



21 Northumberland Street and 26 Wellington Street, Collingwood

City of Yarra, April 2025

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.

2.0 LAND DESCRIPTION

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

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 specific controls contained in this document will cease to apply in respect of an Identified Lot if any of the following circumstances arise in respect of that Identified Lot:

- a) The use of an Identified Lot as a dwelling has stopped for a continuous period of 2 years or has stopped for two or more periods which together total 2 years in any period of 3 years; or
- b) The Identified Lot is consolidated with another lot unless the lots to be consolidated are also an Identified Lot; or
- c) The number of dwellings within the Identified Lot at the date of this document is incorporated into the planning scheme is increased; or
- d) A Section 173 Agreement pursuant to the *Planning and Environment Act 1987* ('PE Act') is not executed by the owner of an Identified Lot and submitted to the Responsible Authority within 3 months of this document being incorporated into the planning scheme, unless the time is extended with the written consent of the Responsible Authority; providing for the following:
 - a. It will not submit or procure another person or entity to submit, as a basis of objection to any planning permit application or amendment to a planning permit with the Council in respect of any land included within the Gipps Street Major Employment Precinct, reliance on the Subject Land being used for residential purposes;
 - b. It will not submit or procure another person or entity to submit, as a basis of a statement of ground or application for review of any planning permit application or amendment to a planning permit by the Victorian Civil and Administrative Tribunal in respect of any land included within the Gipps Street Major Employment Precinct, reliance on the Subject Land being used for residential purposes;
 - c. In considering planning permit applications within the Gipps Street Major Employment Precinct, the Council may not take into account impacts on residential amenity, including but not limited to overshadowing, overlooking, odour and noise, in the same way that it would for a planning permit application in a residential zone;
 - d. The amenity of the dwelling on the Subject Land may be reduced due to its location within the Gipps Street Major Employment Precinct;
 - e. An acknowledgement by the owner of the expiry conditions set out in Clause 4.0 of the incorporated Document.
- e) A PRSA stating that an environmental audit is not required for a sensitive use (high density) in accordance with clause 7(a) of this document or an Environmental Audit Statement which concludes that the Identified Lot is suitable for a sensitive use (high density) in accordance with clause 7(b) of this document is not issued within 6 months of this document being incorporated into the planning scheme, unless the

- time is extended with the written consent of the Responsible Authority); or
- f) If an agreement under section 173 is required under clause 7 of this document and the owner of an Identified Lot does not submit to the Responsible Authority an agreement providing for the required matters and executed by the owner and any mortgagee, within 6 months of the date of the Environmental Audit Statement, unless the time is extended with the written consent of the Responsible Authority.

Upon this incorporated document ceasing to apply to an Identified Lot, the Identified Lot may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

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

All conditions in this incorporated document must continue to be met.

The use of any Identified Lot for a dwelling may continue provided all the provisions in this incorporated document continue to be met.

Floor area used for dwelling must not be increased

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 Victorian Government Gazette for the approval of Amendment C247yara.

Site Management Plan

- a) Within 3 months of the date a notice is published in the Victorian Government Gazette for the approval of Amendment C247yara, or such other time as the Responsible Authority may approve in writing, written confirmation of compliance with the provisions, recommendations and requirements of the "*Site Management Plan – SMP 21 Northumberland Street and 26 Wellington Street Collingwood Victoria 3066 August 2021*" (SMP) must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the Responsible Authority. Any recommendations or requirements of the SMP must 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 on the request of the responsible authority. A register of works including any Safe Work Method Statements must be maintained.
- b) This condition does not apply if a preliminary risk screen assessment statement ('PRSA') or an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* ('Environmental Audit Statement') in accordance with Clause 7.0 of this incorporated document state that ongoing compliance with the SMP is not required.

Noise attenuation

The owner 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 *Environment Protection Regulations 2017* (as amended from time to time) and the Environment Reference Standard (Victoria Government Gazette S245, 26 May 2021) (as amended from time to time).

7.0 REQUIREMENT FOR AN ENVIRONMENTAL AUDIT STATEMENT OR PRELIMINARY RISK SCREEN ASSESSMENT

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 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 density); or
- b) An Environmental Audit Statement must be issued stating that the Identified Lots are suitable for a sensitive use (high density).

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 PE Act.
- 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.

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