



14 June 2024

The Hon. Sonia Kilkeny MP
Minister for Planning
Level 20, 1 Spring Street
Melbourne VIC 3000

By email and post
Also email to planforvictoria@transport.vic.gov.au

Dear Minister Kilkeny

Hobsons Bay City Council and Department of Transport and Planning – request for a meeting

Hobsons Bay City Council are keen to meet with Department of Transport and Planning (DTP) to continue to work collaboratively on our attached submission to the **Plan for Victoria**, and a number of opportunities, concerns and immediate challenges as set out in this letter.

We had a great inception meeting on 23 May 2024 with your Plan for Victoria team, however there are wider matters to discuss that necessitate a more wide ranging senior level discussion.

Thank you also to members of your team who have to date been part of the Techno Park Housing Solutions Group. Some of these matters in this letter relate directly to the case of people living at **Techno Park Drive** in Williamstown, and we want to work across State Government and with all authorities on this.

Hobsons Bay is committed to the future safety, security, prosperity and livability of our City and the West and to working together for the benefit of all.

Hobsons Bay – Proposed Agenda

1. Plan for Victoria

Hobsons Bay City Council Submission to Plan for Victoria consultation, which was endorsed by our Council at its Council Meeting of 11 June 2024 (**Attachment 1**).

2. Hobsons Bay current and future opportunities, constraints and work programs including:

- a. The commencement of **Housing** and **Heritage** strategy work, as well as potential options and current approach to planning for housing capacity and balance between land for jobs;
- b. **Potential new planning controls**, particularly around All-Hazards - including **Major Hazard Facilities (MHF)**, and those legislated climate-change related Hazards associated with **challenges including Flooding, Sea Level Rise, Heat Waves and Drought**;
- c. The progress of our **Draft Industrial Land Management Strategy (ILMS)** and design guidelines, in light of job opportunities and hazards in Hobsons Bay;

- e. **Affordable Housing provision** and working together on future masterplans for replacement of housing towers, and opportunities to become a **Future Homes** Council;
- f. **Thinking to overcome current barriers to delivering more homes** in our local area including high growth zones in our city where only townhouses are being applied for by developers;
- g. **Working through community safety in Planning Strategy and Delivery together**, particularly relating to passive and active planning in our activity centres to keep people safe in established town and village centres;
- h. **Sustainable Transport** planning and delivery including bus networks, improving cycle network and rail stations, including advocacy to potentially reinstating Paisley Station in Altona North; and
- d. **Improved State Practice Notes and Guidelines or filling in Gaps in the current Library of guidance** for certain topics including Heritage development on public and private land, heritage home upgrades, MHFs, Existing Use Rights, and height/density decision making in Residential Growth Zones.

3. Current Strategic Planning Issues and Delays

Please find at Attachment 2 a series of five (5) explanatory statements which summarise existing Strategic Planning issues and delays that we would like to discuss.

These are all of strategic importance, relevant to all of our community and in part strategically relevant to cases including that of the people living at **Techno Park Drive**.

The statements concern:

- Attachment 2A: **Buffer Area Overlay (BAO) or other controls and guidance for MHFs**, related to the Techno Park Drive case and much of our city;
- Attachment 2B: Changes to **Existing Use Rights** via Amendment VC254, related to Techno Park and other properties where people may have Existing Use Rights;
- Attachment 2C: Changes to the **Port of Melbourne** and Hobsons Bay Planning Scheme (draft GC187);
- Attachment 2D: Amendment C133hbay **Newport Structure Plan** and **Heritage Gap Study**; and
- Attachment 2E: Amendment C137hbay **Spotswood Heritage** Amendment.

Making a time

My EA will be in contact to arrange a suitable time to work through these items in a collaborative manner, noting these important issues which cover a number of different directorates within your Department.

We have a standard Plan for Victoria drop-in session on 24 June 2024 already in our diaries, but this meeting will not be sufficient to run through the content of this letter.

We want to ensure we have agreed the next steps at a senior level and then delegate work to our teams to progress.

We look forward to continuing to work together with you and your team.

Yours sincerely,



Rachel Sarah Lunn
Director Sustainable Communities

C.C.

- Hobsons Bay City Council, **Mayor and Councillors**
- Hobsons Bay Housing Solutions Group
- Plan for Victoria, Executive Director, **Jessie Wright**
- Member for Williamstown, the Honourable **Melissa Horne MP**
- Federal Member for Gellibrand, the Honourable **Tim Watts MP**
- WorkSafe Victoria, CEO, **Joe Calafiore**
- Minister for WorkSafe, the Honourable **Danny Pearson MP**
- Environmental Protection Agency, CEO, **Lee Miezis**
- Minister for Environment and Environmental Protection Agency, the Honourable **Steve Dimopoulos MP**
- Consumer Affairs Victoria, Director Regulatory Services, David Joyner
- Minister for Consumer Affairs, the Honourable **Gabrielle Williams MP**
- Maddocks, **Terry Montebello** (Lawyer for Council)
- Planning Property Partners, **Tyrone Rath** (Lawyers for Techno Park Residents Association)
- Glossop Town Planning, **John Glossop**

Attachment 1 – Copy of Hobsons Bay City Council Submission to Plan for Victoria (to also be formally submitted via the Plan for Victoria consultation portal)

Context

The Yalukit Willam clan of the Bunurong People lived in the area now known as Hobsons Bay and had strong connections to land and sea country. Today the city is home to over 93,000 people and includes the suburbs of Altona, Altona Meadows, Altona North, Laverton, Seabrook, Seaholme, South Kingsville, Spotswood, Newport Williamstown and Williamstown North. The community is also made stronger by its cultural diversity with over 120 different languages spoken at home.

Historic suburbs and places in Hobsons Bay tell the story of Melbourne's industrial and commercial past. Today, the city plays a key role in the Victorian economy supporting close to 40,000 jobs within State significant industrial and commercial precincts. In 2022, Hobsons Bay's Gross Regional Product was estimated at \$6.07 billion GRP (+2.32% from 2021) representing 1.22% of Victoria's total GSP (Gross State Product).

Hobsons Bay's rich natural environment is one of its greatest assets and includes 20km of coastline consisting of wetlands and parklands along Port Phillip Bay as well as remnant native grasslands and creek systems.

Response to Survey

Pillar 1: Housing Affordability and Choice

Actively involve local government in setting any future housing targets for the municipality as part of Plan Victoria

Given the importance of the plan which will replace Plan Melbourne as the guiding strategic document for the State over the coming decades, it is essential that consultation involve direct engagement with Council on key issues including the identification of housing targets.

Council must be involved in the development of housing targets as the level of government closest to community and with the greatest understanding of the opportunities and barriers to achieving housing affordability and diversity.

Factor in known opportunities and barriers to housing growth such as environmental and market constraints and consider liveability and amenity.

It is not clear yet how the housing targets in Plan for Victoria will be determined or implemented.

In developing Plan for Victoria, it is crucial that decisions and guidance on housing targets are informed by a robust understanding of the opportunities for growth, alongside challenges that might limit the ability to achieve housing growth in different areas. These opportunities and constraints should be clearly identified and mapped within the Plan itself and in the planning scheme, in order to ensure that they are appropriately considered in long term decision-making at a strategic and statutory level to accommodate housing growth.

Within the Hobsons Bay context, there are clear, identifiable barriers to housing growth within some parts of the municipality.

As a coastal municipality, the Hobsons Bay community is extremely vulnerable to the impacts of flood impacts and sea level rise, that are expected to increase in frequency and intensity as a result of climate change.

There are 9 Major Hazard Facilities located within the City, some of which are within proximity to existing residential areas that are otherwise well serviced and located. We continue to advocate to the State Government to introduce a Buffer Area Overlay to identify safety risks associated with these facilities, to ensure that future decisions about housing appropriately consider the risk to human health and safety. The Buffer Area Overlay for these facilities should be implemented prior to or alongside the development of any housing targets for the municipality. If a Buffer Area Overlay (BAO) for example were in place currently there would be more transparency in the planning system about the issues with safety that exist at Techno Park Drive due to its proximity to an MHF.

Fully utilising unconstrained land is also challenged by market factors. Despite encouragement for apartment-style development within the planning scheme, it is Council's experience that the development industry and market cannot find demand for this housing product within the municipality. The development of housing targets must have an understanding of market factors in delivering different housing typologies.

These barriers present challenges to realising increased housing growth within the municipality and result in very little land available for housing delivery within the municipality. This requires appropriate consideration not just in the formulation of housing targets, but in the determination of appropriate housing typologies to ensure supply meets the housing demand in a manner that achieves housing diversity.

The goal for future communities should be more comfortable, energy efficient and affordable homes, with more open space, cleaner air and easy access to transport, services and amenities. The benefits of greater density to support housing growth can only be fully realised through the provision of appropriate open space, community and greater investment in active and public transport infrastructure and service frequency for the community. Housing targets must be supported by planning for appropriate and commensurate investment in this important infrastructure to deliver liveable and sustainable communities. Council strongly encourages Plan for Victoria to establish funding models for infrastructure for infill and brownfield development and for these funding models to equitably reflect the challenges faced by western region councils.

Equally, local amenity and liveability must be maintained and new development should be required to achieve high levels of amenity, sustainability and energy efficiency.

Policy direction for housing should also be supported by extensive engagement with the community, based on an understanding of the housing need and known opportunities and constraints.

Deliver mandatory affordable housing requirements and recognise the important role of local government in the delivery of affordable housing, including the role of Affordable Housing Trusts

There is an urgent need to provide for more affordable housing within Hobsons Bay and across the state more broadly.

Council's Affordable Housing Policy identifies that there is an estimated shortfall of more than 1,400 affordable housing dwellings within the municipality.

Commonwealth and Victorian Governments set the legislative, policy and funding contexts for housing markets and affordable housing. While there is a relatively limited role for local government, Hobsons Bay City Council has taken a progressive approach to the delivery of social and affordable housing by negotiating voluntary affordable housing outcomes in development and establishing the Hobsons Bay Affordable Trust (the Trust).

The Trust has been established as the preferred mechanism to deliver affordable housing for residents in Hobsons Bay, in partnership with the Trustee Housing Choices Australia¹. The Trustee can acquire land, buildings and dwellings in Hobsons Bay for affordable housing and make housing available to eligible residents within Hobsons Bay on very low to moderate incomes.

The Trust provides a mechanism through which Council can collect, hold and manage assets in the form of dwellings, land or cash. It allows for contributions obtained through the planning system to be used for affordable housing locally, to ensure that there is a nexus between the affordable housing contribution acquired through the planning system and where housing is ultimately delivered.

This model is an innovative approach to the delivery of affordable housing at a local government level. It is anticipated that more councils will seek to establish a Trust in the future given the benefits of this approach that ensures local people are given priority access to affordable housing.

Local councils play a critical role in providing local Affordable Housing solutions for their local communities and this role must be recognised in Plan Victoria.

There is also a significant opportunity for Plan for Victoria to establish a consistent, statewide framework for contributions towards, and the delivery of, social and affordable housing. A consistent approach requiring mandatory affordable housing contributions in the rezoning and development of land would deliver a fair and reasonable approach to supporting basic human rights to housing.

In planning for affordable housing, Plan for Victoria should consider mechanisms including inclusionary zoning, provisions for key worker housing and support mechanisms like Trusts to deliver the housing needs of the community.

Pillar 2: Equity and Jobs

Include a vision that supports the growth of manufacturing industries as well as the development of new and emerging industries in Hobsons Bay.

Hobsons Bay contains approximately 1,600 hectares of industrial land.

The Melbourne Commercial and Industrial Land Use Plan (MICLUP) recognises that the majority of the City's industrial land is of State significance, with some areas of regional significance. MICLUP also identifies several intermodal freight terminals within the municipality, highlighting the significance of the transport and logistics industries to the local and regional economy.

¹ Refer to the [Hobsons Bay Affordable Housing Policy 2023](#) for more information on the Trust

Over the last decade, several large manufacturers within the municipality have ceased operations, including the Toyota Car Manufacturing Plant and the Mobil Altona Refinery. These closures have resulted in significant job losses.

As large industries have moved out of sites, there has not been a ready uptake of available vacant industrial land, resulting in state significant industrial land sitting idle.

Despite recent transitions in industry, the manufacturing sector remains a significant contributor to the Hobsons Bay economy, generating \$724.2 million in economic value and supporting 4,400 jobs in 2021/2022 according to the Hobsons Bay Economic Development Strategy.

The proximity of Hobson Bay's industrial land to key freight transport networks, including the Port of Melbourne, makes it an attractive location for domestic manufacturing and jobs.

Like many municipalities, Hobsons Bay seeks to support growth in existing key industries, whilst also providing an environment that supports the opportunity for new industries to develop and contribute to the local, regional and state economies.

To ensure access to a diversity of local jobs in Hobsons Bay Plan Victoria must include directions and actions that support the growth of the local manufacturing sector in Hobsons Bay alongside support for other growing sectors such as transport and logistics, wholesale trade and construction. There will need to be support from State government to reimagine the future of industrial land in Hobsons Bay to support jobs growth in response to changes in the petrochemical sector.

There is a significant opportunity for Plan for Victoria to set out a bold vision to support economic shifts and diversification to new and emerging industries. The Plan should be informed by forecasting on industry demand and develop settings to support a sustainable economic development platform.

Within Hobsons Bay's context, its proximity to the Melbourne Central Business District and the Fishermans Bend Urban Renewal Area provide significant strategic opportunity for incubating and attracting new industries.

There is also an opportunity to leverage existing attractors, such as Scienceworks and the Melbourne Museum Planetarium to support clustering of new enterprises and 'anchor' industries. Maximising opportunities for compatible uses within buffers to industrial land and Major Hazard Facilities can also provide an opportunity for greater economic investment.

Include a vision that recognises the role of smaller businesses and activity centres and responds to changes to how and where people work.

Hobsons Bay supports just over 8,900 businesses, of which 98 percent are small businesses employing less than 20 people. Smaller businesses are supported by neighbourhood activity centres such as Newport and Spotswood Activity Centres. The role of these centres needs to be identified in Plan Victoria in addition to State significant industrial, health and education precincts.

There have been significant shifts in the way people work. The Covid-19 pandemic forced more businesses and industries to accept remote working or adapt their business models. This is particularly the case for Hobsons Bay, given the relatively large share of white-collar residents and the fact that on census night in 2021, 46% of the resident workforce identified as working from home (in comparison to 40% for Greater Melbourne).

The shifts in workplace dynamics is also resulting in higher vacancy rates for commercial and retail floorspace within the City's activity centres and commercial strips.

As the trend towards remote working continues, there is an opportunity to reimagine the role of activity centres, and particularly neighbourhood activity centres, as well as council facilities like libraries. These centres and facilities will become important hubs for co-working, business and education spaces. There is an opportunity for Plan for Victoria to consider the dynamic and changing nature of these centres and facilities and ensure they are appropriately considered and funded.

Pillar 3: Liveable and thriving neighbourhoods

Support improvements in air quality and carefully consider the impacts of industry on the amenity of existing and future communities.

In 2021 Council produced 'Reimagining our Industrial Areas – A Statement of Opportunity'. This document set future objectives for the development of industrial land in Hobsons Bay that informed the Draft Industrial Land Management Strategy 2023-28. A key objective of the document is to 'balance jobs growth with community impacts' in recognition of the impact that industry can have on the health and amenity of community.

Of particular concern for residents in the inner west of Melbourne is deteriorating air quality due to residents' proximity to industrial operations and heavy vehicle movements. Council is one of several Councils in the west that participate in the Brooklyn Community Representative Group. This group has formed to advocate for improved air quality measures and sustainable practices to address air quality impacts.

In addition, there is an ongoing challenge with land use planning around Major Hazard Facilities (MHFs) within industrial areas in Hobsons Bay. The ability for land to achieve jobs growth and development outcomes will depend on the health and safety impacts of MHFs. In 2021 WorkSafe Victoria published new guidance around land use planning near MHFs that has significantly reduced opportunities for employment and development in proximity to MHFs.

Plan for Victoria needs to carefully consider the amenity impacts of industry and freight movements on the health and amenity of local communities.

Recognise the importance of heritage places and spaces to thriving communities and neighbourhoods.

Council acknowledges the traditional owners of the lands now known as Hobsons Bay, the Bunurong People of the Kulin nation. First Nations people need to be meaningfully consulted with as part of the preparation of Plan Victoria to ensure places and stories of aboriginal cultural heritage in Hobsons Bay are recognised, identified and protected for future generations.

Hobsons Bay has historic buildings and places that demonstrate important insights into Victoria's architectural, scientific and industrial past. The importance of these places to community needs to be identified and highlighted in Plan Victoria. The Newport Railway Workshops in Williamstown North for example demonstrate the modernisation of railway operations in Victoria during the early 20th Century.²

Plan for Victoria needs to identify the importance of these historic places to thriving communities, as they provide the connection to a shared history that helps to tie communities and neighbourhoods together.

Clearly articulate transport priorities and support investment and delivery of more sustainable transport options.

As identified earlier in this submission, planning for growth must be connected to investment in transport infrastructure and service frequencies.

Plan for Victoria needs to provide for a sustainable approach to managing transport and particularly to address growing issues of transport congestion in the west of Melbourne.

Council considers that there are a range of improvements that could be delivered to active and public transport that may provide a catalyst for delivering the aspirations of Plan for Victoria and providing for more liveable communities and reduce transport congestion.

The delivery of fixed rail transport service and infrastructure improvements like those put forward by Rail Futures' (East West Rail Link), the duplication of the Altona Loop and reopening of Paisley Station and rail infrastructure planning for future growth would significantly improve transport connectivity for people living and working within Hobsons Bay and surrounding municipalities.

In addition to providing fixed infrastructure, Plan for Victoria should encourage the provision of greater rail and local bus service frequency, over extended hours in order to reduce the effect of transport deserts, which are poorly served at night and on weekends.

Careful design, planning and delivery of level crossing removal projects at Maidstone Street, Altona, Hudson Road, Spotswood and Champion and Maddox Roads, Newport will also be required in order to ensure that transport accessibility, community connectivity and amenity are not reduced.

The construction of the West Gate Tunnel Project will have profound shifts in road freight and car movement in and around Hobsons Bay. Transport planning must prioritise projects which allow for the connector road network to function efficiently and limit impacts on amenity and health to surrounding communities and the local road network.

Plan for Victoria should also consider opportunities to address air quality from transport emissions, through supporting lower emission transport choices.

² For more information on the Newport Railway Workshops visit the Heritage Victoria Website [link here](#).

Recognise the importance of streetscape and local movement networks on the health and liveability of communities.

At a local level, the streetscape and local movement networks of our suburbs play an important role in the health and liveability of communities.

Planning should recognise the amenity, health and wellbeing benefits of attractive, landscaped streets and support their prioritisation for walking, cycling and other sustainable activities.

Support open space and recreation provision.

Public open space serves many important roles and functions. Open space is recognised as providing significant and important mental and physical health benefits, alongside opportunities for recreation, leisure and enjoyment. It can also provide a sense of place and pride for the community.

As pressure for redevelopment and housing density increases, it is expected that areas of private open space in development will become smaller. There will be a greater reliance on public open space in supporting everyday recreation and enjoyment.

There are existing gaps within the municipal and metropolitan open space networks.

Plan for Victoria should prioritise the identification and delivery of a variety of public open space and recreation spaces.

Identify the importance of place on health and wellbeing and the need to address locational barriers to address equity and fairness.

Council's integrated social policy framework entitled 'A Fair Hobsons Bay for All' identifies that individual health and wellbeing is shaped by the people in our lives, our community, and the place in which we live, study and work.³

The policy identifies that there are several priority population groups who experience social and economic disadvantage more consistently and to a higher degree in Hobsons Bay than the broader population.⁴

Ensuring the provision for access to inclusive and affordable local health and wellbeing activities such as proposed as part of Council's Western Aquatic and Early Years Centre and the proposed Hobsons Bay Wetlands Centre to address the critical health needs of our community.

One of our priority population groups for example is young people aged 12 to 25 years. This priority population group is impacted by a lack of access to public and private mental

³ A Fair Hobsons Bay for All, 2024, accessible via [this link](#)

⁴ Priority population groups identified in a Fair Hobsons Bay for all include children, young people, older people, people from CALD backgrounds, First Nations people, people with a disability and carers, women and girls, LGBTIQ+ and gender diverse communities.

health services in Hobsons Bay which is a locational barrier affecting young people's mental health.⁵

Plan for Victoria needs to recognise the importance of place to health and wellbeing, and the facilitation of social connections, as well as equitable access to services.

Pillar 4: Sustainable environments and climate action

Recognise the impacts that coastal inundation and sea level rise will have on current and future communities and include clear direction on how to respond

Hobsons Bay City Council supports measures that will mitigate the impacts of climate change through preventing or reducing the emission of greenhouse gases into the atmosphere to make the impacts of climate change less severe. It is also sensible to plan for the need to adapt communities to adjust to the current and future effects of climate change. Council encourages Plan for Victoria to adopt an integrated approach to climate change that focusses on both adaptation and mitigation strategies.

The City of Hobsons Bay is a bayside municipality and has a long length of coastline. Victoria has experienced increased intensity and frequency of high intensity rainfall and flood events in recent years.

While climate change is resulting in an observed drying trend across southern Australia and Victoria, it is anticipated that the state will also experience increased rainfall variability. Climate-driven natural hazards, such as short-duration heavy rainfall are also likely to become more intense and frequent, resulting in increased flood risk. In addition, sea level rise and increased frequency of coastal storm surge inundation is expected to continue.

The current Port Phillip Bay Coastal Hazard Vulnerability Assessment indicates that Hobsons Bay will be one of the most impacted local government areas in Victoria by sea level rise.

The consequences of sea level rise and climate change within Hobsons Bay pose a significant risk to the low-lying coastal areas of the municipality, which include established residential areas and major activity centres.

Current approaches to flood mapping and addressing sea level rise rely on town-by-town, municipality-by-municipality approaches, which result in inconsistent application of planning controls and gaps in available flood knowledge and understanding of risks.

There is a clear need for adaptation and settlement planning at a metropolitan, regional and state level.

Plan for Victoria presents a significant strategic opportunity to provide consistent direction and guidance for managing climate change and sea level rise.

⁵ More information on the Hobsons Bay campaign to improve youth mental health services is accessible via [this link](#)

At a minimum, guidance for sea level rise within Plan for Victoria should set out guidance and funding for mitigation, adaptation and retreat and resettlement, in accordance with the direction in planning policy. It is considered that Plan for Victoria should take a leadership role in addressing this issue.

Mechanisms for funding infrastructure should also be outlined within Plan for Victoria, with an expectation that this be funded and delivered on a fair and equitable basis, with strong leadership from State Government.

Support land use planning and a built environment that addresses the urban heat island effect and reduces greenhouse gas emissions.

Hobsons Bay has committed to bold greening and canopy cover targets in its *Urban Forest Strategy (2020)*. Reducing the health and wellbeing impacts of increased heatwaves also requires actions by private land-owners and developers to ensure that future generations can keep cool in their homes and workplaces.

Land-use changes are major contributors to the production of greenhouse gas emissions through their shaping of energy production and consumption, agriculture, industry and transport patterns.

The Hobsons Bay City Council is a member of the Council Alliance for the Sustainable Built Environment (CASBE). Plan Victoria can provide guidance that aligns with the efforts of CASBE) to amend Planning Schemes to ensure new development is more energy efficient. In addition, Plan Victoria should support the “Planning for a Safe Climate” initiative that seeks to strengthen the *Planning and Environment Act (1987)* and *Climate Change Act (2022)* to ensure that the effects of climate change are addressed at all levels of the planning process.

There is an opportunity to highlight and encourage well-designed homes and cooler outdoor environments particularly as areas of high urban heat typically coincide with vulnerable communities.

Stronger minimum standards will also deliver improvements to cost of living and support the Victorian Government’s renewable energy targets.

Hobsons Bay Response to Climate Change Action Plan has a target to achieve net zero emissions by 2030 for the community. It is understood that Plan Victoria will adopt the Victorian State Government commitment to achieve net zero emissions by 2045. To achieve this a massive increase in access to renewable energy is required. This access however is currently constrained by aging electricity distribution infrastructure across the State. The 2024 February storms that led to approximately 200,000 homes and businesses in the southeast of the State being without power is also a timely reminder of the need to create a robust electricity supply network.

Identify and plan for important environmental assets that require protection and enhancement.

Hobsons Bay contains important and internationally recognised Ramsar wetlands and native grasslands. Many areas of native grasslands are located in smaller lots within urban areas and may be at risk due to land use change. There are active strategic planning initiatives underway to protect these significant environmental assets.

Plan for Victoria must recognise the importance of environmental assets and provide appropriate planning for their protection.

Attachment 2A – Buffer Area Overlay (BAO) or other controls and guidance for Major Hazard Facilities (MHFs) - and relationship to Emergency Management

Overview

- Hobsons Bay has the highest proportion of Major Hazard Facilities in the West, if not Victoria.
- Council has established an informal process to notify WorkSafe Victoria (WSV) of statutory planning permit applications that are in proximity to a Major Hazard Facility (MHF) to ensure issues of safety and risk are considered in the planning process.
- This process has been in place since 2014, as an interim step while a more formal process for referring applications to WSV is established in the planning system as recommended by the Major Hazard Facilities Advisory Committee in their 2016 report.
- WSV updated their guidance independently (without public or Council opportunities for input) in early 2021 to recommend that much larger safety areas be applied around MHFs. WSV guidance currently sits outside of the planning scheme and therefore, decisions based on this guidance have been successfully contested and overturned at VCAT and now at the Supreme Court.
- Neither WSV or DTP have released any guidance (Practice Notes) since the 2021 changes on Major Hazard Facilities and Councils therefore are operating without planning rules and help on how to consider statutory planning or building applications in this context.
- In 2022 the City of Maribyrnong and Hobsons Bay wrote to the Minister for Planning and other relevant Ministers to advise of the impact that new WSV guidance was having on land use planning and development proposals. It was requested that the State consider bring in a Buffer Area Overlay for MHFs to ensure:
 - the hazards around MHFs were mapped and transparent in the planning scheme
 - a formal referral would be required to WSV, as the authority responsible for issuing MHF licences and regulating facilities
 - a review would be undertaken of the WSV guidance on land use planning near MHFs to ensure this was justified and supported by evidence
- At a meeting hosted by MP Melissa Horne in August 2022, DELWP (now DTP) officers advised they were planning to introduce a BAO for MHFs, and that they would reconvene the MHF Work Group that was first commenced in 2020 (but ceased in 2021).
- Throughout 2023 amendment documents were prepared and circulated to Council and meetings and workshops were held to inform the drafting of the BAO. In October 2023 DTP officers met with Maribyrnong and Hobsons Bay officers to discuss our concerns with the proposed approach to the BAO. Since this meeting in October last year, there has been no further correspondence or update from DTP. We are unclear whether the work has ceased or is on hold.

Impact on Hobsons Bay

We urgently request that DTP provide an update on the status of the preparation of a BAO for MHFs and that this work is recommenced and that progress is communicated to us.

Attachment 2B- Changes to Existing Use Rights via Amendment VC254

Overview

- On 12 February 2024 Amendment VC254 (VC254) was gazetted into the Scheme. VC254 was a Ministerial amendment made without notice, and it made several changes to the Scheme.
- Amendment VC254 makes changes to clause 63.11 and the way that an applicant can prove the continuous use. The Amendment also made changes to the application of previous case law regarding the cessation of a use operating to prevent from Existing Use Rights being established.
- This change made a significant change to the determination and management of complex existing use right cases across Victoria, including the case of people living at **Techno Park Drive**.
- The explanatory report provides some insight into the reasons but is unclear and does not appear to have given thought to the context of existing use and the context in which they sit. Further, there is no Practice Note guidance from DTP.

Impact on Hobsons Bay

Council urgently requests that DTP releases further legal decision making advice around Existing Use Rights following this change and provides a Planning Practice Note for decision makers.

Attachment 2C- Changes to the Port of Melbourne and Hobsons Bay Planning Scheme (draft GC187)

Overview

- DTP has provided draft amendment documents to Council that propose to add land and water into the Hobsons Bay Planning Scheme (HBPS), for the area that is no longer within the Port of Melbourne lease area (proposed Amendment GC187).
- DTP is not proposing to undertake any sort of detailed review of the provisions in the Port of Melbourne Planning Scheme before they are shifted to the HBPS, instead, choosing a 'policy neutral' approach to the Amendment that would introduce outdated controls and incorrect information into the HBPS.
- Issues with the current drafting of the Amendment include but are not limited to:
 - no strategic direction provided for land introduced by the Amendment
 - inclusion of water within the HBPS that is not within the municipal boundary
 - outdated controls that have not been updated by VC Amendments
 - missing heritage information (i.e. no citations, no HO7 Tide Gauge House, no solar energy systems controls within heritage schedule etc.)
 - zone schedules that as drafted suggest the Minister for Planning is the Responsible Authority; instead of Hobsons Bay (i.e. Special Use Zone 5)
- The views of Council and other affected municipalities are currently being sought on the draft Amendment. Council will consider Amendment GC187 at an upcoming Council Meeting in mid 2024.
- Council understands that the Cities of Port Philip, Melbourne and Maribyrnong are also taking Amendment GC187 to Council Meetings for consideration and resolutions where required.

Impact on Hobsons Bay

The Minister, as planning authority for Amendment GC187, has an obligation to ensure that Amendment documents are consistent with the Practitioners Guide and to correct any errors within the documents before introducing these into the Scheme.

The Minister is required to comply with the Ministerial Direction on the Form and Content of Planning Schemes (Ministerial Direction). **We believe that with some wording changed to the proposed Amendment, our current concerns could be overcome.**

If the Amendment is progressed in its current form it will place an administrative and financial burden on Council because:

- a Planning Scheme Amendment will be required to fix the controls introduced by Amendment GC187. This will incur costs and take a number of years to complete; and
- Statutory planning officers will not be able to properly assess and determine planning permits, which will impact resourcing and could incur costs at VCAT and cause confusion and frustration for our community that could easily be avoided.

Council requests to work with DTP to resolve issues with the amendment wording (not the principle) of the amendment prior to the finalisation of the Amendment.

Attachment 2D- Amendment C133hbay Newport Structure Plan and Heritage Gap Study

Overview

- Amendment C133hbay proposes to:
 - implement the Newport Structure Plan and Heritage Gap Study into the Hobsons Bay Planning Scheme (HBPS)
 - complete the introduction of new residential zones within Hobsons Bay
 - rezone land to support residential and commercial growth in proximity to public transport and within a large Neighbourhood Activity Centre
 - introduce new and revised Heritage Overlays to protect key heritage precincts
- The process to prepare and implement the Amendment has followed all the required steps set out in the Planning and Environment Act 1987 including:
 - authorisation in July 2022 (feedback was received from DTP and responded to)
 - exhibition in July to October 2022 (a total of 37 submissions received)
 - a four-day Planning Panel hearing in December 2022 (the Panel strongly supported the Amendment subject to minor changes)
- In March 2023, Council adopted Amendment C133hbay and submitted the Amendment to the Minister for Planning for approval.
- For over a year, officers have consistently followed up with DTP to confirm when the Amendment would be approved. DTP advised verbally that resource constraints within the Department, and the requirement to resource other Amendments and projects first as a priority, are the reason for the delay.

Impact on Hobsons Bay

The Amendment is important to our community as it would protect 155 additional properties within a Heritage Overlay and ensure appropriate zoning to allow for housing growth within a Large Neighbourhood Activity Centre in proximity to public transport.

The area proposed to be covered by a Heritage Overlay has since become subject to development pressure.

This development pressure threatens to undermine the heritage integrity of the proposed precincts such that on 26 July 2023 Council sought interim heritage controls via Amendment C140hbay.

No decision has been made on Amendment C140hbay.

Given the resources that Council has invested into this Amendment, the potential impact on heritage properties and the importance of this Amendment to our community, we request the Minister issue notice of approval of Amendment C133hbay or advise of any actions Council needs to take for the matter to progress.

Attachment 2E- Amendment C137 Spotswood Heritage Amendment

Overview

- Amendment C137hbay proposes to implement the Spotswood Heritage Review by introducing new and revised Heritage Overlays in the Hobsons Bay Planning Scheme.
- The process to prepare and implement the Amendment followed all the required steps set out in the Planning and Environment Act 1987 including:
 - authorisation in January 2023 (feedback received from DTP and responded to)
 - exhibition in February to April 2023 (a total of 38 submissions received)
 - A one-day Planning Panel hearing in July 2023 (the Panel strongly supported the Amendment subject to minor changes)
- In October 2023, Council adopted Amendment C137hbay with minor changes and the Amendment was submitted to the Minister for Planning for approval.
- For six months, officers have consistently followed up with DTP to confirm when the Amendment would be approved. The only verbal explanation given as to why the approval has been so delayed has been due to resource constraints within the Department.

Impact on Hobsons Bay

The Amendment is important to our community as it would protect 186 additional properties within a Heritage Overlay.

The areas proposed to be covered by Heritage Overlays have been subject to development pressure that threatens to undermine the heritage integrity of the proposed precincts.

Therefore, concurrent with the Amendment C137hbay amendment process, Council sought interim heritage controls via Amendment C138hbay on 22 December 2022.

No decision has been made on Amendment C138hbay.

Given the resources that Council has invested into this Amendment, the potential impact on heritage properties and the importance of this Amendment to our community we request the Minister issue notice of approval of Amendment C137hbay or advise of any actions Council needs to take for the matter to progress.