Yarra Planning Scheme

Amendment C247yara

Explanatory Report

Overview

The amendment applies the Specific Controls Overlay (SCO22) to 21 Northumberland Street and 26 Wellington Street, Collingwood, and introduces an incorporated document to allow the identified lots to be used as a residential dwelling and ensure that the existing use does not adversely impact the operation of the surrounding current and future non-residential land uses. The incorporated document is required to include conditions on the identified lots to manage the existing use within the development.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Yarra City Council website at www.yarracity.vic.gov.au/amendmentC247yara

The amendment is available for public inspection, free of charge, during office hours at the following places:

Collingwood Town Hall, Service Desk, 140 Hoddle Street, Abbotsford VIC 3067

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 about the amendment. Submissions about the amendment must be received by [to be determined once authorisation is received].

A submission must be sent to: strategicplanning@yarracity.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: [to be determined once authorisation is received]

Panel hearing: [to be determined once authorisation is received]

Details of the amendment

Who is the planning authority?

The amendment has been prepared by the Yarra City Council, which is the planning authority for the amendment.

The amendment has been made at the request of the Victorian Silos and Distillery Consortium.

Land affected by the amendment

The amendment applies to land at 21 Northumberland Street and 26 Wellington Street, Collingwood as shown in Figure 1.



Figure 1 - Land affected by the amendment within the red line at 21 Northumberland Street and 26 Wellington Street, Collingwood.

What the amendment does

The amendment applies the Specific Controls Overlay (SCO22) to 21 Northumberland Street and 26 Wellington Street, Collingwood, and introduces an incorporated document to allow the identified lots to be used as a residential dwelling and ensure that the existing use does not adversely impact the operation of the surrounding current and future non-residential land uses. The incorporated document is required to include conditions on the identified lots to manage the existing use within the development. Specifically, the amendment:

Amends the Schedule to Clause 45.12 (Specific Controls Overlay) to list 21
 Northumberland Street and 26 Wellington Street, Collingwood, as an

- incorporated document.
- Amends the Schedule to Clause 72.04 (Incorporated documents) to include 21
 Northumberland Street and 26 Wellington Street, Collingwood as an incorporated
 document.
- Inserts planning scheme map No. 06SCO to apply the Specific Controls Overlay to 21 Northumberland Street and 26 Wellington Street, Collingwood.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to ensure the use of each individual lot within 21 Northumberland Street and 26 Wellington Street, Collingwood, may continue as a residential dwelling within the existing development. The amendment is required to ensure that the existing use does not adversely impact the operation of the surrounding current and future non-residential land uses.

Two planning permits were issued for the development of the site in 1995 and 1997, which included a number of caretaker dwellings that would unlikely be supported under the current planning scheme requirements in the Commercial 2 Zone.

Currently, there are no planning controls which apply to the land to manage the potential conflict between residential and commercial uses within the precinct and risk to human health.

The amendment strikes a balance between ensuring the potential impact on the Gipps Street Major Employment Precinct are minimised and managed while providing existing residents security of tenure.

The amendment is required to apply the Specific Controls Overlay (SCO22) to 21 Northumberland Street and 26 Wellington Street, Collingwood and introduce an incorporated document to allow the identified lots to be used as a residential dwelling and ensure that the uses do not adversely impact the operation of the surrounding current and future non-residential land uses.

The incorporated document is required to introduce conditions to manage the existing residential use for each of the identified lots. This includes conditions including but not limited to:

- Placing an expiry on the existing use.
- Ensuring realistic amenity expectations are understood and accepted by residents within the employment precinct.
- Ensuring the identified lots may need to make reasonable adjustments to individual properties at their own cost to minimise noise impacts from surrounding uses.
- Ensuring land contamination is appropriately managed.

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

The amendment implements the objectives in section 4 of the *Planning and Environment Act 1987*, in particular:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To balance the present and future interests of all Victorians.

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

The amendment is consistent with the overarching goal in the planning scheme to:

'Integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.'

Environmental

The amendment ensures that land contamination and risk to human health are managed through the conditions set out in the incorporated document.

The amendment will require the preparation and implementation of an environmental audit for the site. The amendment also introduces conditions that manage potential noise conflict from existing and future commercial uses.

Social

The amendment applied conditions to assist in managing the residential uses within an employment precinct. This will provide framework for existing residential and commercial uses within and surrounding the Site to operate without conflict.

Economic

The amendment applies an expiry condition to the lots affected. This is to ensure current residents have security in tenure for as long as they wish to remain at the property while allowing for a potential transition to the intended commercial use should the site be vacated.

The amendment also introduces conditions to manage the residential uses and their amenity expectation. This ensures that residential uses will not adversely impact the normal operations of existing and future commercial uses.

Does the amendment address relevant bushfire risk?

The land affected by the amendment is not located within an area of identified bushfire risk.

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

Ministerial direction 1 – Potentially contaminated land

The amendment complies with *Ministerial Direction No. 1 (Potentially contaminated land)* under section 12 of the *Planning and Environment Act 1987.*

The relevant assessments have been undertaken prior to the responsible authority giving notice under section 17, 18 and 19 of the Act. The landowners of the land at 21 Northumberland Street and 26 Wellington Street have implemented the recommendations of the preliminary risk assessment and site management plan. The incorporated document includes conditions that set out the steps the landowners must take to obtain an environmental audit which has been informed by advice from the Environmental Protection Agency (EPA).

Ministerial direction 9 – Metropolitan strategy

The amendment complies with *Ministerial Direction No. 9 (Metropolitan strategy)* under section 12 of the *Planning and Environment Act 1987.*

 Direction 1.1 - Create a city structure that strengthens Melbourne's competitiveness for jobs and investment which seeks to strengthen the competitiveness of Melbourne's employment areas.

The amendment supports the direction by introducing planning controls to manage residential use within a Major Employment Precinct. It strikes a balance between ensuring the impacts on the Gipps Street Employment Precinct are minimised and managed while providing existing residents security of tenure.

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 desired objective.

<u>Ministerial direction 19 – Amendments that may result in impacts on environment,</u> amenity and human health

The amendment complies with *Ministerial Direction No. 19 (Amendments that may result in impacts on environment, amenity and human health)* under section 12 of the *Planning and Environment Act 1987.*

The views of the Environmental Protection Agency have been sought prior to the preparation and exhibition of the amendment. These views have been incorporated into the conditions set out in the incorporated document.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

Clause 13.05 (Noise)

• Clause 13.05-1S (Noise management) - To assist the management of noise effects on sensitive land uses.

The amendment supports the objectives of clause 13.05 through the conditions in the incorporated document. The condition ensures that the owners of the residential dwellings make reasonable adjustments to their properties in response to noise conflict. This will ensure that the current and future commercial uses can operate with minimal interruption.

Clause 13.07 (Amenity, human health and safety)

- Clause 13.07-1S (Land use compatibility) To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- Clause 13.07 -1L (Caretakers house) Protect business and industry by preventing the establishment of dwellings unassociated with a business and industry in industrial and commercial zones where a dwelling is prohibited.

The amendment supports the objectives of clause 13.07 through the introduction of an incorporated document. The incorporated document includes conditions to manage potentially contaminated land and manage risk to human health. This includes conditions to ensure that an environmental audit is conducted and implemented for the site within a timeframe.

Clause 17.01 (Employment)

- Clause 17.01-1S (Diversified economy) To strengthen and diversify the economy.
- Clause 17.01.1L (Employment) To maintain and grow employment in the Cremorne and Gipps Street major employment precincts, as identified in clause 02.04 (Strategic Framework Plan).

The amendment supports the objectives of clause 17.01 through the introduction of an incorporated document. The incorporated document includes conditions that support the functioning of the Gipps Street Major Employment Precinct. This includes an expiry condition on the identified lots. A condition has been applied that requires residents to enter a section 173 agreement with the responsible authority (council) to properly manage the amenity expectations of residents within the employment precinct.

Clause 17.03 (Industry)

- Clause 17.03-1S (Industrial land supply) To ensure availability of land for industry.
- Clause 17.03-3R (Regionally significant industrial land) To protect industrial land of regional significance and facilitate continual growth in freight, logistics and

manufacturing investment.

The amendment supports the objective of clause 17.03 through the introduction of an incorporated document which includes conditions to support the operation of the Gipps Street Major Employment Precinct.

The Melbourne Industrial and Commercial Land Use Plan (MICLUP) identifies the precinct as regionally significant industrial land. The amendment acknowledges that there are lots which have existing use rights while others do not. The amendment applies conditions to manage these conflicting land uses while enabling a potential for transition the land to its intended commercial use.

How does the amendment support or implement the Municipal Planning Strategy?

The Municipal Planning Strategy identifies the importance of Yarra's employment areas and seeks to support the importance of Major Employment Precincts such as the Gipps Street Employment Precinct. The MPS also seeks:

- To minimise pressure for residential conversion of employment precincts.
- Ensure sensitive land uses (such as residential uses) are designed and located to minimise the potential conflict with existing surrounding employment uses (including existing retail, commercial, hospitality, nighttime economy, creative and cultural uses).

The amendment strikes a balance between ensuring the impact on the precinct are minimised and managed while providing existing residents security of tenure. The incorporated document will ensure that residents are able to continue to live at their residence, which provides clarity in relation to amenity expectations and allows the potential for the land to transition to commercial use in accordance with the zone.

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

The amendment uses the most appropriate VPP tool to achieve its objective. The application of the Specific Controls Overlay and introduction of an incorporated document are appropriate to permit the existing residential dwelling use within the Commercial 2 Zone.

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

The Environmental Protection Agency (EPA) has been informed of the amendment and provided advice in relation to on the conditions set out in the incorporated document.

The views of relevant agencies will be obtained during exhibition of the amendment. Does the amendment address relevant

requirements of the Transport Integration Act 2010?

The amendment is consistent with the requirements of the *Transport Integration Act* 2010 and facilitates development outcomes that promote the principles of transit-oriented development.

Particular consideration has been given to ensuring vehicular movements do not impact the Principal Public Transport Network (PPTN).

Resource and administrative costs

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

The amendment will have minimal impact on the general operation of council's Statutory Planning Department and can be accommodated within existing resources.

Yarra Planning Scheme

Amendment C247yara

Instruction sheet

The planning authority for this amendment is the Yarra City Council.

The Yarra Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one attached map sheet.

Overlay Maps

1. Amend Planning Scheme Map No 6 SCO is in the manner shown on the attached map marked "Yarra Planning Scheme, Amendment C247yara".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

- 2. In **Overlays** Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
- 3. In **Operational Provisions** Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

YARRA PLANNING SCHEME

18/04/2019 C225

SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

1.0 Specific controls

24/04/2024--/----C324yaraProposed C247yara

PS Map Ref	Name of incorporated document
SCO1	351-353 Church Street, Richmond – Incorporated Document, February 2019
SCO2	520 Victoria Street, 2A Burnley Street and 2-30 Burnley Street, Richmond, Burnley Street West Precinct, Incorporated Plan, 2012
SCO3	10 Bromham Place, Richmond Incorporated Document, February 2013
SCO4	Fitzroy Former Gasworks Site Incorporated Document, February 2018
SCO5	Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016
SCO6	Flying Fox Campsite, Yarra Bend Park, December 2004
SCO7	Tramway Infrastructure Upgrades Incorporated Document, May 2017
SCO9	Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford)
SCO12	North East Link Project Incorporated Document, December 2019 (amended September 2023)
SCO13	Walk Up Village, 81-89 Rupert Street, Collingwood – September 2022
SCO14	462-482 Swan Street, Richmond Incorporated Document, September 2020
SCO15	36-52 Wellington Street, Collingwood – September 2020
SCO16	Victorian Institute of Forensic Mental Health Thomas Embling Hospital Incorporated Document, August 2020 (updated August 2022)
SCO17	Alphington Link Incorporated Document, May 2022
SCO18	484 - 490 Swan Street, Richmond Incorporated Document, May 2023
SCO21	27 & 31 Victoria Parade, Fitzroy (Department of Transport and Planning, February 2024)
SCO22	21 Northumberland Street and 26 Wellington Street Collingwood (Yarra City Council, May 2024)

15/01/2024 VC249

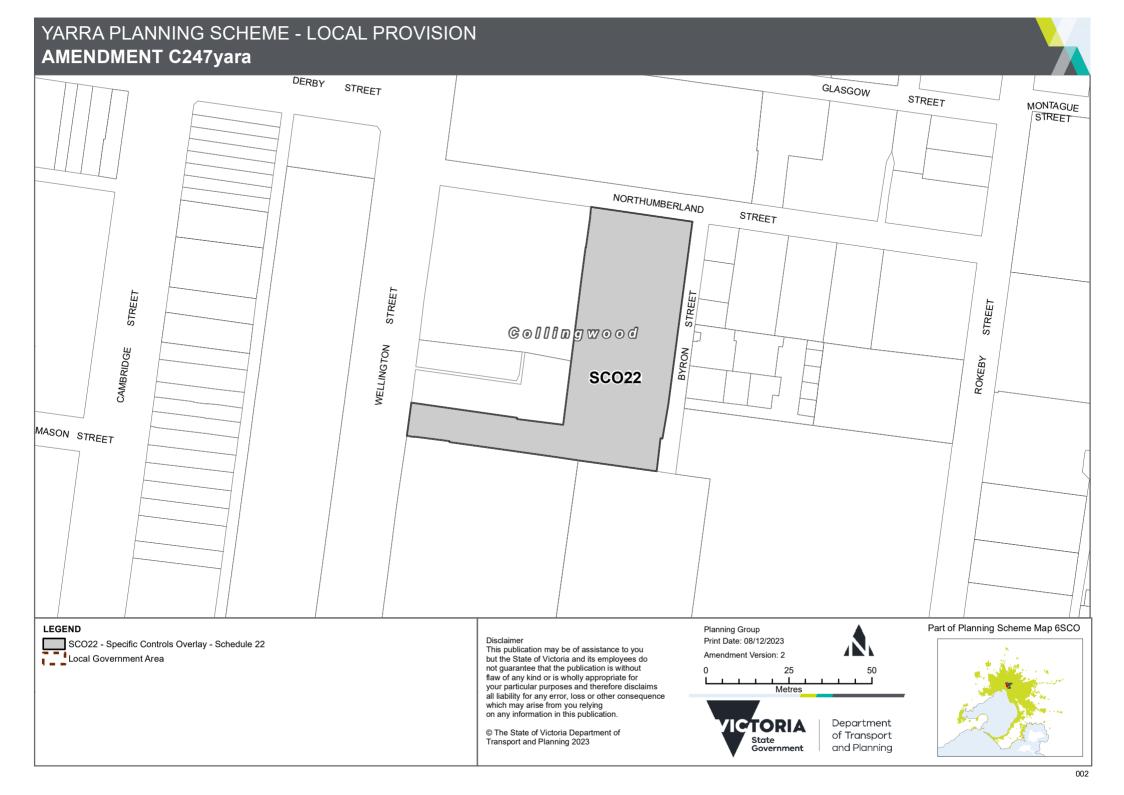
SCHEDULE TO CLAUSE 72.04 INCORPORATED DOCUMENTS

1.0 Incorporated documents 09/05/2024 -/ -/ --C3009yara Proposed C247yara

Name of document	Introduced by:
5-15 Mayfield Street, Abbotsford Incorporated Document (October 2018)	C188
10 Bromham Place, Richmond Incorporated Document (February 2013)	C171
18-62 Trenerry Crescent, Abbotsford Incorporated Plan (May 2018)	C218
27 & 31 Victoria Parade, Fitzroy (Department of Transport and Planning, February 2024)	C324yara
32-68 Mollison Street, Abbotsford Incorporated Plan (February 2022)	C280yara
36-52 Wellington Street, Collingwood Incorporated Document (September 2020)	C285yara
351-353 Church Street, Richmond Incorporated Document (February 2019)	C225
462-482 Swan Street, Richmond Incorporated Document (September 2020)	C282yara
484 - 490 Swan Street, Richmond Incorporated Document (May 2023)	C316yara
520 Victoria Street, 2A Burnley Street and 2-30 Burnley Street, Richmond Burnley Street West Precinct Incorporated Plan (2012)	C150
Alphington Link Incorporated Document (May 2022)	C300yara
Atherton Gardens Fitzroy Incorporated Document (September 2010)	C136
Caulfield Dandenong Rail Upgrade Project Incorporated Document (April 2016)	GC37
Chandler Highway Upgrade Incorporated Document (March 2016, Amended December 2017)	GC80
City of Yarra Database of Heritage Significant Areas (City of Yarra, March 2024)	C308yara
Cremorne Balmain Dover Street Project	NPS1
Crown Land Car Park Works, Burnley (August 2005)	C92
Fitzroy Former Gasworks Site Incorporated Document (February 2018)	C242
Flying Fox Campsite, Yarra Bend Park (December 2004)	C90
Hurstbridge Rail Line Upgrade Incorporated Document (January 2017)	GC60
Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions (July 2014)	C178
Local Policy "Protection of Biodiversity" Sites of Remnant Vegetation (Biosis 2001)	C49
M1 Redevelopment Project (October 2006)	C86
Melbourne City Link Project, Advertising Sign Locations (November 2003)	VC20
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document (May 2018)	GC96
North East Link Project Incorporated Document (December 2019, Amended September 2023)	GC223
Planning and Design Principles for the Richmond Maltings Site, Cremorne (November 2007)	C101
Richmond Walk Up Estate Redevelopment Incorporated Document (September	C136

YARRA PLANNING SCHEME

Name of document	Introduced by:
Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority (May 2010)	C135
Specific Site and Exclusion – Lot 2 on PS433628L, 452 Johnston Street, Abbotsford	C56
Swan Street Works, Burnley (June 2005)	C91
Tramway Infrastructure Upgrades Incorporated Document (May 2017)	GC68
Victoria Gardens Comprehensive Development Plan (Department of Transport and Planning, April 2024)	C307yara
Victorian Institute of Forensic Mental Health Thomas Embling Hospital Incorporated Document (August 2020, Updated August 2022)	C311yara
Walk Up Village, 81-89 Rupert Street, Collingwood (September 2022)	C310yara
Yarra Gardens Precinct Plan (Urbis LHD, December 2009)	C126
Yarra Development Contributions Plan 2017 (HillPDA, December 2023)	VC249
Yarra High Streets (Queens Parade) Statements of Significance Incorporated Document (Yarra City Council, March 2020)	C231yaraPt1yara
Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance Incorporated Document (Yarra City Council, May 2020)	C245yara
21 Northumberland Street and 26 Wellington Street Collingwood Incorporated Document (Yarra City Council, May 2024)	C247yara



Strategic Assessment Guidelines Checklist

This checklist is a tool that provides a quick snapshot of the abovementioned information. It may be useful to use while preparing an amendment assessment.

Note: In the 'Comment' field, you must click in the top left part of the field to enter any comments.

Strategic Consideration		Yes	No	N/A	Comment	
Why is an amendment required?	•	What does the amendment intend to do and what is its desired outcome?				See explanatory report.
	•	How does it intend to do it?				See explanatory report.
	•	Is it supported by or is it a result of any strategic study or report?				
	•	Will the planning policy, provision or control result in the desired planning outcome?				
	•	Will the amendment have a net community benefit?				
	•	Will the community benefit outweigh the cost of the new control?				
	•	Does the amendment repeat provisions already in the scheme?				
	•	Is the planning scheme the most appropriate means of controlling the issue or can other existing regulatory or process mechanisms deal with the issue?				
	•	Is the matter already dealt with under other regulations?				
Does the amendment implement the objectives of	•	Does the amendment implement the objectives of planning in Victoria? (Refer to section 4 of the <i>Planning and Environment Act 1987</i>)				
planning and any environmental,	•	Does the amendment adequately address any environmental effects?	\boxtimes			
social and economic effects?	•	Does the amendment adequately address any social effects?	\boxtimes			
	•	Does the amendment adequately address any economic effects?	\boxtimes			
Does the amendment address relevant bushfire risk?	•	Does the amendment meet the objective and give effect to the strategies to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the Planning Policy Framework (Clause 13.02 of the planning scheme)?				
	•	Has the view of the relevant fire authority been sought in formulating the amendment?				
	•	If the planning scheme includes a Local Planning Policy Framework at Clause 20, is the amendment consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk?				
	•	Is local policy for bushfire risk management required to support the amendment?				

Does the amendment comply with all the relevant Minister's Directions?	Does the amendment comply with the requirements of the Ministerial Direction - The Form and Content of Planning Schemes?	\boxtimes		
	Do any other Minister's Directions apply to the amendment? If so, have they been complied with?			Yes, see explanatory report.
	Is the amendment accompanied by all of the information required by a Minister's Direction?			
Does the amendment	Does the amendment support or give effect to the PPF?			
support or implement the PPF?	 Are there any competing PPF objectives and how are they balanced? 			
	 Does the amendment support or give effect to any relevant adopted state policy? 			
	If the planning scheme includes a Municipal Planning Strategy (MPS) at Clause 02 and the amendment seeks to introduce or amend a local planning policy in the PPF:			
	Does the new or amended local planning policy:			
	respond to a demonstrated need?		\boxtimes	
	 implement a strategic direction in the MPS? 			
	 relate to a specific discretion or group of discretions in the planning scheme? 			
	 assist the responsible authority to make a decision? 		\boxtimes	
	 (assist any other person to understand whether a proposal is likely to be supported? 			
	Does the amendment affect any existing local planning policy or tool?			
	 Is a local planning policy necessary OR is the issue adequately covered by another planning tool or decision guideline? 			
Does the amendment support or implement the LPPF? *This strategic consideration only applies if the planning	Does the amendment implement or support the MSS?			
	Does the amendment seek to change the objectives or strategies of the MSS? If so, what is the change?			
	What effect will any change to the MSS have on the rest of the MSS:			
scheme includes an	 Is the amendment consistent/inconsistent with strategic directions elsewhere in the MSS? 			

LPPF at Clause 20		 Has the cumulative effect of this amendment on the strategic directions in the MSS been considered? 			
	•	Does the new or amended local planning policy:		\boxtimes	
		respond to a demonstrated need?			
		implement an objective or strategy in the MSS?		\boxtimes	
		 relate to a specific discretion or group of discretions in the scheme? 			
		 assist the responsible authority to make a decision? 			
		 assist any other person to understand whether a proposal is likely to be supported? 			
	•	Does the amendment affect any existing local planning policy or tool?			
	•	Is a local planning policy necessary OR is the issue covered by another planning tool or decision guideline?			
Does the amendment	•	How does the amendment seek to implement or support the MPS?	\boxtimes		
support or implement the MPS? *This strategic	•	Does the amendment seek to change the strategic directions of the MPS? If so, what is the change?			
consideration only applies if the planning	•	What effect will any change to the MPS have on the rest of the MPS?			
scheme includes an MPS at Clause 02		 Is the amendment consistent/inconsistent with strategic directions elsewhere in the MPS? 			
		 Is the amendment consistent/inconsistent with strategic directions elsewhere in the MPS? 			
		 What is the cumulative effect of this amendment on the other directions in the MPS? 		\boxtimes	
Does the amendment make proper use of the VPP?	•	Does the amendment use the most appropriate VPP tool to achieve the strategic objective of the scheme?			
	•	Does the amendment affect, conflict with or duplicate another existing provision in the planning scheme that deals with the same land, use or development?			
	•	If so, have the provisions been reconciled?			
	•	Does the control capture matters that do not specifically relate to the purpose or objectives of the control or matters that should not be dealt with under planning?			

	 Does the amendment make any existing provision in the planning scheme redundant? 			
	Is the amendment consistent with any relevant planning practice note?	\boxtimes		
How does the amendment address the views of any relevant agency?	Have the views of any relevant agency been addressed?			
Does the amendment address the requirements	 Is the amendment likely to have a significant impact on the transport system as defined by section 3 of the TIA? 			
of the Transport Integration Act 2010 (TIA)?	If so, explain how the amendment addresses the transport system objectives and decision-making principles set out in Part 2, Divisions 2 and 3 of the TIA.			
	 Are there any applicable statements of policy principles prepared under section 22 of the TIA? 			
	If so, assess how the amendment addresses any specified policy principles that apply to the proposal.			
What impact will the new planning provisions have on the	 Has the council considered the cost implications in implementing and administrating the new planning provisions including: 			
resource and administrative costs of the responsible authority?	 estimated increase in number of planning permit applications 			
	 planning staff resources 			
	 other miscellaneous costs including legal or other professional advice, for example, heritage advisers 			
	 capacity to consider the new application within the prescribed time? 			