

21 Northumberland Street and 26
Wellington Street, Collingwood

City of Yarra, May 2024

YARRA PLANNING SCHEME

Incorporated Document

This document is an incorporated document in the
Yarra Planning Scheme pursuant to section 6(2)(j)
of the Planning and Environment Act 1987



OFFICIAL

1.0 INTRODUCTION

This document is an Incorporated Document in the schedules to Clause 45.12 - Specific Controls Overlay (SCO) and Clause 72.04 - Incorporated Documents of the Yarra Planning Scheme (scheme).

The land identified in Clause 2.0 of this document may be used and developed in accordance with the site specific controls contained in Clauses 6.0 of this document.

Despite any provision to the contrary in the Scheme, pursuant to Clause 51.01 of the Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

2.0 LAND DESCRIPTION

This document applies to 21 Northumberland Street and 26 Wellington Street, Collingwood known as 'the land' being all of the land within SCO22, 21 Northumberland Street and 26 Wellington Street, Collingwood Incorporated Document.

The controls in this document apply to the lots identified in Table 1 below ("Identified Lots"), which are all located on the land generally described as 26 Wellington Street and 21 Northumberland Street, Collingwood, as shown on Plan of Subdivision PS404294.

A reference in this document to the Identified Lots includes a reference to any part thereof. In this document, unless the context admits otherwise, the singular includes the plural and vice versa.

Table 1 - Identified lots that this incorporated document applies to and associated car park in brackets.

3B (41)	11C (32 and 33)	11H (Pt 11H)	11N (Pt11N)
5C (57)	11D (24 and 44)	11J (Pt 11J)	13 (43 and 54)
5D (58)	11E (29, 53 and 60)	11K (Pt 11K)	14 (37 and 51)
5F (42)	11F (52)	11L (Pt 11L and 45)	15
11B (Pt11B)	11G (34)	11M Pt 11M)	16 (46)



Figure 1 – Map of land subject to this Incorporated Document as outlined in red.

3.0 APPLICATION OF PLANNING SCHEME PROVISIONS

Despite any provision to the contrary or any inconsistent provision in the scheme, pursuant to Clause 45.12 of the scheme the land identified in the incorporated document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and general provisions of the scheme, the specific controls contained in this document will prevail.

4.0 EXPIRY OF THIS SPECIFIC CONTROL

The use permitted under this Incorporated Document expires if all Identified Lots expire as subject to the Clause 6.0 Conditions.

5.0 PURPOSE

The purpose of this Incorporated Document is:

- To permit the use of the Identified Lots as dwellings subject to the Clause 6.0 conditions of this document; and
- To ensure the permitted uses do not adversely impact on the normal operation of the surrounding non-residential land uses and the future development of the Gipps Street Major Employment Precinct, Collingwood.

6.0 CONDITIONS

The following conditions apply to the use allowed by this incorporated document.

Site specific controls

The use of any Identified Lot for a dwelling may continue provided all the below conditions are met to the satisfaction of the responsible authority (unless the responsible authority considers that a condition is not relevant to the Identified Lot).

Condition number	Condition
1	The Identified Lot has been unoccupied for a continuous period of 2 years or for 2 or more periods which together total 2 years in any period of 3 years.
2	The use of the Identified Lot as a dwelling must be conducted within the gross floor area of the dwelling existing on the Identified Lot at the date a notice is published in the <i>Victorian Government Gazette</i> for the approval of Amendment C247yara.
3	The Identified Lot must not be consolidated with any other Identified Lot unless the lots to be consolidated are subject to this incorporated document.
4	The number of dwellings within the Identified Lot at the date a notice is published in the <i>Victorian Government Gazette</i> for the approval of Amendment C247yara to the Scheme must not be increased.
5	<p>Written confirmation of compliance with the provisions, recommendations and requirements of the “<i>Site Management Plan – SMP 21 Northumberland Street and 26 Wellington Street Collingwood Victoria 3066 August 2021</i>” (SMP) must be provided by a suitable qualified environmental consultant or other suitable person acceptable to the responsible authority. To the extent any provisions, recommendations or requirements of the SMP are required to be implemented on an on-going basis, written confirmation of ongoing compliance must be provided by a suitably qualified environmental consultant or suitable person acceptable to the responsible authority at least quarterly (or at an interval otherwise agreed by the responsible authority)</p> <p>Condition 5 does not apply if an Environmental Audit Statement in accordance with Clause 7.0 of this incorporated document is required, and the Environmental Audit Statement states that the SMP is no longer required.</p>
6	The registered proprietor of any Identified Lot must at its own cost, undertake noise attenuation to that Identified Lot in the event that noise generated by a non-residential use, when measured at that Identified Lot, is greater than that outlined in the Noise Protocol under the <i>Environment Protection Regulations 2017</i> (as amended from time to time) and the Environment Reference Standard (Victoria Government Gazette S245, 26 May 2021) (as amended from time to time).

7	<p>Within 3 months of the date a notice is published in the <i>Victorian Government Gazette</i> for the approval of Amendment C247yara to the Scheme, the registered proprietor of the Identified Lot has entered into an agreement with the responsible authority under section 173 of the <i>Planning and Environment Act 1987</i> (P&E Act 1987) providing for the following:</p> <ul style="list-style-type: none"> • An agreement by the owner that if an application for a permit for land within the Gipps Major Street Employment Precinct, Collingwood, is lodged with the responsible authority, the owner/occupier will not object to the application relying upon use of the Identified Lots for residential purposes, and if a notice of decision to grant a permit for the application is issued by the responsible authority, the owner/occupier will not lodge an application for review with the Victorian Civil and Administrative Tribunal in respect of the notice of decision relying upon use of the Identified Lots for residential purposes. • An acknowledgement by the owner of the expiry conditions set out in Clause 6.0 of the incorporated document. • An acknowledgement by the owner that: <ul style="list-style-type: none"> • The amenity in the dwelling may be minimised due to its location within the Gipps Street Major Employment Precinct, Collingwood. • Future planning applications under the P&E Act 1987 may not take into consideration impact on residential amenity, including but not limited to overshadowing, overlooking, odour and noise, in the same way that an application in a residential zone would take those matters into account, and has paid the responsible authority's reasonable costs of the preparation, execution and registration of the section 173 agreement.
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7.0 REQUIREMENT FOR AN ENVIRONMENTAL AUDIT STATEMENT

As soon as reasonably practicable after the date a notice is published in the *Victorian Government Gazette* for the approval of Amendment C247yara:

- a) A preliminary risk screen assessment statement (**PRSA**) in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for a sensitive use (high); or
- b) An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* (environmental audit statement) must be issued stating that the Identified Lots are suitable for a sensitive use (high).

Unless with the written consent of the responsible authority, if a PRSA in accordance with clause 7.0(a) or an Environmental Audit Statement in accordance with clause 7.0(b) is not issued within 6 months of the date Amendment C247yara to the Scheme is approved this control will expire.

The following requirements apply if an Environmental Audit Statement in accordance with clause 7.0(b) is issued:

- If the Environmental Audit Statement contains any recommendations, written confirmation of compliance with any recommendations of the Environmental Audit Statement must be provided as soon as reasonably practicable by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority. Compliance sign off must be in accordance with any requirements in the Environmental Audit Statement recommendations regarding verification of works.

- If the Environmental Audit Statement contains recommendations of an ongoing nature, the owners of all affected Identified Lots must enter into an agreement as soon as reasonably practicable with the responsible authority under section 173 of the P&E Act 1987 which gives effect to those recommendations and an application must be made to the Registrar of Titles to register the section 173 agreement on the titles to the affected Identified Lots under section 181 of the P&E Act 1987.
- The owners of the affected Identified Lots must pay the responsible authority's reasonable costs of the preparation, execution and registration of the section 173 agreement.
- Unless with the written consent of the responsible authority, if an agreement under section 173 is required under this clause and is not registered on the titles to all affected Identified Lots within 6 months of the date of the Environmental Audit Statement, this control will expire.

8.0 EXEMPTION FROM NOTICE AND REVIEW

Any application to construct a building or construct or carry out works under this incorporated document is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the P&E Act 1987.

END OF DOCUMENT