Planning and Environment Act 1987

Hobsons Bay Planning Scheme

Amendment C145hbay

Explanatory Report

Overview

The amendment proposes to correct overlay, mapping and text anomalies and errors by removing a portion of the Public Acquisition Overlay and the Design and Development Overlay, and updating ordinance within Special Use Zones, a Comprehensive Development Zone, Heritage Overlay, Design and Development Overlays, and General Provisions.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Hobsons Bay City Council website: https://www.hobsonsbay.vic.gov.au/Services/Planning-Building/Planning-Scheme-Amendments-and-Strategic-Planning-projects/Planning-Scheme-Amendments

The amendment is available for public inspection, free of charge, during office hours at *Hobsons Bay City Council, 115 Civic Parade Altona, Victoria, 3018.*

The amendment can also be inspected free of charge at the Department of Transport and Planning website at: http://www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission to the planning authority. Submissions about the amendment must be received by 17 June 2026.

A submission must be sent to:

Strategic Planning Department, Hobsons Bay City Council

By post/in person: Strategic Planning Department, 115 Civic Parade Altona, 3018

By Email: amendments@hobsonsbay.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 24 August 2026
- Panel hearing: 21 September 2026

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Hobsons Bay City Council, which is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to various parcels of land throughout the municipality. Overlay mapping changes affect properties identified in Attachment 1 to this Explanatory Report.

What the amendment does

Amendment C145hbay seeks to amend various provisions of the Hobsons Bay Planning Scheme to correct mapping and text anomalies to ensure the ongoing accuracy of the Hobsons Bay Planning Scheme (refer to Appendix 1 for further detail about each proposed changed). Specifically, the amendment proposes to:

Planning Scheme Ordinance

Zones

- Amend Schedule 1 to Clause 37.01 Special Use Zone to delete references to the Planning Policy Framework, Municipal Planning Strategy and local planning policies from the decision guidelines of Section 4 (Buildings and Works).
- Amend Schedule 2 to Clause 37.01 Special Use Zone to:
    - replace references to ‘Business 5 Zone’ with ‘Commercial 1 Zone’ in sections 3 (Subdivision) and 4 (Buildings and works) to reflect gazetted Amendment VC100.
    - delete references to the Planning Policy Framework, Municipal Planning Strategy and local planning policies from the decisions guidelines of section 2 (Use of Land), section 3 (Subdivision) and section 4 (Buildings and Works).

- Amend Schedule 3 to Clause 37.01 Special Use Zone to:
    - replace a reference to ‘Business 5 Zone’ with ‘Commercial 1 Zone’ in section 4 (Buildings and works) to reflect gazetted Amendment VC100
    - delete references to the Planning Policy Framework and Municipal Planning Strategy from the decision guidelines of section 2 (Use of Land).
- Amend Schedule 5 to Clause 37.01 Special Use Zone to:
    - replace reference to ‘Business 5 Zone’ with ‘Commercial 1 Zone’ in section 3 (Subdivision) to reflect gazetted Amendment VC100.
    - delete references to the Planning Policy Framework, Municipal Planning Strategy and local planning policies from the decision guidelines of section 2 (Use of Land) and section 3 (Subdivision).
- Amend Schedule 2 to Clause 37.02 Comprehensive Development Zone to:
    - replace reference to Clause 52.10 with reference to Clause 53.10 (*Uses and activities with potential adverse impacts)* in the Table of Uses for *Industry (other than Automated collection point, Materials* recycling*, and Refuse disposal),* to reflect gazetted Amendment VC148.
    - amend the formatting of Section 1 uses to separate the uses of ‘Cinema’ and ‘Education centre’ into their own rows, to reflect gazetted amendment C88hbay.
    - update the formatting of Section 3 uses to separate the uses of ‘Cinema’ and Corrective Institution’ into their own rows, to reflect gazetted amendment C88hbay.

Overlays

- Amend the Schedule to Clause 43.01 Heritage Overlay (HO) to reference the correct year of 2021 for all incorporated Heritage Design Guidelines
- Amend Schedule 11 to Clause 43.02 Design and Development Overlay (DDO11) to:
    - replace Map 1 to Schedule 11 to Clause 43.02 with a new map that reflects all land affected by DDO11 (include 23 Ann Street, 26 Windsor Terrace, and 28 Windsor Terrace Williamstown which were previously omitted), as per gazetted amendment C105hbay.
    - delete ‘whether the development addresses the heritage objectives and policies of Clause 22.01’ from section 6.0 decision guidelines.

- Amend Planning Scheme Map 19DDO to remove Design and Development Overlay 11 from the rear of 16 Cecil Street, Williamstown which was included by error as part of Amendment C105hbay.

- Amend Schedule 14 to Clause 43.02 Design and Development Overlay to reference council's updated background document *Social Impact Assessment Guidelines: Residential (Hobsons Bay City Council 2022)* within section 6.0 of the Decision Guidelines, as per gazetted amendment C134hbay.

- Amend Planning Scheme Map 8PAO to remove the Public Acquisition Overlay 1 from Kororoit Creek Road, adjacent to the Altona Gardens Industrial Estate (formerly 361-399 Kororoit Creek Road, Altona) in the manner shown in the attached mapping, which has been acquired by the Head, Transport for Victoria.

General Provisions

- Amend Schedule to Clause 66.04 to replace reference to the 'Department of Economic Development, Jobs, Transport and Resources' with 'Secretary, as defined in Section 3 of the Transport Integration Act 2010 and thereafter the Head, Transport for Victoria'.

See Appendix 1 for further information.

Strategic assessment of the amendment

Why is the amendment required?

In administering the planning scheme, Hobsons Bay City Council has identified several overlay anomalies and text errors. These anomalies and errors require correction to ensure the planning scheme is accurate, up to date, and minimises the associated administrative burden on permit applicants and Council planning staff caused by errors or anomalies in the scheme.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives in section 4(1) and 12(1)a of the *Planning and Environment Act 1987* (the Act) in particular:

a. To provide for the fair, orderly, economic and sustainable use, and development of land;

b. To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;

c. To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

d. To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

e. To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;

The amendment implements these objectives by correcting overlay anomalies and ordinance errors in the Hobsons Bay Planning Scheme. The amendment improves the clarity and consistency of the scheme which helps to facilitate orderly planning and appropriate use and development.

How does the amendment address any environmental, social and economic effects?

Environmental effects

The amendment will not significantly impact the environment. The mapping anomalies and text errors are administrative in nature.

Social effects

The amendment corrects overlays which will improve the facilitation of fair and orderly use and development outcomes for residential areas. Furthermore, the amendment will result in a positive social effect as a schedule will be amended to reflect updated Social Impact Assessment Guidelines: Residential (Hobsons Bay City Council 2022).

Economic effects

The economic effects of the amendment will be positive as it will improve the clarity of the Hobsons Bay Planning Scheme administration. This will in turn provide greater certainty for the community and developers by ensuring that the planning controls are correct.

Does the amendment address climate change?

The amendment addresses errors and anomalies in the planning scheme and will not result in significant change to, or intensification of, the use and development of urban land.

Does the amendment address relevant bushfire risk?

The amendment will not increase bushfire risk. The land affected by the amendment is not subject to a Bushfire Management Overlay.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment complies with all Directions applicable to Amendment C145hbay as outlined below:

Ministerial Direction 1: The Form and Content of Planning Schemes

The amendment is consistent with the form and content of planning schemes under section 7(5) of the *Planning and Environment Act 1987*.

Ministerial Direction 11: Strategic Assessment of Amendments

The amendment complies with Ministerial Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the Planning and Environment Act 1987. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

Ministerial Direction 15: The Planning Scheme Amendment Process

This amendment will follow the set times and steps specified for planning scheme amendments under this Direction.

Ministerial Direction 20: Major Hazard Facilities

In line with Ministerial Direction No. 20 Council has sought the views of the WorkSafe Victoria and the Minister for Economic Development (Invest Victoria). Four sites are within the threshold distance of an existing Major Hazard Facility (MHF). The sites are listed below:

- 16 Cecil Street, Williamstown
- 23 Ann Street, Williamstown
- 26 Windsor Terrace, Williamstown
- 28 Windsor Terrace, Williamstown

The DDO11 is proposed to be removed from the rear of 16 Cecil Street. Furthermore, 23 Ann Street, 26 and 28 Windsor Terrace will be included in an updated map that reflects all land affected by the existing DDO11. A response received from WorkSafe on May 7, 2025, did not oppose the minor changes. Similarly, a response received from Invest Victoria on May 15, 2025, did not oppose the changes as they would have limited impact on the existing MHF.

No other Ministerial Direction is directly affected by the Amendment.

How does the amendment support or implement the Planning Policy Framework?

Amendment C145hbay supports the PPF by correcting overlay boundaries that conflict with adopted land use policy and ensuring schedules reflect intended built form or land use outcomes.

How does the amendment support or implement any relevant strategic plan or policy statement adopted by a Minister, government department or public authority?

The amendment supports the actions of *Plan for Victoria – A plan by Victorians, for Victorians* by ensuring that housing and job provision is not hindered by administrative errors in the planning scheme.

The amendment supports the Vision for Victoria by providing a clear and consistent planning framework.

Clause 01.01 Purposes of this Planning Scheme, includes the following purpose:

- *To provide a clear and consistent framework within which decisions about the use and development of land can be made.*

The amendment implements the Planning Policy Framework by clarifying and correcting errors within the scheme to assist its administration.

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

The amendment does not impact the delivery of housing targets in Hobsons Bay as it is administrative in nature and only seeks to correct errors and anomalies in the planning scheme.

If the planning scheme includes a Local Planning Policy Framework, how does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Amendment VC148 deleted the State Planning Policy Framework (SPPF) and replaced it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19 as a part of the Victorian Government's Smart Planning Program. Amendment C131hbay, gazetted 24 February 2022 implemented the simplified structure and removed the Local Planning Policy Framework and The Municipal Strategic Statement.

If the planning scheme includes a Municipal Planning Strategy, how does the amendment support or implement the Municipal Planning

Strategy?

The amendment is consistent with and supports the following clause of the Municipal Planning Strategy:

- **Clause 02.02 – Vision**: outlines a strong commitment to achieving positive environmental, cultural, social, economic, and urban planning outcomes through the following relevant priorities:

    - *Visionary, vibrant, accountable urban planning.*

The amendment supports the implementation of the Municipal Planning Strategy (MPS) by correcting and clarifying overlays, and text within the scheme. The amendment ensures greater clarity and accountability in urban planning outcomes in line with the vision and strategies of the MPS.

How does the amendment balance any competing policy objectives or strategies?

The amendment is policy neutral and does not change any existing policy objectives or strategies.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the VPP by making administrative corrections to existing provisions in the Hobsons Bay Planning Scheme in accordance with the Ministerial Direction 1 - The Form and Content of Planning Schemes.

How does the amendment address the views of any relevant agency?

An extensive consultation process on amendment C145hbay was carried out seeking feedback from agencies and stakeholders. The views of various State Government departments and agencies including the Department of Transport and Planning (DTP), WorkSafe, and Invest Victoria (Minister for Economic Development) have been included in the amendment. The views of DTP include authorisation conditions, issued 12 March 2026, which this amendment responds to.

The amendment will follow the formal planning scheme amendment process and be placed on exhibition where stakeholders and agencies will have a further opportunity to comment on the amendment.

Exhibition Stage

The views of WorkSafe, DTP, and Invest Victoria (Minister for Economic Development) will be sought during exhibition stage to provide further opportunity for comment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment proposes administrative corrections to the Hobsons Bay Planning Scheme and will not have a significant impact on the transport system as defined in Section 25 of the *Transport Integration Act 2010*.

How does the amendment have regard to the principles set out in the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* in relation to Yarra River land and other land, the use or development of which may affect Yarra River land?

The amendment does not impact land located near the Yarra River.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment is unlikely to have any significant resource or administrative costs for Council. The amendment may reduce resource and administrative costs by improving the clarity and accuracy of the administration of the planning scheme.

Attachment 1 – Mapping reference table

Location	Address	Mapping Reference	Proposed Zone changes	Proposed overlay deletion changes
Williamstown	16 Cecil Street, Williamstown	Hobsons Bay C145 Map 19	N/A	Deletion of DDO11
Altona	Formerly 361-399 Kororoit Creek Road Altona	Hobsons Bay C145 Map 8	N/A	Deletion of PAO1