



Department of Environment, Land, Water and Planning

8 Nicholson Street
East Melbourne, Victoria 3002
PO Box 500
East Melbourne, Victoria 8002

Mr Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council
PO Box 21
ALTONA VIC 3018

Attention: Johann Du Preez, Team Leader Strategic Planning
By email: jdupreez@hobsonsbay.vic.gov.au

Dear Mr van Egmond

PROPOSED HOBSONS BAY PLANNING SCHEME AMENDMENT C131HBAY – PPF TRANSLATION AND IMPLEMENTATION OF THE HOUSING STRATEGY, NEIGHBOURHOOD CHARACTER STRATEGY AND ACTIVITY CENTRE STRATEGY

I refer to your council's application for authorisation to prepare the above amendment to the Hobsons Bay Planning Scheme.

The amendment proposes to replace the Municipal Strategic Statement (MSS) and the Local Planning Policy Framework (LPPF) at Clause 21 and Clause 22 of the Hobsons Bay Planning Scheme with a Municipal Planning Strategy (MPS), replace local policies within the Planning Policy Framework (PPF) and revise local schedules to zones, overlays, particular, operational and general provisions, consistent with the structure introduced by Amendment VC148.

The amendment also proposes to implement the '*Housing Strategy, 2019*', '*Reformed Residential Zones Neighbourhood Character Study 2019*' and '*Housing Framework Plan, 2019*' by applying the reformed residential zones to land across the municipality, and a Neighbourhood Character Overlay to areas of special character and making consequential changes to the MPS and PPF.

The Department of Environment, Land, Water and Planning (DELWP) acknowledges the considerable strategic work that your council has undertaken to date, including the preparation of a Municipal Planning Strategy (MPS) and local policy content to enable translation of the Hobsons Bay Planning Scheme into the new Planning Policy Framework (PPF). DELWP also commends your council for working closely with DELWP to ensure the amendment is consistent with the reformed residential zones, Amendments VC148 and VC169 and Planning Practice Notes 90 and 91.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act) I authorise your council as planning authority to prepare the amendment subject to the following conditions:

- 1. Before exhibition, the amendment must be revised to be consistent with state planning policy, the *Victoria Planning Provisions*, the reformed residential zones, relevant Planning Practice Notes (including 90 and 91), *A Practitioner's Guide to Victorian Planning Schemes* and the principles of the PPF Translation process outlined in the LPPF Translation Manual, including, but not limited to the following:**

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002



Strategic Directions

- (a) Clause 02.03 must be revised to be generally in accordance with the version attached to this letter.

The changes are to ensure the strategic directions for housing are consistent with Amendment VC169 and the principles underpinning the residential zones in Planning Practice Notes 90 and 91.

Strategic Framework Plan

- (b) The Strategic Framework Plan at Clause 02.04 Strategic Framework Plan must be updated to identify the two additional Major Hazard Facilities at 541-583 Kororoit Creek Road, Altona (Dow) and 471-513 Kororoit Creek Road, Altona (Qenos) which were omitted from the Framework Plan.
- (c) The Residential Development Framework Plan at Clause 02.04 must be updated to reflect any consequential changes to the amendment and must be generally consistent with the version attached to this letter to be consistent with Principle 1 of Planning Practice Note 91.
- (d) Remove reference to Altona Meadows as 'Proposed Major Activity Centre' as Major Activity Centres are identified by Plan Melbourne 2017-2050 and Altona Meadows is not currently designated.

Planning Policy Framework – Neighbourhood character

- (e) Clause 15-01-1L must be revised to be generally in accordance with the version attached to this letter.

The changes to the policy have been made to reduce duplication consistent Smart Planning principles and the new PPF framework implemented by Amendment VC148, to the ensure compliance with the changes to the PPF made by Amendment VC169, and Planning Practice Notes 90 and 91.

The policy has been modified to not apply to areas identified for 'Substantial Change' including the Mixed-Use Zone and Residential Growth Zone as the *Neighbourhood Character Study, 2019* does not support residential development consistent with 'substantial change'.

The policy has also been modified to remove reference to numeric policy guidelines, as the tools available in the residential zone schedules is the appropriate basis for any local variations. Several matters un-related to neighbourhood character have been moved to other 'themes' of the PPF.

- (f) Remove the reference to the *Neighbourhood Character Precinct Brochures* as a background document in Clause 72.08

Residential zone schedules

- (g) The schedules to the Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone must be revised to be generally in accordance with the versions attached to this letter.

The changes to the residential zone schedules have been made to reduce duplication, remove content that is not compliant with the head provision of the relevant zone or the *Ministerial Direction - the Form and Content of Planning Schemes* and overall improvements to drafting. The schedules submitted did not provide sufficient distinctiveness in built form outcomes and can be rationalised to provide the same or similar outcomes as those intended by the council. Further consequential changes to the schedules have been made as a result of reducing duplication in Clause 15.01-5L.

The planning permit requirement applying to lots between 300 and 500 square metres must be deleted from the residential zone schedules, as local objectives, building height and variations to ResCode in the reformed residential zone schedules now give effect to the desired neighbourhood character and are being implemented as part of this amendment.

The front fence ResCode variation, application requirements and decision guidelines specified in the existing General Residential Zone Schedule 3 must be moved to the existing Design and Development Overlay Schedule 14 to be consistent with what the ResCode standard allows to be varied (fence height only), the head provision and to remove duplication.

Neighbourhood Character Overlay schedules

- (h) The schedules to the Neighbourhood Character Overlays must be revised to be generally in accordance with the versions attached to this letter.

The changes are to remove duplication with the head provision.

Consequential changes to amendment documentation

- (i) Update the Residential Development Framework Plan to be generally in accordance with the version attached to this letter.

Please note the Residential Development Framework Plan has been revised to be consistent with Planning Practice Notes 90 and 91 and Amendment VC169 to ensure objectives for neighbourhood character and housing change correspond. The plan has also been modified to reflect discussions with council officers relating to the change area applying to 222-258 Kororoit Creek Road, Williamstown North.

- (j) Update planning scheme mapping to reflect the changes made to the residential zone schedules by Condition 1(d).

2. Prior to exhibition, the amendment documentation must be updated to reflect the revised form of the amendment and any additional or consequential changes required to comply with Condition 1. The Explanatory Report must clearly explain the changes proposed to the planning scheme and local policy content to ensure a transparent process for all stakeholders.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes the council:

- giving notice of the amendment within 40 business days of receiving authorisation; and before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report ([Practice Note 77: Pre-setting panel hearing dates](#) provides information about this step).

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

If you have any further queries in relation to this matter, please contact Daniela Antovska, Planner, State Planning Services, DELWP, by email daniela.antovska@delwp.vic.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steven Cox', written in a cursive style.

Steven Cox
Manager, State Planning Services

14 October 2020