhood character of the area.

To encourage development that will maintain and enhance the unusually high degree of consistency of identified character elements of the Precinct.

To maintain the unique character features in the Precinct by retaining established rock wall front fences and side and front setbacks.

To ensure that the scale, setback, site coverage, location and overall form of development protects and enhances the built character of the Precinct and is complementary to existing buildings.

To conserve and enhance the landscape quality of exotic and native vegetation.

To protect the premature removal of vegetation from a site prior to consideration of design options for a proposed development.

3.0 Permit requirement

A permit is required to:

- Construct or extend an outbuilding normal to a dwelling where it is located in the front or side setback of the dwelling.
- Remove, or demolish a building.
- Construct or replace a front fence or a side fence on a corner block.
- Remove or destroy a tree within the front setback of properties.

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4.0

Modification to Clause 54 and Clause 55 standards

Standard	Modified Requirement		
A3 and B6 Street Setback	<p>Walls of buildings should be setback from streets the distance specified in Street Setback Table below.</p> <p>Porches, pergolas, balconies, verandahs and eaves that are less than 3.6 metres high may encroach not more than 2.5 meters into the setback of this standard.</p>		
	Development Context	Minimum Setback from Front Street (Metres)	Minimum Setback from A Side Street (Metres)
	There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 8.5 metres, whichever is the greater.	None specified.
	There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 8.5 metres whichever is the greater.	None specified.
	There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.	8.5 metres	None specified.
	The site is on a corner.	<p>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 8.5 metres whichever is the greater.</p> <p>If there is no building on the abutting allotment facing the front street, 8.5 metres.</p>	<p>Front walls of new development fronting the side street of a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the greater.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment</p>

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		facing the side street or 2 metres whichever is the lesser.
A4 and B7 Building Height	<p>The maximum building height should not exceed 7.5 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated by recessing the upper level envelope back from the ground level envelope and incorporating rooms within the roof form of attic style dwellings.</p>	
A5 and B8 Site Coverage	<p>The site area covered by buildings should not exceed 50 per cent.</p>	
A8 Significant Trees	<p>Development should provide for the retention of existing trees and vegetation, and provide for the planting of new medium to large sized trees within the front setback of properties.</p> <p>Development should provide for the replacement of any significant trees that have been removed from within the front setback in the 12 months prior to the application being made.</p>	
A9 Parking	<p>Two car parking spaces should be provided per dwelling with:</p> <ul style="list-style-type: none"> One space at least 6 metres long and 3.5 metres wide and covered or capable of being covered. The second place at least 4.9 metres long and 2.6 metres wide. <p>If the car spaces are provided in a garage, carport or otherwise constrained by walls, a double space may be 5.5 metres wide measured inside the garage or carport.</p> <p>A building may project into a car space if it is at least 2.1 meters above the space.</p> <p>Car spaces provided within a garage, carport or otherwise constrained by walls should not be located forward of a dwelling fronting a street.</p> <p>Open carports may be permitted in the front setback of an existing dwelling where there is no practical opportunity to provide a carport or garage within the side or rear setback of the dwelling.</p> <p>The requirements of this standard do not apply to extensions to existing dwellings.</p>	
A10 and B17 Side and Rear Setbacks	<p>A new building should be setback from one side boundary a minimum of 1 metre, and on the other side boundary a minimum of 3 metres.</p> <p>A new building should be setback from the side boundary a minimum of 1 or 3 metres as required above, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Garages and Carports may encroach within a side setback only where the structure is built behind the front wall of the building. The garage and/or carports must be built in an open walled design so that the side setbacks are not compromised by solid walls.</p> <p>Open carports may be permitted in the front setback of existing dwellings where there is no practical opportunity to provide a carport or garage within the side or rear setback of the building.</p> <p>Water tanks may encroach into the side setbacks provided they are behind the front wall of the building and are less than the height of the adjacent boundary fence.</p> <p>Sunblinds, verandahs, balconies, porches, eaves, fascias, gutters, chimneys, flues, pipes, domestic fuel, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p>	
A11 and B18 Walls on Boundaries	<p>Buildings should not be constructed on boundaries.</p>	

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**A19 and B31
Design
Detail**

The design of buildings, including:

- Façade articulation and detailing
- Window and door proportions
- Roof form and pitch
- Verandahs, eaves and parapets
- Colours, materials and finishes
- The number of storeys
- Building massing
- Building orientation and spacing

should respect the neighbourhood character of the precinct

Garages and Carports

Garages and carports should be visually unobtrusive, constructed in an open walled design and compatible with the development and the neighbourhood character.

Colours, Materials, and Finishes

Colours, materials and finishes should follow the preferred character of:

- Buildings in natural textured materials such as red or clinker brick, timber weatherboards, and rough cast render in muted, earthy colours as opposed to bright colours.
- Roofing materials of terra cotta or concrete as opposed to corrugated iron and colorbond.

Façade Articulation & Detailing

Development should be articulated and informal, and incorporate elements such as corner windows, groupings of windows of 2 or 3 and porches on the front façade.

Building Footprint

Development should be varied and be oriented towards the street.

**Roof Pitch & Form**

Roofs should be designed to:

- Have a minimum pitch of 20 degrees and a maximum pitch of 30 degrees.
- Be multi faceted with complex hipped form avoiding large single direction spans.

**A20 and B32
Front Fences**

The design of front fences should be of a low rubble stone or rock wall design to complement the design of existing front fences within the streetscape.

A front fence within 3 metres of a street and a side fence on a corner block within 3 meters of the side street should not exceed a height of 1.2 metres.

**B13
Landscaping**

The landscape layout and design of front setback areas should:

- Protect any predominant landscape features of the precinct.
- Take into account the soil type and drainage pattern of the site.

KINGSTON PLANNING SCHEME

	<ul style="list-style-type: none"> ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. ▪ Provide a safe, attractive, and functional environment for residents. <p>The landscape design should specify landscape themes, vegetation (location, and species), paving and lighting.</p>
B15 Parking Location	<p>Car parking facilities should:</p> <ul style="list-style-type: none"> ▪ Be reasonably close and convenient to dwellings and residential buildings. ▪ Be secure. ▪ Be designed to allow safe and efficient movements within the development. ▪ Be well ventilated if enclosed. ▪ Be used primarily for the storage of vehicles. ▪ Be located to the side or rear of dwellings fronting the street, behind the line of the front wall of the dwelling. ▪ Be accessed by one cross over to the street, preferably the existing cross over. <p>Large parking areas should be broken up with trees, buildings or different surface treatments.</p> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where sills are at least 1.4 metres above the accessway.</p>

5.0**DECISION GUIDELINES**

The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which any building to be extended or otherwise modified, contributes to the preferred neighbourhood character of the precinct, in terms of building form and siting on the lot.
- Whether the new building is located to ensure large setbacks from side boundaries.
- Whether the new building is oriented towards the street and is located to ensure a substantial setback from the front boundary to respect the predominant setback in the street.
- Whether the new building respects the predominant detached form of dwelling type and varied footprints in the precinct.
- Whether new development is designed to ensure existing low rubble stone wall front fences are retained.
- Whether new development has proper regard for the established landscape, streetscape and development patterns with emphasis on the balance between existing vegetation and built form in the precinct.
- The value of the vegetation to be removed in terms of its landscape value, age, physical condition, rarity or variety.
- The reason for removing the vegetation and the practicality of alternative options which do not require the removal of the vegetation.

Background documents

City of Kingston Neighbourhood Character Guidelines (David Lock Associates Pty Ltd, August 2007)
Kingston Housing Strategy and Neighbourhood Character Study (2021)

KINGSTON PLANNING SCHEME

SCHEDULE 2 TO CLAUSE 43.05 NEIGHBOURHOOD CHARACTER OVERLAY

Shown on the planning scheme map as NCO2.

ORMOND STREET, MORDIALLOC PRECINCT**1.0 Statement of neighbourhood character**

The Ormond Street, Mordialloc precinct is characterised by a combination of Victorian and Edwardian housing styles not generally found elsewhere in the municipality. It demonstrates a high consistency of building form and siting, which reflect the patterns established by the earlier development of the area.

This unique neighbourhood character is further enhanced by its consistent orientation of buildings towards the street, with small setbacks. Combined with buildings dominated by timber materials and articulated forms, along with a consistent mix of hipped and gable end roof forms.

The preferred neighbourhood character for Ormond Street will contain a continued presence of the Victorian and Edwardian era dwellings, with any new buildings respectful of these older styles.

Consistent siting and small setbacks, with a distinct pattern of side and front setbacks will retain a rhythm of spacing and direct buildings away from site boundaries. Single car access points with limited driveway and parking areas will allow permeable landscaping to be enhanced, extending from dwelling facades to front property boundaries. Front fences will be generally low in scale and appropriate to the era of the housing style, allowing views into front gardens from the street. *Reference: Kingston Housing Strategy and Neighbourhood Character Study, 2021*

2.0 Neighbourhood character objective

To encourage development that will maintain and enhance the unusually high degree of consistency of identified character elements of the Precinct.

To ensure that the scale, setback, site coverage, location and overall form of development protects and enhances the built character of the Precinct and is complementary to existing buildings.

To interpret the Victorian and Edwardian building styles within the precinct.

To enhance the landscape quality of existing exotic and native vegetation.

3.0 Permit requirement

A permit is required to:

- Construct or extend an outbuilding normal to a dwelling where it is located in the front or side setback of the dwelling.
- Remove, or demolish a building.
- Construct or replace a front fence or a side fence on a corner block.

4.0 Modification to Clause 54 and Clause 55 standards

Standard	Modified Requirement		
Street Setback A3 and B6	Walls of buildings should be setback from streets the distance specified in Street Setback Table below.		
	Street Setback Table		
	Development Context	Minimum Setback from Front Street (Metres)	Minimum Setback from A Side Street (Metres)
	All Buildings	Equal to the average setback from the front street of all dwellings within the same Overlay area.	Equal to the average setback from the side street of all dwellings on a corner allotment within the same Overlay area
Side and Rear Setbacks A10 and B17	The provisions of Clause 54.04-1 and Clause 55.04-1 apply		

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Walls on Boundaries A11 and B18	<p>Buildings should not be constructed on boundaries, except where it is a carport, garage or outbuilding set back behind the front wall of the dwelling and located on one side boundary only.</p> <p>A new wall constructed on or within 200mm of a side boundary should not abut the boundary for a length no more than:</p> <ul style="list-style-type: none"> - 10 metres plus 25 per cent of the remaining length of the boundary or an adjoining lot, or - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater. <p>The height of a new wall constructed on or within 200mm of a side boundary or a carport constructed on or within 1 metre of a side boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>
Design Detail A19 and B31	<p>The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Scale and form ▪ Roof form and pitch ▪ Number of storeys ▪ Materials and finishes ▪ Façade articulation ▪ Building siting ▪ Siting and design of driveways, garages or carports <p>should respect the neighbourhood character of the precinct</p> <p>New buildings should interpret the detailed elements of older dwellings that contribute to the neighbourhood character significance of the area in an innovative and contemporary manner that respects the period dwelling styles.</p> <p>Second storey elements of new dwellings, and second storey additions to existing dwellings should be sited and designed so that the single storey part of the building, including its roof form, is the dominant visual element when viewed from the street.</p> <p>This will require second storey elements to be:</p> <ul style="list-style-type: none"> ▪ Generally located behind the main ridgeline or highest point of the roof over the ground floor, and ▪ Designed to complement the form and proportions of the existing dwelling or, if a new dwelling, other dwellings in the street. <p>A garage, carport or car space constrained by walls should be:</p> <ul style="list-style-type: none"> ▪ Visually unobtrusive and compatible with the development and the preferred neighbourhood character. ▪ A maximum width of 4 metres where visible from the street. ▪ Located behind the front wall of the dwelling. <p>All other requirements of Standards A19 and B31 continue to apply</p>
Front fences A20 and B32	<p>The design of front fences should complement the era and design of dwellings in the street and be low (under 0.8 metres) and of an open style.</p>

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.05 in addition to those specified in Clause 43.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The extent to which any existing building to be extended or otherwise modified, contributes to the preferred neighbourhood character of the precinct, in terms of building form and siting on the lot.
- Whether the Victorian or Edwardian style of the building is interpreted appropriately within any modifications and additions.
- Whether the new building is sited to respond to the existing pattern of siting and spacing of buildings in the precinct.

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- Whether the new building respects the predominant detached form of dwelling type and varied footprints in the precinct.
- Whether proposed landscaping contributes to and enhances the landscape quality of the precinct.

KINGSTON PLANNING SCHEME

18/04/2019
C159

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

1.0

Proposed C203king

Maps comprising part of this planning scheme:

Zoning and overlay maps:

- 1, 1DDO12, 1DDO21, 1DDO25, 1DPO, 1EAO, 1ESO, 1IPO, 1HO, 1NCO, 1SBO
- 2, 2AEO, 2DDO5, 2EAO, 2ESO, 2HO, 2PAO, 2LSIO, 2SBO, 2SCO
- 3, 3DDO5, 3DDO24, 3DDO25, 3DPO, 3EAO, 3ESO, 3HO, 3PAO, 3LSIO, 3SBO, 3RXO, 3SCO
- 4, 4DDO1, 4DDO18, 4DDO25, 4EAO, 4ESO, 4IPO, 4HO, 4SBO, 4PAO
- 5, 5AEO, 5DDO1, 5DDO3, 5DDO4, 5DDO5, 5DDO10, 5DDO13, 5DDO14, 5DDO18, 5DDO20, 5DDO22, 5DDO25, 5DPO, 5EAO, 5ESO, 5HO, 5PAO, 5LSIO, 5SBO, 5NCO
- 6, 6AEO, 6DDO4, 6DDO5, 6DDO15, 6ESO, 6HO, 6PAO, 6VPO, 6EAO, 6LSIO, 6SBO, 6SCO
- 7, 7DDO1, 7DDO5, 7DDO9, 7DDO10, 7DPO, 7EAO, 7ESO, 7HO, 7PAO, 7LSIO, 7SBO, 7SCO
- 8, 8DDO1, 8DDO6, 8EAO, 8ESO, 8HO, 8IPO, 8PAO, 8VPO, 8LSIO, 8SBO, 8SCO
- 9, 9DDO1, 9DDO8, 9ESO, 9HO, 9DPO, 9LSIO, 9PAO, 9SBO, 9EAO, 9SCO
- 10, 10DDO2, 10DDO14, 10EAO, 10ESO, 10DPO, 10LSIO, 10SBO, 10SCO

KINGSTON PLANNING SCHEME

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Proposed C203king

SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

1.0

Incorporated documents

Proposed C203king

Name of document	Introduced by:
<i>Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i> (Standards Australia Limited, 2015)	VC107
<i>Aspendale Gardens Incorporated Plan</i> (1 November 1999)	NPS1
<i>Balcombe Road, Mentone Level Crossing Removal Project Incorporated Document</i> (April 2018)	GC83
<i>Carrum Level Crossing Removal Project Incorporated Document, December 2017</i> (Amended February 2018)	GC94
<i>Caulfield Dandenong Rail Upgrade Project, Incorporated Document</i> (April 2016)	GC37
<i>Chelsea Level Crossing Removal Project, Incorporated Document</i> (December 2019)	C185king
<i>Cheltenham Level Crossing Removal Project Incorporated Document</i> (July 2017)	GC70
<i>Documents Incorporated Under Clause 52.03 – Specific Sites and Exclusions</i> <ul style="list-style-type: none"> <i>Existing Provision Document 1</i> <i>Existing Provision Document 2</i> <i>Existing Provision Document 3</i> <i>Existing Provision Document 4</i> <i>Existing Provision Document 5</i> <i>Existing Provision Document 6</i> <i>Existing Provision Document 7</i> <i>Existing Provision Document 8</i> <i>Existing Provision Document 9</i> 	NPS1 NPS1 NPS1 NPS1 NPS1 NPS1 NPS1 NPS1 NPS1
<i>Draft Guidelines for the assessment of heritage planning applications</i> (August 2000)	C46(Part 2)
<i>Edithvale Road, Edithvale Level Crossing Removal Project Incorporated Document</i> (September 2018)	C176
<i>Endeavour Cove Comprehensive Development Plan</i> (December 1999)	NPS1
<i>Hawthorn Football Club – Function Centre, Indoor Recreation Facility, Medical Centre, Shop, Food and Drink (Café), Museum and Signage Controls, 94 Tootal Road, Dingley Village</i> (December 2020)	C180king
<i>Heatherton Christian College Master Plan</i> (June 2007)	C94
<i>Kingston Lodge Concept Plan</i> (2006)	C71
<i>Kingston Lodge Precinct Development Plan</i> (2 December 1997)	NPS1
<i>Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document</i> (May 2018)	GC96
<i>Metro Tunnel Project : 150-170 Old Dandenong Road, Clarinda, Incorporated Document</i> (June 2020)	C196king
<i>Mordialloc Bypass (Freeway) Incorporated Document</i> (July 2019)	GC107

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Name of document	Introduced by:
<i>Siting and Design Guidelines for Structures on the Victorian Coast</i> (May 1998)	C2
<i>Station Street/Bondi Road, Bonbeach Level Crossing Removal Project Incorporated Document</i> (September 2018)	C176
<i>Wells Road, Aspendale Gardens Landscape Concept Plan for Outline Development Plan</i> (September 1999)	NPS1
<i>Westfield Shoppingtown Southland Concept Plan</i> (November 1994)	NPS1

KINGSTON PLANNING SCHEME

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Proposed C203king

SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

1.0

Background documents

---/---/---
Proposed C203king

Name of background document	Amendment number - clause reference
<i>Carrum Urban Design Framework</i> (Hansen Partnership, February 2003)	C2
<i>Cheltenham Activity Centre Structure Plan</i> (City of Kingston, July 2010)	C117
<i>City of Kingston - Register of Significant Trees</i> (City of Kingston, May 2007 (updated June 2015))	C93
<i>Highett Structure Plan</i> (Hansen Partnership, May 2006)	C66
<i>Implementation Strategy for the Chain of Parks</i> (Deloitte Ross Tohmatsu, March 1992)	NFPS
<i>Integrated Water Cycle Strategy</i> (AECOM, January 2012)	C152
<i>Civil Design Requirements for Developers Part A: Integrated Stormwater Management</i> (City of Kingston, May 2016)	C181king
<i>Kingston Economic Development Strategy</i> , 1997	NFPS
<i>Kingston Green Wedge Plan</i> (Planisphere, April 2012)	C143
<i>Kingston Heritage Study, Stage One Report</i> (Living Histories, 2000)	C46
<i>Kingston Heritage Study, Stage Two</i> (Bryce Raworth, July 2004)	C46
<i>Kingston Industrial Development Strategy</i> (GHD, 1997 (updated May 1999))	NFPS
<i>Open Space Strategy</i> (City of Kingston, June 2012)	C153
<i>Mentone Activity Centre Structure Plan</i> (City of Kingston, July 2011)	C160
<i>Moorabbin Activity Centre Structure Plan</i> (City of Kingston, May 2011)	C121
<i>Mordialloc Creek Cultural Heritage Management Plan</i> (ERM, December 2007)	C132king
<i>Mordialloc Pride of the Bay Structure Plan</i> (City of Kingston, November 2004)	C51
<i>Retail and Commercial Development Strategy</i> (Charter Keck Cramer, July 2006 (updated February 2009))	C75
<i>Sandbelt Open Space Project Development Plan</i> (Melbourne Parks and Waterways, May 1994)	NFPS
<i>Kingston Housing Strategy and Neighbourhood Character Study (2021)</i>	C203
<i>Kingston Landscape Character Assessment: Character Analysis and Landscape Guidelines (2021)</i>	C203
<i>Kingston Urban Cooling Strategy: Creating a cool Kingston (2020)</i>	C203

30/06/2022
C200king**SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS****1.0**

Proposed C203king

Application of zones, overlays and provisions

This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

- **Mixed Use Zone** to provide for residential and a range of complementary commercial, industrial and other uses suitable in areas with a mixed use character including:
 - Carrum Neighbourhood Activity Centre.
 - Chelsea Major Activity Centre.
 - Mordialloc Major Activity Centre.
 - Between McDonald Street and Cedric Street, Mordialloc adjacent to Woodlands Golf Club.
 - Parkdale Neighbourhood Activity Centre.
 - Mentone Junction Precinct.
 - Cheltenham-Southland Major Activity Centre.
 - Highett Neighbourhood Activity Centre.
 - Genoa Street Shopping Centre, Moorabbin East.
 - Part of Clayton South industrial precinct.
 - Adjacent to Heatherton restricted retail precinct.
- **Residential Growth Zone** to areas nominated for substantial change where they can make optimum use of available services and facilities.
- **General Residential Zone** to residential areas where there are minimal constraints to residential development and provide for increased change on the periphery of activity centres. Some established housing estates where the level of change anticipated is incremental, but existing built form is more intensive are included in the General Residential Zone.
- **Neighbourhood Residential Zone** to areas nominated for either limited or incremental change and are characterised by one and two storey development.
- **Industrial 1 Zone** to Kingston's industrial areas in Chelsea Heights, Mordialloc, Braeside, Moorabbin East and Clayton South.
- **Industrial 3 Zone** as a buffer between land in the Industrial 1 Zone and adjacent residential land in Moorabbin.
- **Commercial 1 Zone** to land in Kingston's activity centres for mixed use, retail, office, business, residential, entertainment and community uses.
- **Commercial 2 Zone** to land used for offices and associated business and commercial services together with appropriate manufacturing, industry and bulky goods retailing.
- **Green Wedge Zone** to protect non-urban land outside the Urban Growth Boundary south of Kingston Road in Heatherton, Clayton South, Dingley Village (GWZ2), Braeside (GWZ3), Clarinda (GWZ4) and Aspendale Gardens (GWZ1).
- **Green Wedge A Zone** to provide for agricultural uses and limited non-rural uses north of Kingston Road in Heatherton, Clarinda and Clayton South (GWAZ).
- **Public Use Zone** to land used for a purposes including utility or community service provision.
- **Public Park and Recreation Zone** to public open space and public recreation areas.

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- **Public Conservation and Resource Zone** to conserve and protect areas of the natural environment including land:
 - Forming part of Grange Reserve, Clayton South.
 - Forming part of Braeside Park (at the north).
 - Adjacent to Doug Denyer Reserve, Mordialloc (Former Epsom Training Facility site).
- **Transport Zone 2 or Transport Zone 3** to identify major roads where control over new access points is required.
- **Transport Zone 2 or Transport Zone 3** to major roads as a means of managing future access and protecting public investment in major infrastructure.
- **Special Use Zone** to prescribe detailed land use requirements on particular sites (SUZ1 Golf courses, SUZ2 Earth and energy resources industry, SUZ3 Private community facilities, SUZ4 Epsom race course, SUZ5 Heatherton Christian College).
- **Comprehensive Development Zone** to the Endeavour Cove Marina, Patterson Lakes (CDZ1).
- **Activity Centre Zone** to encourage a mix of uses and intensive development including higher density housing in Major Activity Centres (ACZ1 Cheltenham, ACZ2 Mentone, ACZ3 Moorabbin).
- **Urban Floodway Zone** to urban land identified as a high hazard area and where impediment of flood flows is likely to adversely affect flooding in other areas.
- **Environmental Significance Overlay** to areas where development may be affected by environmental constraints including:
 - Edithvale Seaford Wetlands (ESO1).
 - Edithvale Common and Chelsea Public Golf Course (ESO2 Seaford Wetlands buffer zone).
 - Trees identified in the *City of Kingston Register of Significant Trees* (May 2007) (ESO3).
 - Landfill areas north of Kingston and Heatherton Roads in Heatherton and Clayton South (ESO4).
 - Rare native coastal vegetation area on Tarella Road, Chelsea (ESO5).
- **Vegetation Protection Overlay** to areas of significant native vegetation (VPO1 Indigenous vegetation protection, VPO2 Aspendale Gardens/Braeside indigenous vegetation protection).
- **Heritage Overlay** to conserve and enhance locally significant heritage places and precincts.
- **Design and Development Overlay** to control built form and the built environment including:
 - Foreshore and urban coastal areas (DDO1).
 - Patterson Lakes residential waterways area (DDO2).
 - Parkdale Plaza Business Centre (DDO3).
 - Moorabbin Airport Aviation Obstacle Referral Height Area No 1 (DDO4).
 - Moorabbin Airport Aviation Obstacle Referral Height Area No 2 (DDO5).
 - Kingston Lodge Precinct, Keysborough (DDO6).
 - Station Street, Chelsea Major Activity Centre (DDO8).
 - Gateway site to Mordialloc Major Activity Centre (DDO9).
 - Mordialloc Major Activity Centre (DDO10).

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- Highett Neighbourhood Activity Centre (DDO12)
- Former Nylex Site Residential Design (DDO13).
- 116-118 Gladesville Boulevard, Patterson Lakes (DDO14).
- Dingley Village Shopping Centre (DDO15).
- Parkdale Activity Centre (DDO17).
- Thrift Park Neighbourhood Activity Centre, Mentone (DDO20).
- Gateway site to Cheltenham-Southland Major Activity Centre 1231-1239 Nepean Highway and 60-64 Matthieson Street, Highett (DDO21).
- Mentone Junction Precinct (DDO22).
- Clayton South Industrial Precinct (DDO24).
- Neighbourhood Renewal Areas 2 - Local Roads (DDO25).
- Neighbourhood Renewal Areas 2 - Main Roads (DDO26).
- **Incorporated Plan Overlay** to specify requirements for the development of areas (where requirements of an incorporated document also apply) including:
 - Westfield Shoppingtown Southland (IPO1).
 - Kingston Lodge (IPO2).
 - Aspendale Gardens (IPO3).
- **Development Plan Overlay** to specify requirements for the development of areas including:
 - Former Epsom Training Facility site (DPO1).
 - Bonbeach residential site (DPO2).
 - Levanto Street, Mentone site (DPO3).
 - Rosebank Avenue, Clayton South site (DPO4).
 - Former Nylex Site (DPO5).
 - Breeze Street, Bonbeach site (DPO6).
 - Former Gas Works land, Highett site (DPO7).
- **Neighbourhood Character Overlay** to protect areas of existing or preferred neighbourhood character including in Hillston Road Moorabbin (NCO1) and Ormond Street Mordialloc (NCO2).
- **Land Subject to Inundation Overlay** to land that is subject to inundation from mainstream flooding.
- **Special Building Overlay** to urban land that is subject to overland flow resulting from stormwater flooding.
- **Public Acquisition Overlay** to land proposed to be acquired for a public purpose including for roads (PAO1), to add to the regional public open space network (PAO2), footpaths (PAO3) and the local public open space network (PAO4).
- **Airport Environs Overlay** to land identified as being subject to high levels of noise from the operation of Moorabbin Airport.
- **Environmental Audit Overlay** to land identified, known or reasonably suspected of being contaminated.

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- **Road Closure Overlay** to land no longer required for use as a road.
- **Specific Controls Overlay** to achieve land use or development outcomes that may otherwise be prohibited or restricted under other provisions of the planning scheme.

30/06/2022
C200king**SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK****1.0**---/---/---
Proposed C203king**Further strategic work**

Undertake a review of the Kingston Green Wedge Management Plan and implement the recommendations from the updated Plan.

Prepare and implement policy to guide decision making in relation to discretionary uses and building design in the green wedge.

Prepare and implement structure plans and urban design frameworks to reinforce the character and function of centres consistent with the Kingston activity centre hierarchy.

Continue to undertake local drainage survey work to identify areas which are liable to flooding from Kingston's local drainage system and giving effect to the survey findings through the application of the relevant overlay controls in the planning scheme.

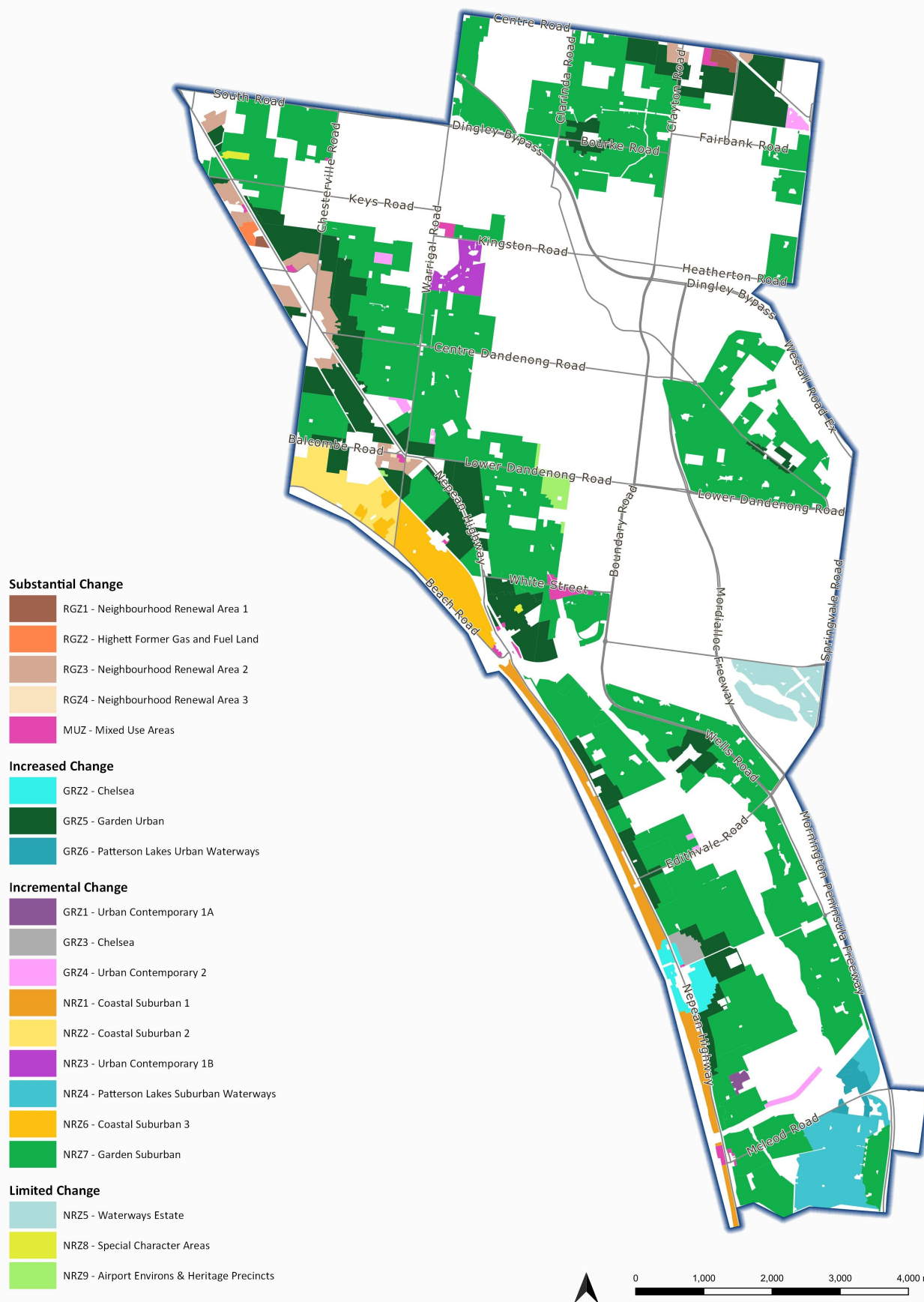
Investigate outstanding places of heritage significance throughout parts of the City of Kingston and implement the results of any further review of heritage.

Review supply of additional office floor space in areas proximate to the City of Kingston including Bayside Business Employment Area, and Frankston and Dandenong Activity Centres.

Review Kingston's major industrial areas.

To ensure that the use and development of land around the Moorabbin Airport is sensitive to the long term operation of the airport, develop a set off agreed principles to apply to referral of applications to airport operator or Commonwealth.

Residential Framework Plan



KINGSTON PLANNING SCHEME

SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**

FORESHORE AND URBAN COASTAL AREAS**1.0 DESIGN OBJECTIVES**

To protect and enhance the Port Phillip Bay and Patterson River foreshore environment.

To maintain visual separation between the foreshore and adjoining urban areas.

To ensure that new buildings and works are compatible with, and sympathetic to, the foreshore environment.

To ensure that new buildings and works do not adversely impact the amenity and character of the foreshore and surrounding land.

2.0 BUILDINGS AND WORKS

For the purposes of this schedule:

- ‘foreshore reserve boundary’ means any property boundary that adjoins land in the area shown as DDO1-F in the planning scheme.

PERMIT REQUIREMENTS

A permit is required to construct:

- A television antenna or a flagpole exceeding 6 metres in height.

Permit not required

A permit is not required to construct a building, or to construct or carry out works provided the conditions in Table 1 are met.

Mandatory Requirements

A permit cannot be granted for buildings and works that do not meet the conditions set out in Table 1. This does not apply (that is, a permit can be granted) to:

- The building setback from a second or subsequent boundary to the foreshore reserve if the site has more than one boundary to the foreshore reserve.
- Works exceeding 6 metres in height.
- Buildings and works to extend, alter, or replace an existing building, or existing works, that were lawfully constructed before the gazettal of Amendment C203king provided that:
 - The height of an existing building that exceeds two storeys (not including a basement) is not increased (measured in both storeys and metres).
 - An extension to an existing building does not exceed the building height of the existing building or contain a greater number of storeys than the existing building
 - No new private access of any kind is created across a foreshore reserve boundary.
 - The setback of the existing buildings to the foreshore reserve boundary that is less than 4.5 metres is not further reduced.

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Table 1 Conditions

Conditions
Buildings must be setback at least 4.5 metres from the foreshore reserve boundary, except that an eave may encroach a maximum of 500mm into this setback.
A building must not exceed two storeys, not including any basement.
A fence which is to be constructed within 2 metres of the foreshore reserve boundary, must not exceed a height of 1.8 metres above natural ground level.
Development must not create a new private accessway of any kind across a foreshore reserve boundary.
Works that do not form part of any building must not exceed 6 metres in height.

3.0 Subdivision

A permit is not required to subdivide land.

4.0 Signs

None specified.

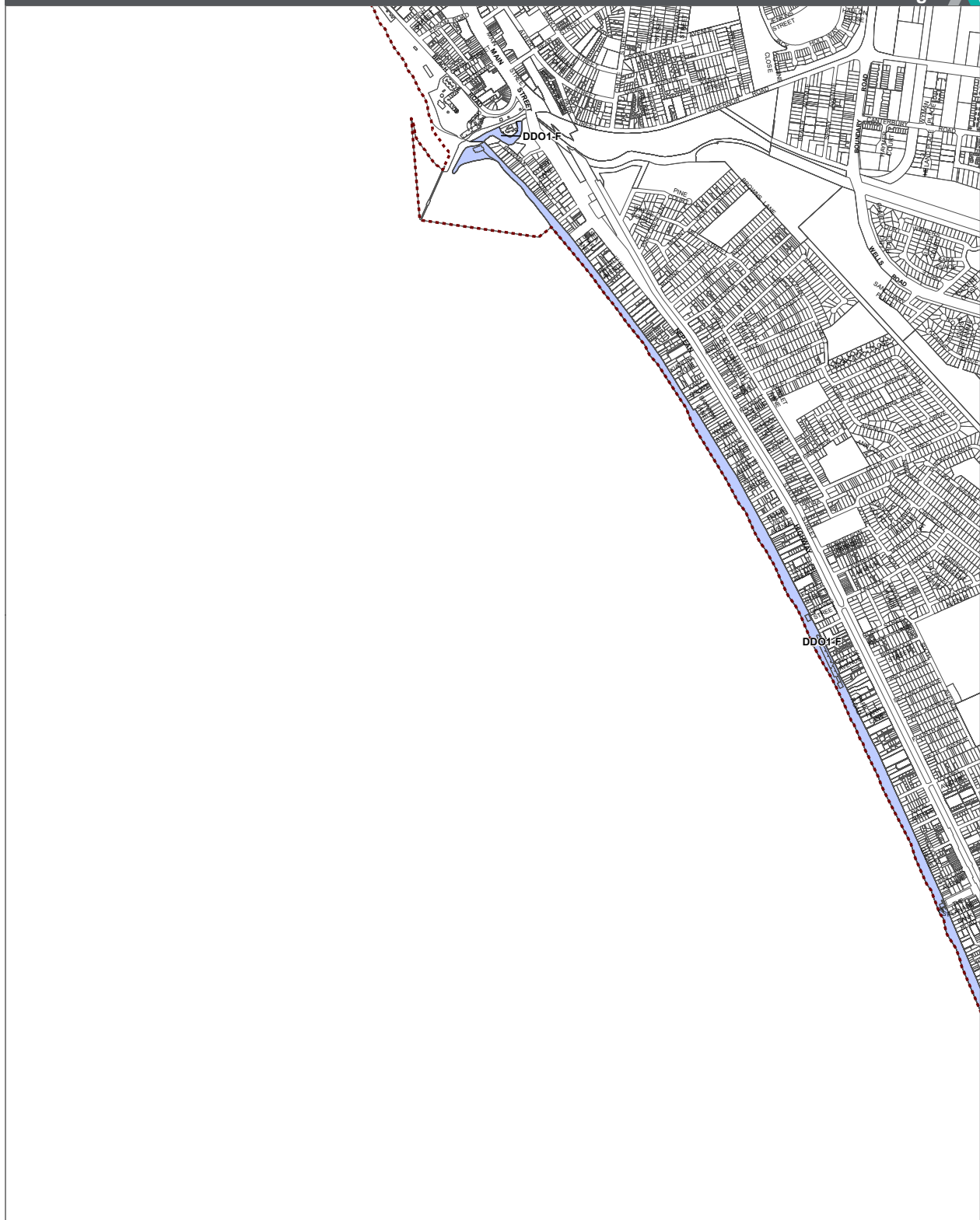
5.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Where buildings or works are proposed to an existing building, the integration of the proposed buildings and works to the existing building, and the impact of the proposed modifications on the visual bulk of the existing building.
- Whether the buildings or works meet the objectives of this schedule.
- The impact of the buildings and works on the amenity of the area.
- The visual impact of the proposed buildings and works when viewed from the foreshore reserve.
- The proposed building or works improve the amenity of the area, or do not result in any further, material adverse impact on the amenity of the area.

KINGSTON PLANNING SCHEME - LOCAL PROVISION AMENDMENT C203king

aps

**LEGEND**

DDO1-F - Design and Development Overlay - Foreshore Reserve

Municipal Boundary

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Australian Map Grid Zone 55

Planning Group
Print Date: 14/07/2023
Amendment Version: 7

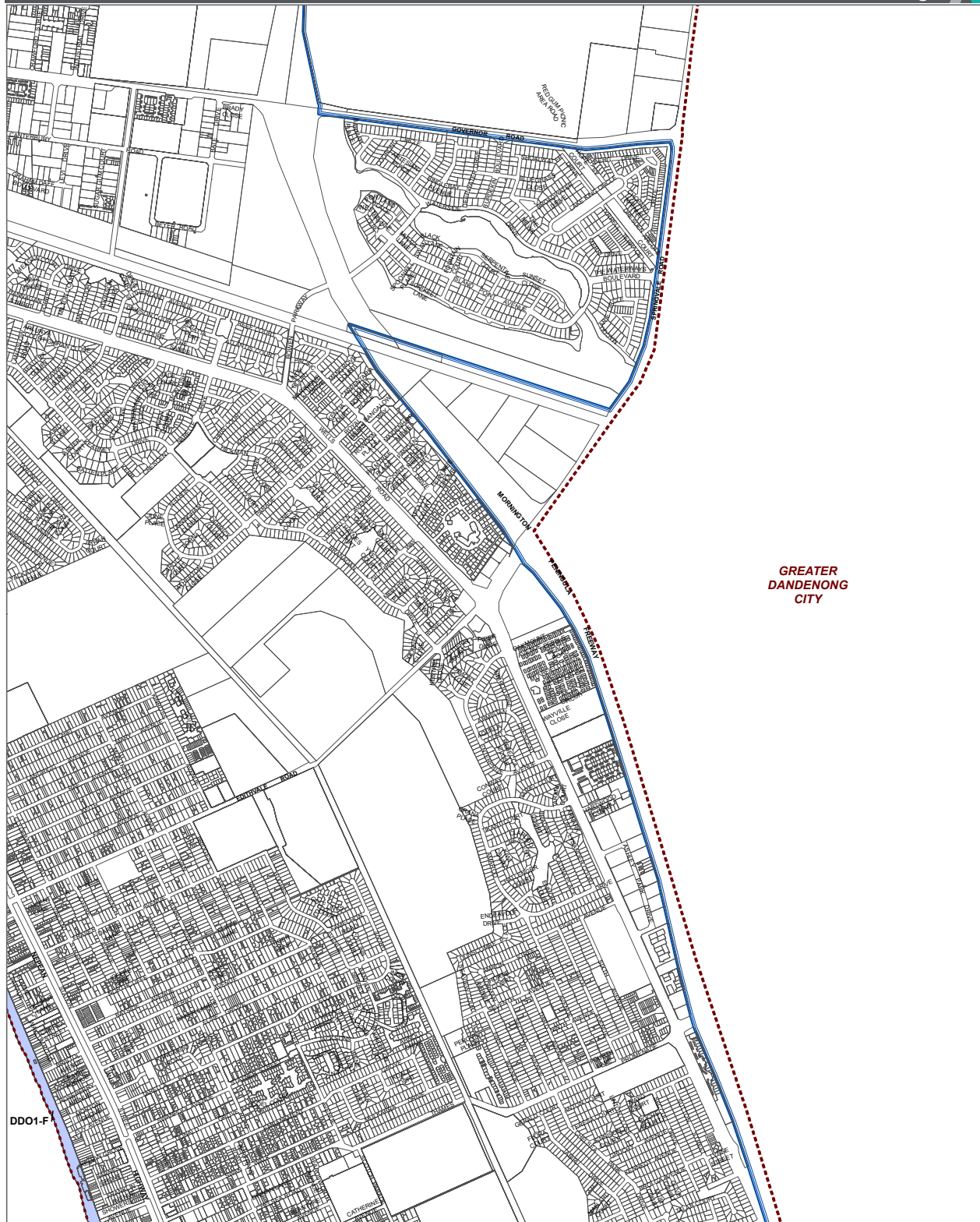
VICTORIA
State Government

Department
of Transport
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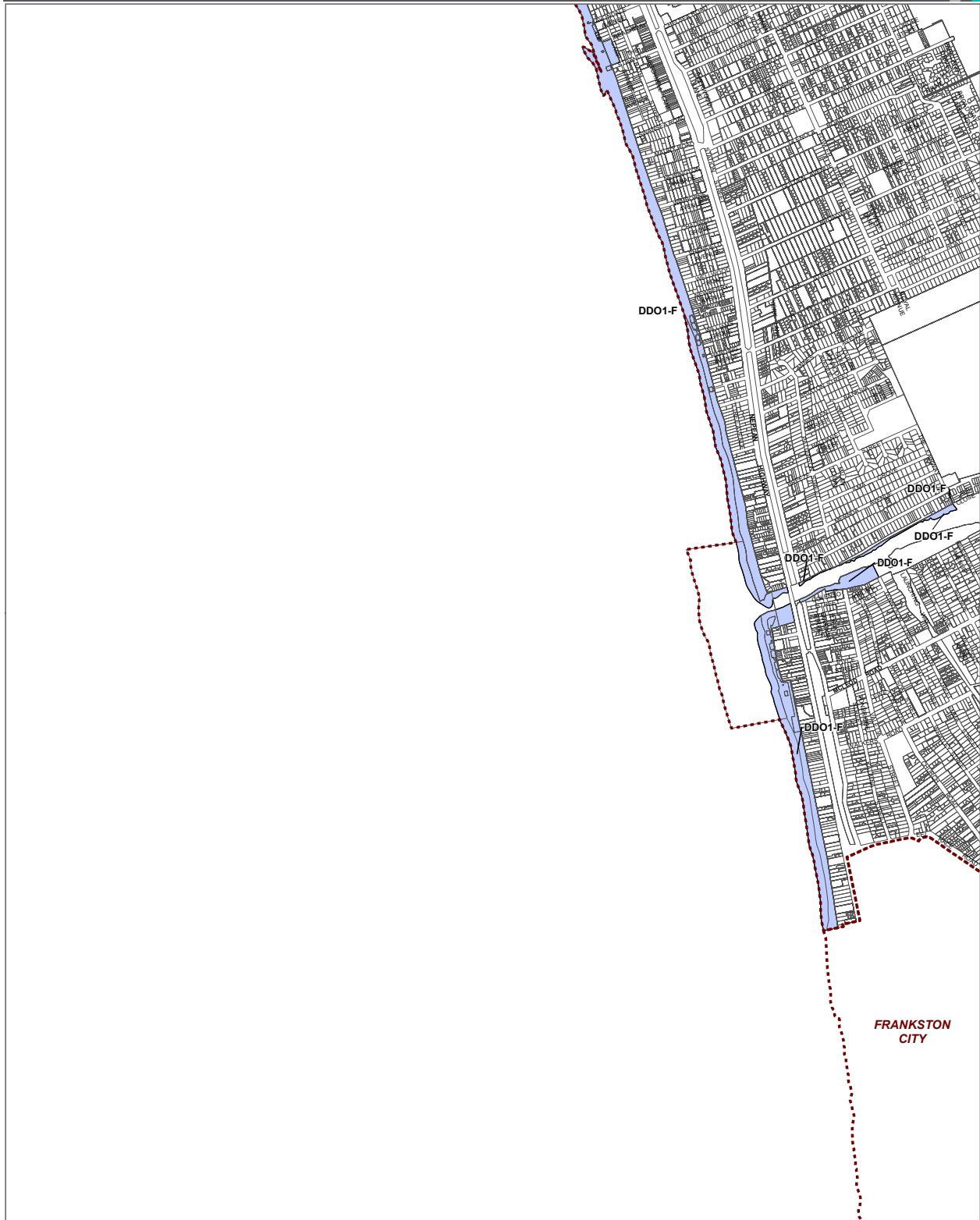
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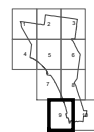
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