

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:

Richmond Town Hall, Service Desk, 333 Bridge Road, Richmond VIC 3121

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.

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. Over time, some of these caretaker dwellings were used as residential dwellings. Under the Commercial 2 Zone, residential dwellings are prohibited.

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 a 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 affected lots. 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 Environment Protection Authority (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.

Ministerial direction 19 – Amendments that may result in impacts on environment, 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

Environment Protection Authority 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. A condition has been applied that requires residents to enter a section 173 agreement with the responsible authority (council) to properly manage land contamination and human health of residents.

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 EPA has been informed of the amendment and provided advice prior to Council seeking authorisation as well as during the amendment process.

Based on EPA advice, a Site Management Plan and Vapour Risk Assessment was completed to ensure potential land contamination did not pose an immediate risk to human health.

Following discussions with the Proponent, the EPA and Council officers, it was determined that an environmental audit could be provided following the planning scheme amendment process.

The EPA advised Council during the drafting of amendment documentation and 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.