VICTORIAN DISTILLERY AND SILOS CONSORTIUM

26 WELLINGTON STREET AND 21 NORTHUMBERLAND STREET, COLLINGWOOD

URBIS

24 JANUARY 2019
MA11561_RP02
PREPARED FOR BEST HOOPER LAWYERS

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1. INTRODUCTION

Urbis Pty Ltd have been engaged by Best Hooper Lawyers to provide a strategic land use assessment to support a Planning Scheme Amendment in relation to the land at 26 Wellington Street and 21 Northumberland Street, Collingwood (the "subject site").

The subject site is located within the Commercial 2 Zone ("C2Z") of the Yarra Planning Scheme (the "Planning Scheme"). The Zone has a commercial focus and prohibits land uses such as dwellings. Notwithstanding this, we have been instructed that there are a significant number of dwellings which have existed on the subject site since its conversion in the late 1990s and early 2000s.

This request would seek approval for the subject site to be included within Clause 51.01 'Specific Site and Exclusions' of the Yarra Planning Scheme to enable the continued residential use of the land (dwellings), given the C2Z prohibits such uses.

The following report considers the dwelling uses having regard to their physical and planning context and provides justification for inclusion of the subject site within Clause 51.01 of the Yarra Planning Scheme.

In summary:

- Part of the subject site has been utilised for residential purposes (dwellings) since at least 1997 without any reported land use conflicts.
- The proposal for a site-specific exemption is an appropriate mechanism to regulate the continued use of the site for dwellings, will limit residential uses to the periphery of the precinct and will minimise any perceived risk of land use creep. Further, the inclusion of the site within Clause 51.01 does not need any additional development rights, allow for the intensification of existing uses nor restrict any existing land use rights under the C2Z.
- The site is strategically located between two activity centres and has good access to a range of public transport services, employment opportunities and facilities. These characteristics make the site well suited to residential land uses.
- The proposal is consistent with the Planning Policy Framework and Municipal Planning Strategy, the purpose of the C2Z and its decision guidelines by limiting residential uses to the periphery of the Gipps Precinct and ensuring that no adverse land use conflicts arise. Further, the site appropriately responds to Yarra's key strategic documents.
- The proposal affects a small portion of C2Z land within the City of Yarra and will not compromise the vitality of this employment precinct nor Yarra's ability to meet forecasted employment growth.
- The Gipps Precinct has shifted away from intensive industrial uses into a mix of commercial, office and creative industry uses. These types of uses can readily co-exist with residential uses.
- The location of the site on the periphery of the C2Z land, adjacent to the C1Z and MUZ further illustrates that residential uses in this location are appropriate and will not compromise the operations of existing commercial uses.
- There are no existing uses in the study area that will adversely impact on the amenity of the residential dwellings.
- The presence of residential uses in this location will not prohibit or unreasonably constrain the redevelopment of surrounding properties for higher density commercial buildings.
- The buildings on the subject site are well suited to residential uses and provide high levels of internal amenity for residents.

2. RELEVANT CONSIDERATIONS AND LIMITATIONS

In undertaking this report, we have considered the following:

- Current zoning and overlay provisions of the site and surrounds, Planning Policy Framework and Municipal Planning Strategy and other relevant provisions of the Yarra Planning Scheme.
- Relevant strategic planning policies and documents including:
  - Plan Melbourne 2017-2050
  - Yarra Spatial Economic and Employment Strategy (2018)
  - Yarra Housing Strategy (2018)
  - Gipps Precinct Local Area Plan (2010)
  - Yarra Business and Industrial Land Strategy (2012)
  - Yarra Economic Development Strategy (2012)
  - Inner Regional Housing Statement (January 2006)
- History of the zoning, urban development and land use patterns in the surrounding area.
- Certificate of Title.
- Planning and Building Permit History of the subject site including endorsed plans.
- Ministerial Guidelines for the Strategic Assessment of Planning Scheme Amendments.

Our assessment is limited in its scope. Specifically:

- We have not undertaken any technical evaluation of employment or commercial land needs or the viability (or otherwise) of such land uses.
- We have not been provided with or considered any technical assessments of the condition of the subject site (i.e. building condition) or surrounding areas, such as traffic.
- We have not been provided with detailed layout plans of the subject site, however, we have relied on inspections of the subject site and dwellings.
- We have limited our review to the statutory and strategic town planning considerations that are relevant to our area of expertise. Specific advice should be sought, if necessary, in relation to any non-town planning related matters.

2.1. STUDY AREA LAND USE ASSESSMENT

To provide a basis for this assessment, a focused land use study has been undertaken in the area surrounding the subject site.

The study area is bounded by:

- Landridge Street to the north
- Rokeby Street to the east
- Victoria Parade to the south; and
- Wellington Street to the west (see **Figure 1** below).

This study area was chosen as by its natural, larger road boundaries and to highlight its strategic context along the periphery of the C2Z adjacent to the C1Z and MUZ.

The study area boundary is shown in Figure 1 below.

Figure 1 – Study Area Boundary

A site inspection of the study area was undertaken to determine (where possible) the land uses occurring within the area. The findings of this land use assessment are provided at **Appendix A**.

3. SUBJECT SITE AND SURROUNDS

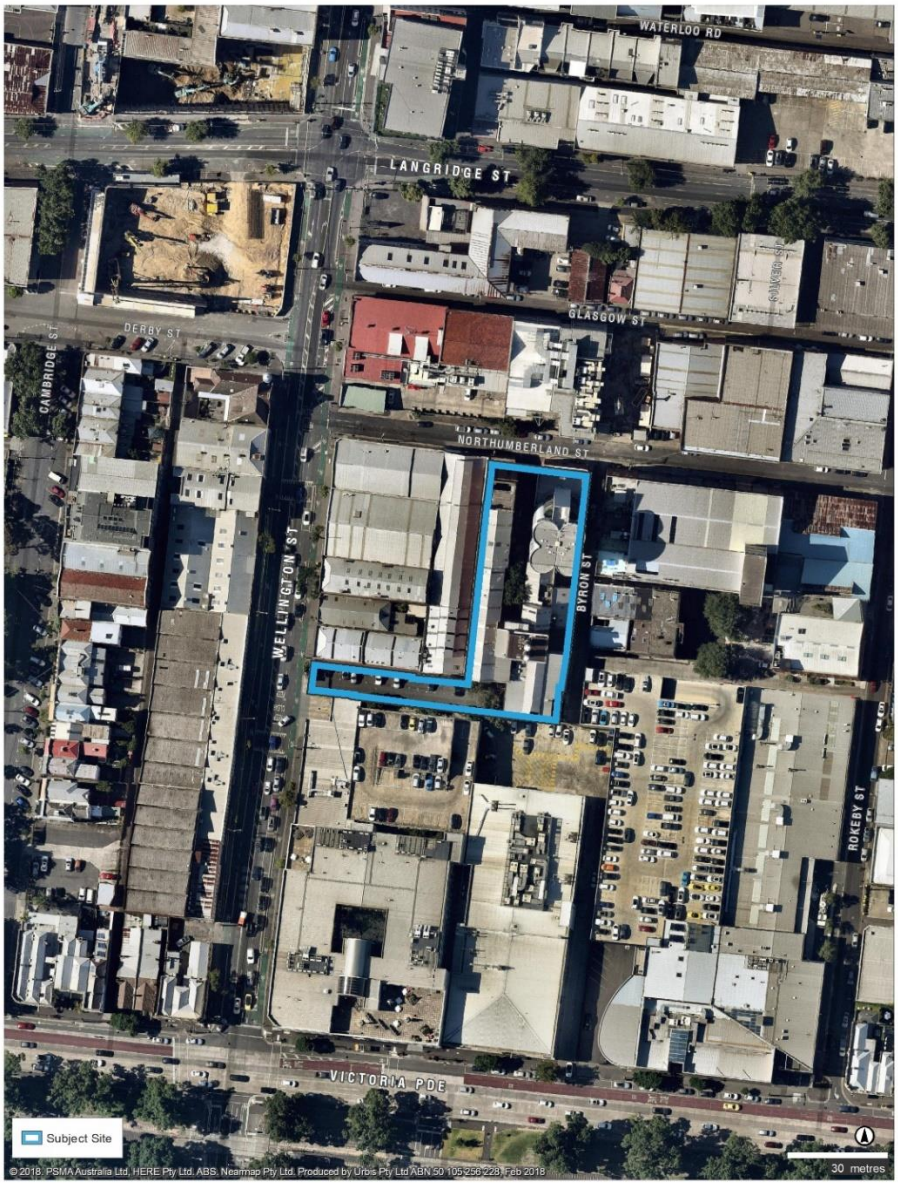
3.1. SUBJECT SITE

The subject site is located 1.3 kilometres east of the Melbourne CBD, 180 metres north of Victoria Parade and 70 metres east of Wellington Street.

The subject site is an 'L-shaped' parcel of land which extends from Wellington Street to Northumberland Street, Collingwood. The site has a frontage of approximately 10 metres to Wellington Street, 32 metres to Northumberland Street and an overall area of approximately 2786 square metres.

For further detail refer to aerial map at **Figure 2** below.

Figure 2 – Aerial Map of Subject Site



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SITE LOCATION

3.2. CERTIFICATES OF TITLE

The subject site is formally described on Plan of Subdivision 404294 and comprises 78 lots as follows:

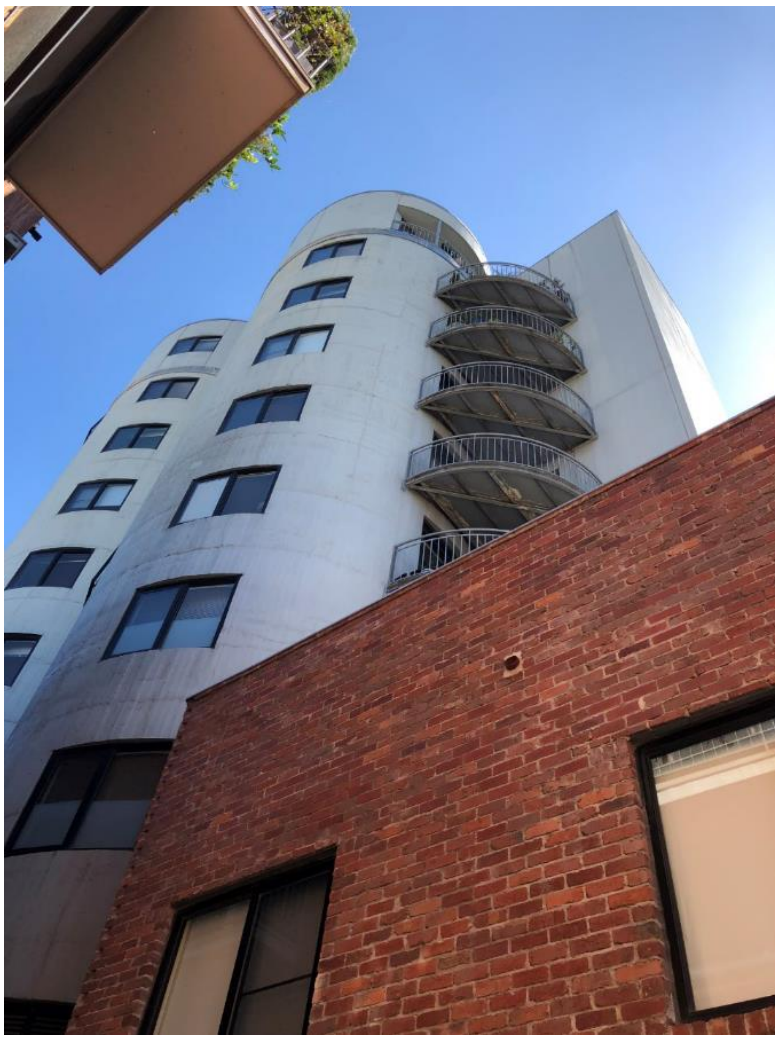
- Lots 3B to 3D of Plan of Subdivision 404294;
- Lots 5A to 5F of Plan of Subdivision 404294;
- Lots 6 to 8 of Plan of Subdivision 404294;
- Lots 11B to 11N of Plan of Subdivision 404294;
- Lots 13 to 66 of Plan of Subdivision 404294; and
- Lots CM1 to CM2 of Plan of Subdivision 404294.

3.3. LAND USE

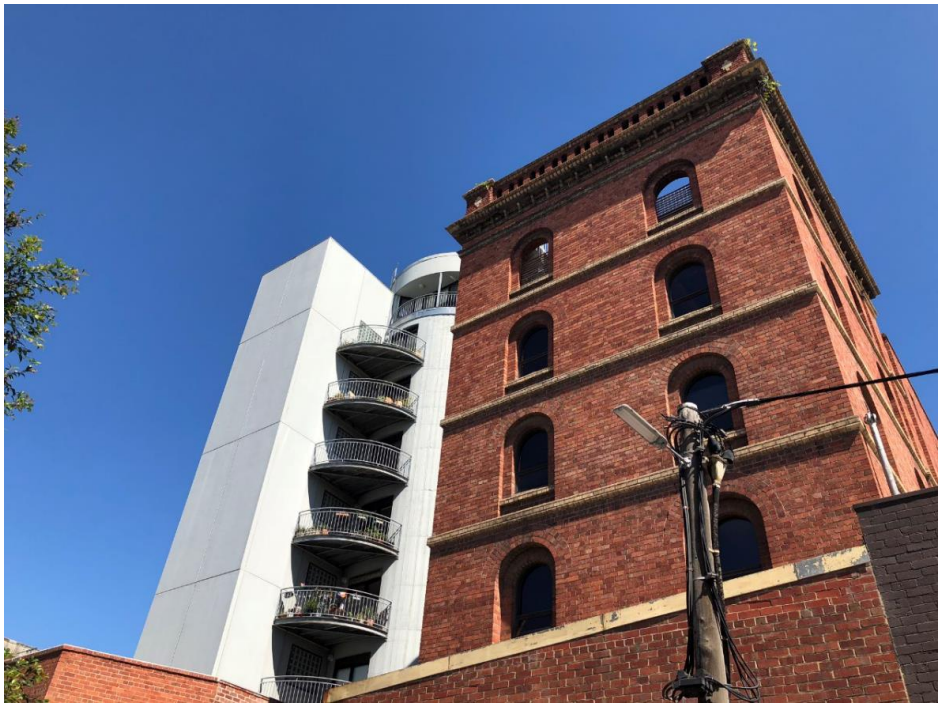
We are instructed that all of the dwellings have existed for a period of time. **Appendix B** includes the details of the planning and building permit history available for the site. These documents demonstrate that there has been a mix of uses present on the site which have, over time, shifted away from industrial uses to include dwellings, offices, art studios and home offices.

We have been instructed in respect of the following:

- Properties were purchased between 1998 to 2016.
- The earliest record of a residential dwelling on the site was in 1998. This dwelling was not used in association with any business.
- 55% of landowners use or lease their property as a principal place of residence.
- 38% of landowners use or lease their property as a home office. The home offices comprise a mix of businesses, creative industries, consultancies and art studios/galleries.
- At least 77% properties were used as a primary place of residence prior to the current landowners purchasing the property.
- At least 2 properties were either used as a home office or primarily for commercial properties prior to the current landowners purchasing the property.
- All lots within the silos (12 units) were sold after being fitted out as residences with kitchens, bathrooms and bedrooms.



Picture 1 - Subject site viewed from Byron Street to the north-east



Picture 2 - Subject site viewed from Northumberland Street to the north-west

3.4. IMMEDIATE INTERFACES

3.4.1. North

The subject site abuts Northumberland Street to the north. Northumberland Street is a two-way street that runs in an east-west direction connecting Wellington and Rokeby Streets. On-street parking is located on the northern side of the street.

Across Northumberland Street is No.2-16 Northumberland Street which comprises a red brick and concrete building (Telstra Exchange) and a separate red brick garage in the south-west corner of the property. Vehicle access is provided via multiple crossovers along Northumberland Street, and at-grade car parking is provided in the south-eastern portion of the land.

Planning Permit No. PLN16/0435 was issued for the site by the City of Yarra in 2016 and allows for the development of the site for a 6 storey building and a 13 storey building for offices and a food and drink premises.

3.4.2. East

To the east, the subject site abuts Byron Street. Byron Street is an 'L' shaped Street that extends south from Northumberland Street to the rear of No.105 Victoria Parade, and continues east to connect with Rokeby Street.

Across Byron Street is Nos.7, 9, 11 and 13 Byron Street and No.105 Wellington Parade.

The properties along Byron Street are currently developed with triple-storey brick buildings which appear to accommodate commercial uses and creative studios. These properties are accessible via Byron Street, and feature single car garages at ground level and upper level balconies oriented to Byron Street.

No.105-133 Victoria Parade is located to the south-east of the site and currently comprises a double-storey car dealership.

3.4.3. South

No.'s 79 and 103 Victoria Parade abut the subject site to the south.

No.79 Victoria Parade comprises a three-storey office building that steps down to single storey building at the rear. The building contains Jetstar's offices and a car park with a fitness centre located in the centre of the building. This site is accessible via crossover at the north-west corner of the property.

No.103 Victoria Parade comprises a two to three storey pathology centre with at-grade car parking at the rear accessible via a crossover along Victoria Parade. This site shares a driveway with the subject site off Wellington Street.

3.4.4. West

To the west, the site abuts No.48-52 and No.28-30 Wellington Street.

No.48-52 Wellington Street comprises a single-storey brick warehouse that is currently used for motor vehicle sales with on-site office facilities, as allowed by Planning Permit No. PLN12/0428. This building is built to the common boundary and is accessible via a crossover on Wellington Street and Northumberland Street.

No.28-30 Wellington Street comprises a single storey building accessible via a single crossover to Wellington Street. Planning Permit No. PLN12/0606 allowed for the use of this site for food production (coffee roasting). The site currently appears to be used for a cake and wine wholesaler and office.

Three other lots are situated between the subject site and Wellington Street however they do not immediately abut the site. These properties are Nos. 32, 36 and 38 Wellington Street, and each comprise single-storey commercial/warehouse buildings fronting Wellington Street.

On 2 March 2018, Council was advised by VCAT that they had set aside Council's decision and directed Council to issue permit PLN16/0922 for the development of a 11 storey mixed use building at 1-57 Wellington Street and 71-77 Victoria Parade, Collingwood.

3.5. SURROUNDING CONTEXT

The subject site is located within an established and highly walkable mixed-use area of Collingwood, just east of the Smith Street Activity Centre. The sites relationship with the activity centre ensures that there are a range of services, shops, facilities and entertainment opportunities within proximity of the subject site.

The surrounding area is characterised by a mix of land uses with a number of commercial, industrial and residential uses culminating in a diverse urban environment typical of an inner-city location. The site's context is framed by a strong presence of commercial uses along Wellington Street to the west and Victoria Parade to the south.

A site inspection of the study area found that the industrial and commercial uses feature a mix of professional services and creative consultancies, café's, automotive works, car parks, display suites, warehouse and storage spaces, and light industry.

The mix of land uses found within the study area can be attributed to the varied zones that have been applied to the area. Specifically, the subject site is located on the fringe of a Commercial 2 Zone ("C2Z"). On the western side of Wellington Street, land is located within the Mixed Use Zone ("MUZ"). Abutting the site to the south, land is located within the Commercial 1 Zone ("C1Z"), which extends to and along Victoria Parade.

A pocket of land located approximately 420 metres north-east of the subject site is located within the General Residential Zone ("GRZ").

In a wider context, the subject site is well serviced in terms of proximity to existing infrastructure and facilities including the following key services and facilities:

- Fitzroy Gardens (400m south-west)
- Australian Catholic University (650m west)
- St Vincent's Hospital (900m west)
- Collingwood Town Hall and Library (600m north-east)

Furthermore, the subject site is located approximately 1.2 kilometres to the east of the Carlton Gardens and Royal Exhibition Building and approximately 1.2 kilometres west of the Yarra River and park areas.

Please refer to Figure 3 following for a location map of the subject site.

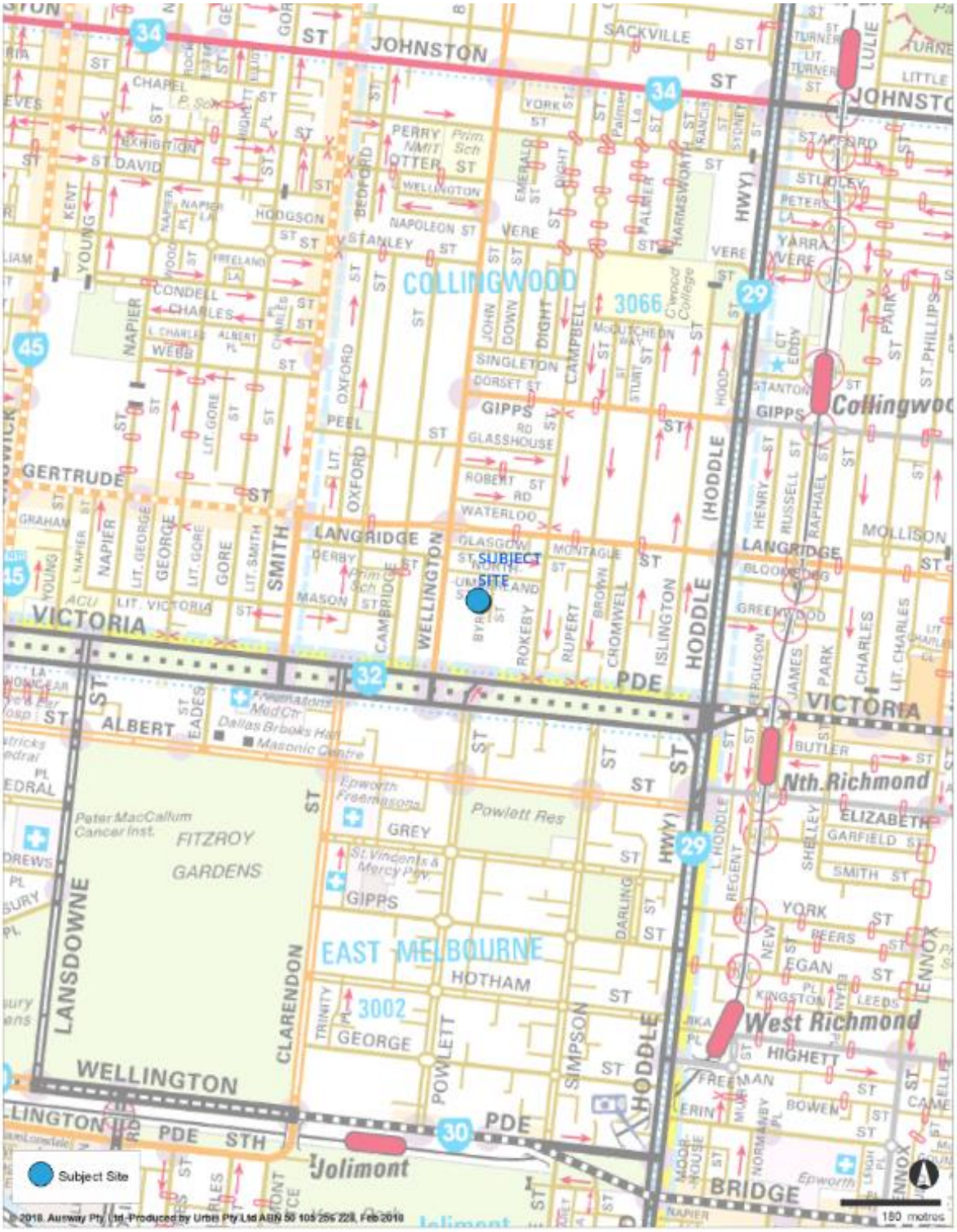
3.6. TRANSPORT ACCESSIBILITY

The subject site benefits from a high degree of connectivity to Melbourne's principal public transport network, and is generally well-positioned to provide convenient access to a number of key community services, commercial precincts and high quality public spaces. These include Melbourne's CBD, Smith Street and Victoria Street Activity Centres, Fitzroy Gardens and the Epworth Freemasons Hospital.

Key transport nodes proximate to the subject site include:

- North Richmond Station, approximately 600 metres to the south-east.
- Collingwood Station, approximately 690 metres to the north-east.
- Tram route 86 (Bundoora RMIT to Waterfront City Docklands) traversing Smith and Gertrude Streets with the closest stop located approximately 360 metres to the north-west.
- Tram routes 12 (Victoria Gardens to St Kilda, Fitzroy St) and 109 (Box Hill to Port Melbourne) traversing Victoria Parade with the closest stop located approximately 210 metres to the south-west.
- Multiple bus routes between Collingwood and wider metropolitan areas traversing Hoddle Street with the closest stop located approximately 435 metres to the north-east.

Figure 3 – Locality Map of Subject Site



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SITE LOCATION

4. EXISTING PLANNING POLICY AND CONTROLS

4.1. COMMERCIAL 2 ZONE

The subject site is located within the Commercial 2 Zone (C2Z), pursuant to Clause 34.02 of the Planning Scheme. The purpose of this Clause is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*

Pursuant to this Clause "accommodation" (which includes dwellings) is a prohibited land use.

Clause 34.02-2 further relates to "Use of Land" and specifies that *'a use must not detrimentally affect the amenity of the neighbourhood, including through the:*

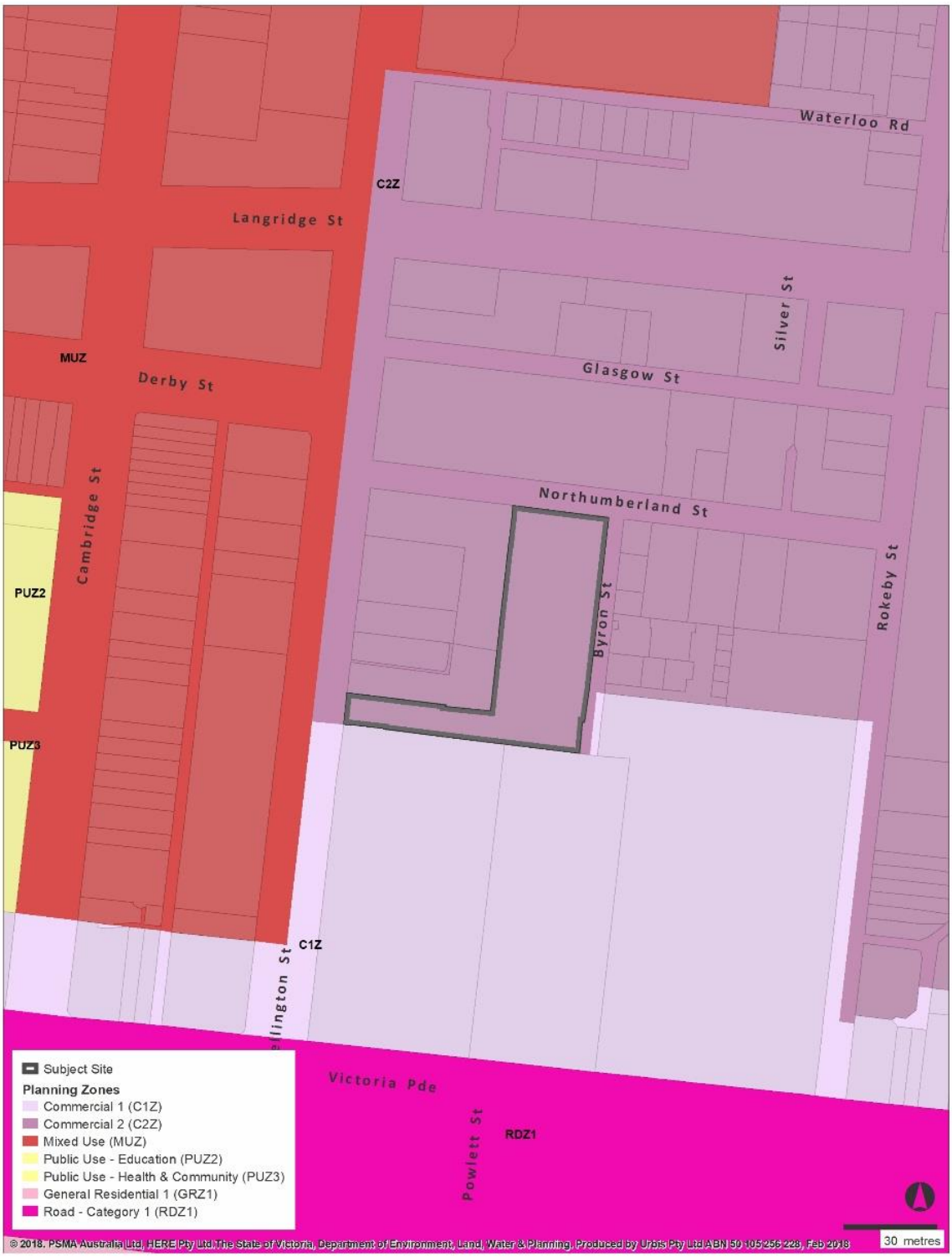
- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.'*

Clause 34.02-7 contains several 'Decision Guidelines' that are relevant to this assessment including:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use

These decision guidelines have been considered in detail in Section 5.4 of this report.

Figure 4 – Zoning Map of Subject Site



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PLANNING ZONES

4.2. OVERLAY PROVISIONS

The subject site is affected by the following Overlay provisions:

4.2.1. Design and Development Overlay (DDO2)

The subject site is affected by Design and Development Overlay – Schedule 2: Main Roads and Boulevards.

The built form design objectives relate to the importance of main roads, respecting existing streetscapes and reinforcing heritage qualities to encourage high quality architecture and urban design.

4.2.2. Design and Development Overlay (DDO11)

The subject site is affected by Design and Development Overlay – Schedule 11: Gipps Precinct.

DDO11 was introduced into the Planning Scheme in 2011 via Amendment C102, which also sought to rezone land within the Gipps Precinct from the Industrial 1 Zone (INZ1) to the Business 3 Zone (B3Z – now known as C2Z). The rezoning of the land was required to respond to the decline in industrial activity in the area, and to facilitate the transition to accommodate offices and service based industries in the future.

In its consideration of Amendment C102, the Panel raised questions regarding the appropriateness of the B3Z (amongst other things), particularly as the strategic basis for the amendment was 6 years old and the replacement review/strategy was yet to the finalised. However, the Panel was not able to recommend the rezoning of the Gipps Precinct to an alternative zone as part of this process and concluded that:

'the Business 3 Zone is a more appropriate zone than the current zoning. If the Amendment were to be put on hold until the 2011 Review is complete, it may take some time for an alternative zone to be realised on the site. The Panel finds that the Business 3 Zone is more appropriate in the interim until the findings of the 2011 Review are made available.'

Further, the Panel generally agreed *'that residential development could be a viable outcome for the Gipps Precinct, but whether that eventuates will depend upon the findings of the current Review of the Gipps Precinct being undertaken by Council and SGS Economics*.'

The strategic reviews that followed since this time are discussed later in this report.

4.2.3. Heritage Overlay (HO116)

The subject site is affected by Heritage Overlay – Schedule 116: Northumberland Street, Collingwood (Former Victoria Old Distillery).

HO116 only affects part of the subject site, with the protected five-storey red brick tower listed as being individually significant.

The relative areas affected by the overlays are shown in **Figure 5** following.

Figure 5 – Overlay Maps

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DESIGN AND DEVELOPMENT OVERLAY (DDO2)

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26 WELLINGTON ST & 21 NORTHUMBERLAND ST, COLLINGWOOD
DESIGN AND DEVELOPMENT OVERLAY (DDO11)

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HERITAGE OVERLAY (HO116)

4.3. PLAN MELBOURNE

Plan Melbourne 2017-2050 provides a metropolitan planning strategy to guide Metropolitan Melbourne's growth to 2050. It is a strategy focussed on providing employment, housing and transport around the central city, Metropolitan Activity Centres and established suburbs in anticipation of a predicted population growth from 4.5 to 8 million people by 2050.

Plan Melbourne identifies Melbourne's central subregion as a key location that will need to accommodate significant housing and employment growth in the future. It projects that the population of this region will grow between 300,000 to 450,000 additional people by 2050.

The Plan establishes outcomes, objectives and directions that seek to guide Melbourne's future development, of which the most relevant to this assessment are as follows:

'Outcome 1; Melbourne is a productive city that attracts investment, supports innovation and creates jobs'.

Outcome 1 identifies creating a diverse, flexible and resilient economy as a key objective in order to foster significant growth and investment and support employment growth as Melbourne's population continues to grow.

Outcome 1 contains the following policies of relevance to the proposed site-specific exemption:

Direction 1.1; *Create a city structure that strengthens Melbourne's competitiveness for jobs and investment*

- Support the central city to become Australia's largest commercial and residential centre by 2050
- Plan for the redevelopment of major urban renewal precincts in and around the central city to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses
- Facilitate the development of national employment and innovation clusters

Direction 1.3; *Create development opportunities at urban renewal precincts across Melbourne*

- Plan for and facilitate the development of urban renewal precincts

'*Outcome 2: Melbourne provides housing choice in locations close to jobs and services*'.

Outcome 2 identifies the provision of diverse housing close to jobs and services as a key strategic imperative in the central city. Here, the Plan seeks to promote and preserve housing stock with direct access to transport, education, commercial precincts and quality public spaces. Outcome 2 contains the following policies of relevance to the proposed site-specific exemption:

- *Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.*
- *Facilitate well-designed, high-density residential developments that support a vibrant public realm in Melbourne's central city.*
- *Support new housing in activity centres and other places that offer good access to jobs, services and public transport.*
- *Facilitate housing that offers choice and meets changing household needs.*

4.4. PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) seeks to develop objectives for planning in Victoria to foster land use and development which integrates relevant environmental, social and economic factors ultimately producing outcomes that satisfy the current and future needs of Victoria's population.

The following Clauses of the Planning Policy Framework ("PPF") are considered relevant to this assessment:

- **Clause 11 'Settlement'** states that planning is to anticipate and respond to the needs of existing and future communities through the provision of zones and serviced land for housing and community facilities. The policy also seeks to facilitate sustainable development that takes full advantage of existing settlement patterns.

- **Clause 11.02 'Managing Growth'** seeks to ensure that sufficient land and supporting infrastructure is available to meet forecast demand and support sustainable urban development.
- **Clause 11.03 'Planning for Places'** encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural development into activity centres that are highly accessible to the community.
- **Clause 15 'Built Environment and Heritage'** states that planning should ensure all new land use and development appropriately responds to its landscape, built form and cultural context.
- **Clause 15.01 'Built Environment'** aims to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. The policy asks for building design outcomes that contribute positively to the local context and enhance the public realm.
- **Clause 15.03-1S (Heritage Conservation)** seeks to *'ensure the conservation of places of heritage significance'* by (amongst other things) supporting the *'adaptive reuse of heritage building whose use has become redundant.'*
- ***Clause 16.01-1R (Integrated Housing – Metropolitan Melbourne)*** *aims to 'promote a housing market that meets community needs' by increasing 'the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.'*
- ***Clause 16.01-2S (Location of Residential Development)*** *seeks to 'locate housing in designated locations that offer good access to jobs, services and transport.' This is to be achieved by:*
  - *Increasing the 'proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.'*
  - *Encouraging 'higher density housing development on sites that are well located in relation to jobs, services and public transport.'*
  - *Ensuring an 'adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.'*
- **Clause 17 'Economic Development'** states its main objective is for planning to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.
- **Clause 17.03-1S (Industrial Land Supply)** seeks to *'ensure availability of land for industry.'*
- **Clause 18 'Transport'** seeks to ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.
- **Clause 18.02 'Movement Networks'** promotes the use of sustainable personal transport and seeks to ensure that developments provide adequate facilities for walking and cycling.

4.5. LOCAL PLANNING POLICY FRAMEWORK

4.5.1. Municipal Planning Strategy

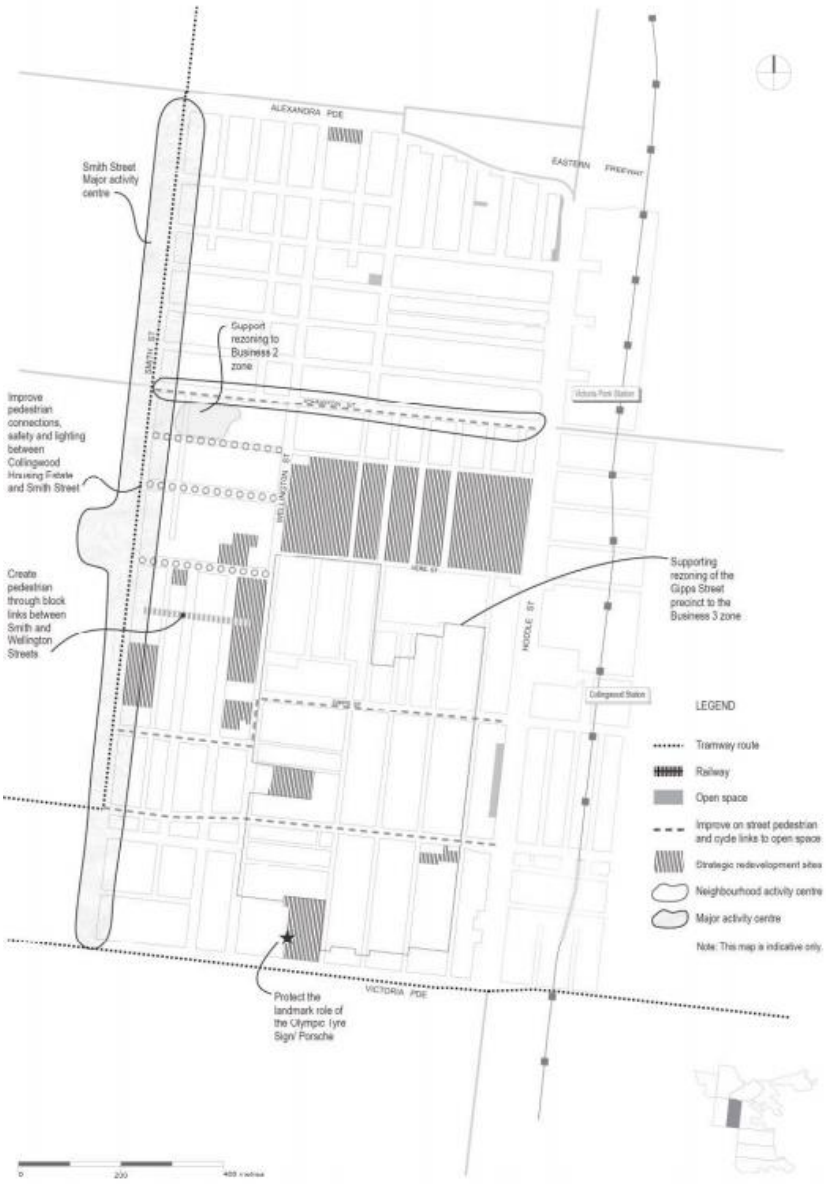
We note that parts of Yarra's Municipal Planning Strategy ("MPS") have not been updated over the past 8 to 10 years, and therefore may not accurately capture current population growth and economic trends nor Plan Melbourne 2017-2050. Notwithstanding this, we have summarised the relevant Clauses of the MSS below.

- **Clause 21.02 (Municipal Profile)** identifies 'the estimated resident population of Yarra is projected to increase to about 90,000 people by 2031.' Consequently, Yarra will be required to provide '12,800 additional dwellings with 85% to be provided on strategic redevelopment sites.'

  In relation to commerce, Clause 21.02 notes that *'Yarra has also become a preferred location for many smaller and medium sized businesses, particularly those in computer technology, marketing and design. This trend is expected to continue.'*

- **Clause 21.03** contains the Vision for Yarra by 2020. It includes aims to accommodate a diverse range of people whilst providing increased opportunities for employment, and identifies the subject site within a 'potential commercial and industrial area.'
- **Clause 21.04-1 (Accommodation and Housing)** is contained within Clause 21.04, which relates to Land Use. Clause 21.04-1 highlights that consistent residential growth is occurring as Yarra seeks to accommodate an urban population that is growing in size and diversity. The Clause contains the following objectives that aim to facilitate sustainable residential growth whilst preserving residential amenity for existing and future residents:
  - *Objective 1: To accommodate forecast increases in population.*
  - *Objective 2: To retain a diverse population and household structure.*
  - *Objective 3: To reduce potential amenity conflicts between residential and other uses.*
- **Clause 21.08 (Neighbourhoods)** contains context specific objectives and strategies for the neighbourhoods that comprise the municipality. **Clause 21.08-5** (Collingwood) speaks to the subject site's wider context of Collingwood.

Figure 6 - Clause 21.08-5 Built Form Character Map (Collingwood)



Source: Yarra Planning Scheme

4.5.2. Local Planning Policies

Other Local Planning Policies of relevance include:

- **Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay)** seeks to ensure that the development of heritage places protects and enhances their heritage significance. The Clause contains policies oriented towards achieving the following objectives:
  - *To protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens.*
  - *To maintain and conserve the significant historic character (built form and landscapes) of the area.*
  - *To ensure new development in the area has regard to the prominence and visibility of the Royal Exhibition Building and Carlton Gardens*.
- **Clause 22.05 (Interface Uses Policy)** outlines objectives relating to the uses that should occur at areas where industrial zones transition to residential zones. The Clause seeks to *'enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes'*, and to *'ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity'*.
- **Clause 22.13 (Residential Built Form Policy)** provides built form guidelines for residential development in Yarra. Whilst this Clause does not provide guidelines relating to the use of land, the built form objectives do illustrate that the existing residential development at the subject site is consistent with local policy guidelines for residential buildings. Pursuant to Clause 22.13-3.3 (Urban Residential), these objectives are to:
  - *Maintain the existing pattern of front setbacks (zero front setback often includes ground floor verandah insets).*
  - *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
  - *Orient buildings at right angles to the street frontage.*

4.6. PARTICULAR PROVISIONS

Clause 51.01 (Specific Sites and Exclusions) seeks to *"provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome"* and provides the mechanism for land to be used in a manner that would otherwise be prohibited.

Clause 53.10 (Uses with Adverse Amenity Potential) defines industrial and warehouse type uses that may cause negative impacts to neighbourhoods if not designed or located appropriately. Pursuant to Clause 53.10, uses with adverse amenity potential must not occur within the minimum distances from land in a residential zone as specified in the Table to Clause 53.10.

5. STRATEGIC DOCUMENTS

The following sections of this report provide an overview of Yarra's strategic documents.

Section 6.6 of this report provides key commentary in response to these documents.

5.1. COUNCIL PLAN

5.1.1. Council Plan (2005-2009)

The Council Plan provides guidance to all public and private stakeholders on how Council aims to respond to the opportunities and challenges facing the City of Yarra over a four-year period.

Though the *Council Plan 2005-2009* version is currently referenced in the Yarra Planning Scheme, Council have since updated their plan twice and the current version is now *Council Plan 2013-2017*.

5.1.2. Council Plan (2013-2017)

The current plan recognises that the City of Yarra is experiencing substantial change, growing in both population and economic activity. It specifically notes that in the five years to 2011, employment in Yarra grew by 18% to around 68,000 jobs and in the eight years to June 2011, the local population had grown by 14% to approximately 80,000 residents.

The 2013-17 Council Plan states its focus as being on enhancing services and facilities and identifying new projects that will improve Yarra's liveability. The plan includes five Strategic Objectives that set out Council's direction:

1. **Celebrating Yarra's uniqueness:** Decisions and priorities must respect the municipalities heritage, uniqueness, and emerging identity.
2. **Supporting Yarra's community:** Council services and activities will be driven by community values, views and needs.
3. **Making Yarra more liveable:** Managing the City's growth and development to be consistent with, as well as add to, local values and amenities.
4. **Ensuring a sustainable Yarra:** Continue working to reduce Yarra's environmental 'footprint' through advocacy and partnerships.
5. **Leading local government:** Ensure services meet changing community need and preferences, while emphasising efficiency and effectiveness.

5.2. INNER REGIONAL HOUSING STATEMENT (JANUARY 2006)

The *Inner Regional Housing Statement* is currently referenced in the Yarra Planning Scheme providing strategic directions seeking to meet the housing needs of Metropolitan Melbourne's residential population to 2031.

The Statement acknowledges that the Inner Region is a complex area, wherein changes to housing growth and composition must be carefully managed so as not to impact upon the region's existing character and liveability. Irrespective of the complexity of the task, the Statement determines that residential growth must be achieved, and that liveability must be a key feature of any future residential development. To achieve this, housing growth should be directed to locations that have the capacity for change, and that can provide a high level of economic, social, cultural and environmental sustainability

5.3. ECONOMIC DEVELOPMENT STRATEGY

5.3.1. Yarra Economic Development Strategy (2001-2004)

The Economic Development Strategy (EDS) outlines how Council works with local businesses to support economic growth in Yarra. The EDS is intended to provide an achievable, evidence based plan for the future while responding to the challenges and opportunities presented by the local economic context in Yarra.

Though the *Yarra Economic Development Strategy 2001-2004* version is currently referenced in the Planning Scheme, the current version of this document is the *Economic Development Strategy 2015-2020* detailed below.

5.3.2. Economic Development Strategy (2015-2020)

Yarra's Economic Development Strategy 2015-2020 seeks to *'outline how Council can best support economic development by fostering greater investment and jobs growth in the municipality*'. The EDS builds on the 2009-2014 Economic Development Strategy and is viewed as a *'flexible document that recognises the need for engagement and partnerships to achieve the strategic goals. It will also adopt strategies that reflect changes in economic conditions and meet the needs of the business community through an annual review and implementation plan.'*

The EDS identifies rapid population growth, employment trends and the development of employment clusters as Yarra's key economic drivers. The EDS also notes the tension between the need to provide diverse housing types to accommodate growing populations and the need to preserve some industrial and commercial land for employment. The site lies within the Collingwood Creative Cluster; this strategy outlines that the municipality should maintain its distinctive neighbourhoods and diverse building typologies, whilst also ensuring an availability of office and studio space to facilitate further growth in the creative sector.

Of relevance, the EDS notes:

- Yarra is the largest employment hub in Inner Melbourne with 67,620 jobs.
- Between 2006 and 2011, employment within Yarra grew by 17%, which equated to an addition of 9,846 jobs to the Yarra economy.
- Yarra has a low level of employment containment with 86% of the working population residing outside the municipality.
- There are 13,621 businesses registered in Yarra. Non-employing businesses, and small businesses (employing 1–4 people) make up 84% of all registered businesses in the municipality.
- Small and medium businesses (SMEs) are making an increasingly significant contribution to the Australian economy, facilitated by the emergence of the digital economy creating new business platforms. The rise of SMEs in Yarra can be seen in the increasing number of residents working from home and the emergence of co-sharing workspaces (including a 17% increase in the number of people working from home between 2006 and 2011).
- Manufacturing activities which are labour-intensive are increasingly moving offshore, and space-intensive activities are locating in outer suburban growth areas. For Yarra, future manufacturing opportunities will lie in more advanced, specialist manufacturing with a focus in innovation and design.
- The creative sector has been identified as an important emerging industry which is associated with innovation and facilitating economic growth. The create sector in Yarra is comprised of 7,186 workers (11% of total employment) and 2,280 businesses representing 21% of all businesses in the municipality.

  The largest sub-sectors include:

  – Architecture, Design and Visual Arts.
  – Software and Interactive Content.
  – Advertising and Marketing.
- The Gipps precinct is located within the Collingwood Creative Cluster and comprises a concentration of creative businesses. A total of 137 creative businesses are located within this cluster.

In addition to the above, the EDS notes that Yarra is also growing as an appealing residential location with projected growth of 33,000 new residents by 2031. The consequential demand for housing is leading to residential encroachment into Yarra's commercial precincts. Recent changes to planning zones, and the introduction of Plan Melbourne, may facilitate this trend further. This Strategy states that it is important that the economic role and employment function of Yarra's commercial precincts is not compromised by increased residential development.

5.4. INDUSTRIAL AND BUSINESS LAND STRATEGY

5.4.1. Yarra Industrial and Business Land Strategy Review (2004)

Though the *Yarra Industrial and Business Land Strategy Review 2004* version is currently referenced in the Planning Scheme, the current version of this document is *Yarra Business and Industrial Land Strategy 2012* (BILS).

5.4.2. Yarra Industrial and Business Land Strategy (2012)

Adopted by City of Yarra in June 2012, the BILS provides a 10-15 year direction for Yarra's business and industrial area and provides *'practical guidance for Council and local stakeholders for land use planning in these areas.'*

The BILS supersedes the 2004 Industrial and Business Land Strategy.

The strategy seeks to provide a 10-15 year framework that will enable Yarra to appropriately respond to changes in local economic conditions. These changes include a decline in inner-city industrial operations, increasing demand for mixed use and commercial space, and the growing influence of residential intensification at the edge of traditionally industrial areas.

Of note, the BILS notes:

- Yarra's business mix comprises small and medium businesses.
- Yarra's business land is strategically significant given its proximity to inner and middle suburban areas to the south and east with very little of this land type.
- Mixed use development with residential uses at the upper level will be a predominant development trend. Key apprehensions about facilitating mixed use areas is the lack of control provided regarding the housing/employment mix (page 13).
- Industrial buildings will be converted into commercial/office uses which is reminiscent of what is currently occurring in the study area (page 13).

Pursuant to the BILS, the subject site is located within a Core Industrial or Business Node ("CIB"). These areas are defined as

Relatively large or consolidated industrial business nodes, internal areas provide opportunities for businesses to operate with minimal sensitive interfaces. Outer edges of the precinct may however have residential, open space or river corridor interfaces (page 15).

The subject site is within CIB4 and is one of 11 CIB precincts.

5.5. GIPPS PRECINCT LOCAL AREA PLAN (2010)

The Gipps Precinct Local Area Plan was adopted by Council in February 2010. The Plan outlines strategic directions aimed at increasing economic activity, employment, and residential amenity in the Gipps Precinct. The precinct is contained within an area generally bound by Victoria Parade, Hoddle Street, Wellington Street and Vere Street, and is defined in the figure below. The Plan was implemented in anticipation of the area's rezoning from the Industrial 1 Zone to the Commercial 2 Zone. The subject site is located in the south-west corner of the Gipps Precinct.

The Plan acknowledges that there is demand for residential and non-industrial land uses in the area, particularly noting that the adaptive reuse of warehouses for residential conversions has been sought in a range of locations fringing the precinct. Additionally, it is observed that manufacturing activity in the precinct has diminished in favour of low impact commercial operations such as technical and business services.

Figure 7 – Gipps Precinct Boundary

5.6. YARRA HOUSING STRATEGY (2018)

Council recently adopted the Yarra Housing Strategy (2018) which aims to direct housing growth to appropriate locations and provide more certainty to the community about where housing growth may occur. The purpose of the strategy is to set out a framework and preferred vision for Yarra's housing needs over the next 15 years.

The Housing Strategy recognises that as urban consolidation gained support in Melbourne since the early 2000s, development has been actively directed to activity centres and former industrial areas within the inner city. It further notes that this, coupled with the limited opportunities for substantial growth in Yarra's residential neighbourhoods has resulted in more intensive development in such areas and has provided additional housing near jobs, transport and services.

These recent changes in Yarra reflect a global trend of people wanting to live closer to city centres to access employment, services and a vibrant inner-city lifestyle.

The Housing Strategy recognises the Gipps Street Precinct as a major employment precinct. As Yarra is also experiencing economic and employment growth, Council is seeking to maintain a balance between land available for housing growth and land available for employment uses to ensure that the expected growth in business and jobs can be accommodated.

This Strategy further notes that:

Compared to other councils in the inner metro region, Yarra has a significant amount of Commercial 2 Zone (C2Z) land, which is used for a variety of commercial purposes. Yarra's major employment precincts of Gipps Street/ Easy Street (Collingwood) and Cremorne Street/Church Street south (Cremorne) are within the C2Z. Residential uses are not permitted in these precincts. These precincts are highly sought after as business locations (particularly in the technology and creative sectors) due to their transport connectivity, business synergies and proximity to vibrant activity centres. (Page 54)

The 2018 Strategy includes four strategic directions that articulate Yarra's preferred growth strategy, which responds to the unique context of Yarra, including:

- Strategic direction 1: Monitor population growth, land capacity and evolving development trends in Yarra to plan for future housing growth and needs
- Strategic direction 2: Direct housing growth to appropriate locations
- Strategic direction 3: Plan for more housing choice to support Yarra's diverse community
- Strategic direction 4: Facilitate the provision of more affordable housing in Yarra

It is anticipated that the adopted Yarra Housing Strategy will form part of an upcoming amendment to the Yarra Planning Scheme, introducing a new local housing planning policy in the Municipal Planning Strategy to reflect the key strategies outlined in the Yarra Housing Strategy. The amendment would also include the Housing Strategy as a reference document in the scheme.

Separate strategic work, including structure plans and local area plans, are proposed to identify any rezoning potential of land. Any future rezoning of employment land will be informed by the Spatial Economic and Employment Strategy (SEES), detailed further below.

5.7. YARRA SPATIAL ECONOMIC AND EMPLOYMENT STRATEGY (2018)

Council also recently adopted the Yarra Spatial Economic and Employment Strategy ("SEES") which is intended to assist Council to understand, and capitalise on, Yarra's economic strengths and respond to the key trends and economic drivers over the next 10 to 15 years.

The SEES includes six directions which will inform new policy in the Yarra Planning Scheme:

- **Strategy 1:** Support employment growth in activity centres
- **Strategy 2:** Retain and grow Yarra's major employment precincts (Cremorne / Church St and Gipps St Major Employment Precincts)
- **Strategy 3**: Identify preferred locations for housing growth to reduce pressures or conversion of employment land for housing
- **Strategy 4:** Support the expansion of Yarra's health related employment and services in Yarra's health precincts
- **Strategy 5:** Retain other C2 zoned land to support the diversity of business and employment opportunities
- **Strategy 6:** Plan for the transition of Yarra's remaining industrial areas (longer term these areas will need investigating for their future development, land use and economic opportunities).

It is anticipated that the adopted SEES will also form part of an upcoming amendment to the Yarra Planning Scheme, introducing a new economic planning policy in the Municipal Planning Strategy to reflect the key recommendations outlined in the SEES.

Key comments in relation to the Gipps Street Precinct include:

- *"Changes to zoning in the Gipps Street precinct (from Industrial 1 to Business 3 in 2011 and subsequently to Commercial 2 in 2013) have taken some time for on-the-ground changes can be observed, but gradually new development is occurring, and new businesses are locating to this area.*
- *Yarra has two significant 'mixed employment' precincts: the Gipps Street precinct in the south eastern corner of Collingwood and the Cremorne precinct south of Swan and east of Church Streets…Their proximity to the central city has meant they are an attractive location for business seeking affordable accommodation, but still in close proximity to a large number of other firms, customers and clients.*
- *The Gipps Street precinct is an evolving former industrial precinct. The data and site visits highlight that employment across the precinct is changing, with the evolution of a more diverse commercial employment base focused around the creative sector, service industries, and hybrid office/industrial businesses.*
- *With relatively good accessibility, the Gipps Street precinct it is a desirable location for employment, as well as for housing where it not prohibited by C2 zoning.*
- *The Gipps Street precinct represents an important source of employment capacity into the future that could be realised beyond the 15-year time frame considered by this strategy.*
- *Given the potential for residential development to bid up land prices and disrupt the employment role of the precinct, retention of zoning that prohibits non-employment-related uses would appear the most sensible course of action for this precinct."*

Given this, the Gipps Street precinct is recommended for retention as an employment precinct by the SEES.

However, it is important to note that the SEES also recognises that whilst the Gipps Precinct has a long history of employment uses, the area does contain *"some housing that pre-dates the introduction of distinct residential and industrial land use zones".* As outlined throughout this report, we are instructed that the existing residential uses on site have existed on the subject site since the late 1990s and early 2000s.

6. STRATEGIC PLANNING ASSESSMENT

The purpose of this report is to assess the merits of a Planning Scheme Amendment request to allow the continued use of the subject site for dwellings through its inclusion within Clause 51.01 'Specific Site and Exclusions' of the Planning Scheme.

Since the late 1990s various residential uses have occurred on the subject site, including home offices and residential apartments, in conjunction with strictly commercial operations. Whilst this report does not seek to assess the planning permit history of the site, the fact that residential uses have occurred over an extended period without adverse impacts (to residents or existing commercial/industrial operations) suggests that residential uses in this area are relatively benign having regard to the physical context of the subject site.

Accordingly, this report seeks to determine whether residential uses are acceptable having regard to the surrounding physical and strategic context of the site. In determining this acceptability, we seek to answer the following questions:

- Is the type of amendment being sought justified?
- What are the implications of residential uses occurring in the C2Z?
- Should the current zone be retained?
- How does the proposal respond to the Decision Guidelines of the C2Z?
- What are the contextual considerations that arise?
- How does the proposal respond to Yarra's key strategic documents?
- Is the layout of subject site suitable for residential use?

In answering these questions, two key themes arise, being the vitality of the commercial precinct and amenity. Moreover, both those strategies currently contained within the Planning Scheme and those recently adopted by Council have been considered.

6.1. IS THE TYPE OF AMENDMENT BEING SOUGHT JUSTIFIED?

In light of Yarra's current housing, economic and business strategies, we consider that a site-specific exemption is an appropriate outcome that will isolate the limited residential uses on site to the periphery of the C2Z. Moreover, this will minimise any potential land use conflicts, allow Council to limit the intensification or 'spread' of residential uses within the area, and ensure the longevity of this strategically important employment precinct, until such a time where it may be pertinent to revisit the rezoning of the precinct.

Incorporated documents are the appropriate mechanisms used in site specific exemptions to, in this case, control the land use outcome for the site and will enable commercial uses to continue.

An assessment against the Strategic Assessment Guidelines for the consideration of Planning Scheme Amendments is contained at **Appendix C**.

We have considered the possibility of applying for existing use rights however, given the number of land owners and occupants of the subject site over the years, and the complexity associated with the existing use rights process, this method is not considered appropriate for the timely resolution of this matter. Moreover, it may result in a mixed land use outcome for the site which has the potential to create a fragmented planning outcome. Consequently, what is proposed provides the greatest clarity and certainty.

6.2. WHAT ARE THE IMPLICATIONS OF RESIDENTIAL USES OCURRING WITHIN THE C2Z?

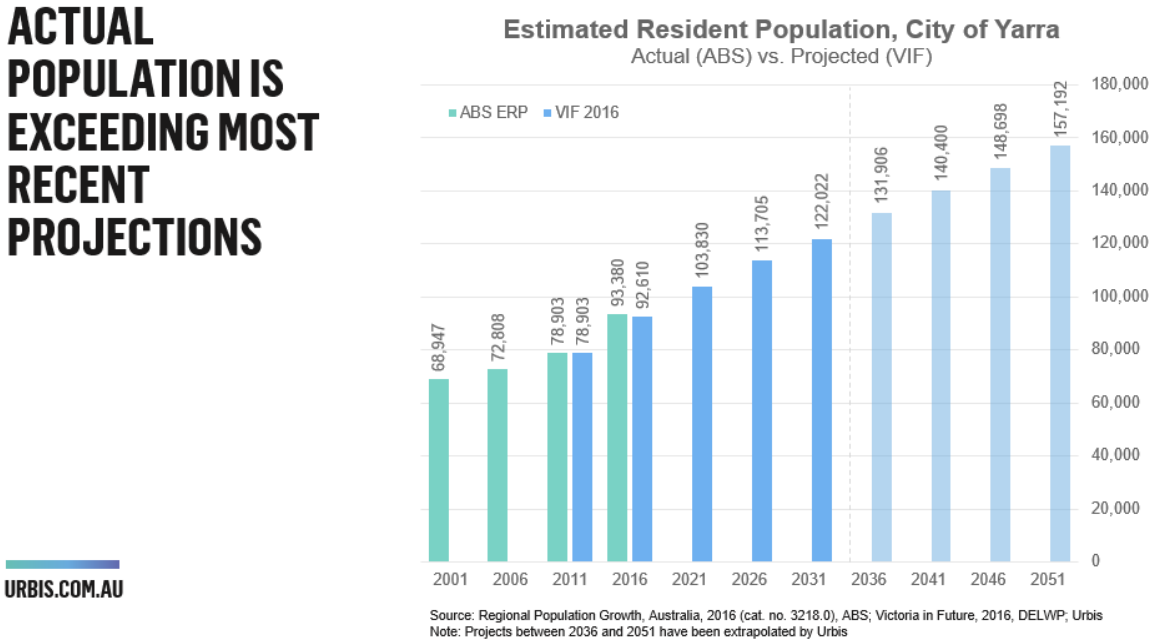
Yarra's Planning Scheme and associated strategies comprise a range of planning policy objectives that seek a balance between protecting existing employment areas and opportunities to consider housing growth and other emerging trends, and to prepare accordingly.

This is evident in the original rezoning of the Gipps Precinct from Industrial 1 Zone (INZ1) to the Commercial 2 Zone in 2011 which was required to respond to emerging trends transitioning away from strictly industrial uses to light industry, commercial and office uses.

Yarra's key business, industrial and economic strategies, recognise that *'Council will need to manage a decline in traditional industrial land demand whilst managing an increase in demand for business land (as defined by the planning scheme zones)* (Business and Industrial Land Strategy 2012 - page 11).

The BILS recognises that mixed-use development with residential uses at the upper levels will be *'a primary development type in the future'.* The BILS also notes that Council is generally apprehensive about this trend as they currently do not have the ability to control the extent of housing/employment breakdowns in such developments (page 13). Notwithstanding this, Yarra's current population growth is already exceeding the most recent population forecasts (see Figure 8 below).

Figure 8 – Actual v. Estimate Population Projections



This will inevitably increase demand for more flexible zoning within Yarra to accommodate the growing resident population. In any case, we note that Planning Schemes can contemplate vertical zoning as has occurred in the Chapel Street Activity Centre (Stonnington C172) whereby constraints are placed on dwellings at lower levels. While in Stonnington C172, the Panel was not overwhelmed with the idea, it nevertheless provided support subject to certainty and flexibility embedded in the planning controls.

Yarra's most recent Economic Development Strategy 2015 recognises that the Gipps precinct is experiencing a shift towards creative industries with 137 creative businesses present within the area (page 16). As is the case with the study area, these creative industries often include individuals that run their own creative businesses from their homes such as writers, designers, artists etc. These trends provide a further platform to consider the introduction of alternate uses (i.e. residential uses) within the study area, at an appropriate time.

Given the shift away from heavy industrial uses to a mix of light industry, commercial and creative businesses, the implications of residential uses within the C2Z are considered limited and in a broad sense, consistent with the informal transition of the area. The reasons for this are considered in greater detail in the following sections of this report.

Suffice to say, the location of the residential uses on the periphery of the C2Z and the presence of predominantly commercial and creative businesses reduce the potential for amenity impacts and land use conflicts. In addition, the residential uses occupy a small portion of Yarra's C2Z land and the proposal for a site-specific inclusion allows Council to limit the amount of residential uses occurring within the area and to minimise any perceived risk of land use creep.

6.2.1. Are there any adverse economic impacts?

In support of the matters set out above we have undertaken an economic review of the proposal and note that the continued use of the subject site for residential uses will not materially impact the ability of the City of Yarra, nor the commercial precinct, to meet employment growth targets. Further, the approved office development on the Telstra Exchange site is a good example of the precinct's ability to contribute to employment growth.

The subject site represents only a small proportion of the employment land within the City of Yarra. Across the municipality, there is 418 hectares of land zoned that is capable of accommodating employment development (C1Z, C2Z, IN1Z, IN3Z, MUZ). The subject site at 2.79 hectares is therefore less than 1% of the total land available for employment uses, even excluding public uses. We understand that the permitted land uses differ between these zones. As such, only looking at the total supply of C2Z land across the municipality, the subject site is only 2.3% of the 136 hectares supply. A reduction of the potential supply of this level will not have a material impact on jobs growth in the area.

At the local level, the subject site represents just over 11% of the total C2Z land in the block generally bounded by Wellington Street, Vere Street, Hoddle Street and Victoria Parade. However, consideration must be given to the potential for the site to be redeveloped for employment purposes in future, even if it were to remain as part of the broader C2Z. In general, the site is not a suitable location for an intense commercial development. Firstly, it has a very narrow frontage to Wellington Street meaning commercial operations cannot benefit from exposure to the main road through the area. Northumberland Street is a secondary route not suitable for high traffic volumes, therefore not supportive of a major commercial presence that would require access and exposure. Secondly, there is a heritage overlay on part of the site which would limit any future commercial redevelopment. If the site remained as part of the C2Z, it is likely that it would only ever cater to modest commercial development and therefore a relatively small number of jobs.

The SEES indicates that the growth in employment across the municipality will be in the order of 33,000 jobs between 2016 and 2026. If it is accepted that the intensity of employment on this site will not be high (i.e. 50 jobs per hectare as typical of C2 zoned land across Melbourne), then the total number of jobs potentially catered for on site will be modest at around 140 jobs. This represents only 0.4% of the growth in jobs across the City anticipated over the next 10 years.

Furthermore, the potential job outcome on site should not be considered as "jobs lost" to the City of Yarra. As mentioned above, redevelopment of the site is not guaranteed, even if it remained part of the C2Z. Delivery of more jobs on site is only a possibility. It should also be recognised that the site already accommodates a level of employment, with a number of residents operating home-based businesses. Therefore, the net increase in jobs possible on site would not be as significant as the potential job figure might suggest.

6.3. SHOULD THE CURRENT ZONE BE RETAINED?

The C2Z was introduced across the Gipps Precinct to facilitate the transition from industrial uses to commercial and light industrial uses. As noted within the SEES,

"Yarra has two significant 'mixed employment' precincts: the Gipps Street precinct in the south eastern corner of Collingwood and the Cremorne precinct south of Swan and east of Church Streets. Both precincts have a long history of employment uses and as a result contain a mix of industrial buildings, warehouses, and newer office buildings. They also contain some housing that pre-dates the introduction of distinct residential and industrial land use zones. Their proximity to the central city has meant they are an attractive location for business seeking affordable accommodation, but still in close proximity to a large number of other firms, customers and clients" (p. 26).

The purpose of the C2Z is to generally encourage commercial uses and ensure that these uses do not affect the safety and amenity of adjacent uses. Pursuant to this Zone, dwellings are a prohibited (Section 3) land use.

The inclusion of a site specific exemption will continue to prioritise the continuation of commercial, light industrial and creative businesses in the area whilst allowing the residential uses on the subject site to continue.

The proposal will not impinge on the objectives of the Gipps Precinct in which the site is located. Specifically, the proposal will not prohibit the continued commercial and business operations within the area and will simply allow for the continued use of part of the subject site for dwellings.

Moreover, the proposal does not encourage the intensification of residential uses within the area, which could only be achieved by a future rezoning of the site to an alternative zone. Future studies and changes in business and employment trends would determine if an alternative zone is appropriate.

Notwithstanding current forecasts which support the retention of the Gipps Precinct as an employment node, the proposal is also broadly consistent with the anticipated demand for mixed use developments within Council's BILS, as the proposal would ensure flexibility for current commercial uses to operate with minimal land use conflicts in the future.

6.4. HOW DOES THE PROPOSAL RESPOND TO THE DECISION GUIDELINES OF THE C2Z?

Although dwellings are a prohibited land use within the C2Z, this assessment considers the decision guidelines of the C2Z at Clause 34.02-7, to further ascertain the acceptability of residential uses within the current zone.

The proposal responds to these decision guidelines as it is well supported by Yarra's Planning Policy Framework and Municipal Planning Strategy and does not give rise to any land use conflicts.

Specifically, the subject site is located within a strategically advantageous area within proximity to good public transport services and access to a range of services and facilities. These factors respond to policies seeking to achieve 20 minute neighbourhoods and locate residential uses within proximity to employment opportunities (Clauses 11 and 16), and are key determinants in the appropriateness of land for residential uses.

In addition, the proposal is supported by the Yarra Planning Scheme as:

- The proposal will not impinge on the purpose of the C2Z applying to the site (refer to Section 5.3 above).
- The proposal responds to needs to meet forecast population and housing demand whilst ensuring the vitality of the commercial precinct is not compromised, for the reasons discussed throughout this report (Clauses 16, 17, 21.03 and 21.04).
- The continued use of part of the site for residential purposes accords with planning policies and broader planning principles that encourage the adaptive reuse of heritage buildings whose use has become redundant (Clause 15).
- The proposal limits residential uses to the periphery of the precinct to ensure the continued commercial operations can occur with minimal (if any) land use conflicts (Clause 22.05).

With respect to the consideration of land use conflicts, the site's specific interfaces are contained in the following section of this report. In summary, residential uses have occurred on the site for several years. We have not been advised of any formal complaints or land use conflicts during this period.

We have also considered the zoning of the site's interfaces and nearby land uses. The site abuts the C1Z to the south and the MUZ to the west. These zones permit residential land uses and the impact of the proposal on these interfaces is therefore acceptable. These areas are anticipated to incorporate a mix of uses in the future, including dwellings, to respond to population and housing growth trends. They are appropriate interfaces to the subject site and proposal.

Moreover, the types of uses occurring and envisaged by the C2Z are not considered "intensive" and can comfortably co-exist with residential uses. Furthermore, the C2Z is not too dissimilar from the Commercial 1 Zone ("C1Z") which supports residential development. In particular, the two zones generally allow for the contemplation of the same uses (i.e. they allow planning permit applications to be lodged for a wide range of land uses). The key differences being the allocation of Section 1 (as-of-right) and Section 2 (permit required) uses, and the number of prohibited uses.

This is demonstrated in the table below which compares the breakdown of land uses within the Commercial 1 and 2 Zones.

Table 1 – C1Z v C2Z Permitted Land Uses

Commercial 1 Zone	Commercial 2 Zone
Section 1 (as-of-right) Uses	
• Accommodation (other than Corrective institution) - Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house) • Art and craft centre • Child care centre - Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house). • Cinema • Cinema based entertainment facility • Education centre • Exhibition centre • Home based business • Informal outdoor recreation • Office - The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone • Place of worship - The gross floor area of all buildings must not exceed 250 square metres. • Railway • Retail premises (other than Shop) • Shop (other than Adult sex product shop) The leasable floor area for all shops must not • exceed any amount specified in the schedule • to this zone • Tramway • Any use listed in Clause 62.01 Must meet the requirements of Clause 62.01.	• Art and craft centre • Art gallery • Cinema - The site must adjoin, or have access to, a road in a Road Zone. • Cinema based entertainment facility - The site must adjoin, or have access to, a road in a Road Zone. • Food and drink premises - The leasable floor area must not exceed 100square metres • Industry (other than Materials recycling and Transfer station) Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre: – The threshold distance, for a purpose listed in the table to Clause 53.10. – 30 metres, for a purpose not listed in the table to Clause 53.10. • Informal outdoor recreation • Mail centre • Museum • Office • Postal agency • Railway • Restricted retail premises • Shop (other than Adult sex product shop, Restricted retail premises and Supermarket) - Must adjoin, or be on the same land as, a supermarket when the use commences. The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres. The site must adjoin, or have access to, a road in a Road Zone. • Supermarket - The leasable floor area must not exceed 1800 square metres. The site must adjoin, or have access to, a road in a Road Zone. Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne. • Trade supplies

Commercial 1 Zone	Commercial 2 Zone
	• Tramway • Warehouse (other than Mail centre) Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. • The land must be at least the following distances from land (not a road) which is in a residential zone, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre: – The threshold distance, for a purpose listed in the table to Clause 53.10. – 30 metres, for a purpose not listed in the table to Clause 53.10. • Any use listed in Clause 62.01 Must meet the requirements of Clause 62.01.
Section 2 (Permit Required) Uses	
• Adult sex product shop Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school • Agriculture (other than Apiculture and Intensive animal husbandry) • Industry Must not be a purpose listed in the table to Clause 53.10. • Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track) • Place of assembly (other than Carnival, Cinema, Circus, Exhibition centre and Place of worship) • Utility installation (other than Minor utility installation and telecommunications facility) • Warehouse Must not be a purpose listed in the table to Clause 53.10. • Any other use not in Section 1 or 3	• Adult sex product shop Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. • Agriculture (other than Apiculture and Intensive animal husbandry) • Caretaker's house • Education centre • Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track) • Materials recycling • Motel • Place of assembly (other than Art gallery, Carnival, Cinema and Circus and Museum) • Residential hotel • Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies) • Supermarket if the section 1 conditions are not met - The leasable floor area must not exceed 1800 square metres unless on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne. The site must adjoin, or have access to, a road in a Road Zone.

Commercial 1 Zone	Commercial 2 Zone
	• Transfer station - The land must be at least 30 metres from land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre. • Utility installation (other than Minor utility installation and Telecommunications facility) • Any other use not in Section 1 or 3 •
Section 3 (Prohibited) Uses	
• Corrective institution • Intensive animal husbandry • Major sports and recreation facility • Motor racing track	• Accommodation (other than Caretaker's house, Motel and Residential hotel) • Hospital • Intensive animal husbandry • Major sports and recreation facility • Motor racing track

The most notable difference in the prohibited land uses between these two zones is that in the C1Z "industry" and warehouse" uses are prohibited where they are for a purpose listed in the table to Clause 53.10. However, the associated threshold distances may preclude several uses from occurring given the location of residential uses within adjoining C1Z and MUZ land.

There is only one "industry" within the study area contained in the Table at Clause 53.10, being a bakery. This bakery is located approximately 60 metres away from the subject site, which is slightly less than the minimum threshold distance of 100m specified Clause 53.10. Given the dwellings on the subject site have coexisted with the bakery without any land use conflicts for several of years, the continued use of the land for residential uses is considered appropriate. Further, the Gipps Precinct has otherwise transitioned away from such industrial and warehouse uses to more creative industries.

For these reasons, the types of land uses envisaged by the C2Z in the Gipps Precinct are not expected to be "intensive", are similar to those in the C1Z and can comfortably co-exist with residential uses.

In this regard, the proposal appropriately responds to the decision guidelines of the C2Z, will not result in any land use conflicts nor comprises the operation of the existing commercial uses and will make a positive contribution to the area.

6.5. WHAT ARE THE CONTEXTUAL CONSIDERATIONS THAT ARISE?

The proposal's impact on the ability for uses in the C2Z to continue to operate is a key consideration in this assessment.

There are two key policies that have been considered in this regard being:

- **Clause 22.05** – Interface Uses policy
- **Clause 53.10** – Uses with adverse amenity potential

Clause 22.05 seeks to *'enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.'* Whilst this policy does not specifically consider residential uses within industrial areas given this is typically prohibited, this Clause still provides a sound basis for assessing the impacts of the proposal on its interfaces.

Clause 53.10 seeks to *'define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood'* and contains minimum threshold distances for such uses.

As discussed above, the only land use under **Clause 53.10** found within the study area is a bakery at 28-30 Northumberland Street. A bakery is a Section 2 use under the C2Z and the threshold distance associated with this land use pursuant to **Clause 53.10** is 100 metres. The subject site is located approximately 60 metres away from this property which exceeds the requirements of this Clause. As such, the proposed dwellings are not expected to adversely affect the operation of this business, nor is the presence of residential uses expected to compromise the operations of this bakery.

With respect to **Clause 22.05**, we note the following (having regard to the relevant guidelines and decision guidelines within the policy):

Dwelling Design

- The appropriateness of the layout of the subject site for residential uses is discussed in Section 5.7 of this report. Suffice to say, the subject site incorporates appropriate measures to protect residents from unreasonable noise with bedrooms and "sensitive" areas located away from noise sources where possible. Further, the subject site is adequately ventilated.

Non-residential development near residential properties

- Majority of land uses within the study area are office, warehouse and creative industries such as architecture and design studios. The nature of these land uses is such that they can readily continue without any significant land use conflicts occurring. We are not aware of any formal reports of land use conflicts being raised since the residential uses were introduced to the site, reaffirming the appropriateness of residential uses within this context.
- The subject site is one of the taller buildings within the immediate area. As a result, the site is virtually un-impacted by nearby buildings.
- With respect to the future development of the area with higher density development, we note that the site has three road abuttals. Its location separated from nearby properties would allow the intensive redevelopment of nearby properties for commercial uses without creating adverse amenity impacts such as visual bulk, daylight impacts or overshadowing. We also note that there would be no unreasonable overlooking opportunities should nearby properties redevelop given the adequate separation distance as indicated in the diagram below.

Figure 9 – Nine metre buffer of subject site

Source: Urbis

Commercial Waste and Construction Management

- Existing commercial uses operate within proximity to existing permitted residential uses. We do not consider the continued use of the dwellings on the subject site would give rise to further conflicts given these aspects are typically governed by a local law.

6.6. HOW DOES THE PROPOSAL RESPOND TO YARRA'S STRATEGIC DOCUMENTS?

Section 5 of this report provided an overview of Yarra's strategic documents; the following section provides key commentary in response to these documents.

The conclusion drawn from the consideration of these documents is generally consistent and is summarised below:

- The proposal will limit residential uses to the edge of the Gipps Precinct.
- The nature of types of uses occurring within the study area are not "intensive" and can readily co-exist with residential land uses. The dwelling's proximity to these land uses are unlikely to result in any unreasonable amenity impacts.
- The site forms a small portion of Yarra's business land and its partial use for dwellings is unlikely to impact the vitality of the employment precinct.
- The proposal does not seek to rezone the subject site or allow for the intensification of residential uses within the Gipps precinct (although this may be required in the future to respond to evolving economic trends and population growth).
- The proposal achieves an appropriate balance between retaining the viability of the precinct and ensuring sufficient employment land is available whilst allowing for the continued residential use of the site.

6.6.1. Council Plan

Yarra's Council Plan recognises that the City is experiencing substantial change, growing in both population and economic activity.

The proposal responds to the Plan's strategic objectives by respecting the municipalities unique identity, supporting Yarra's community, and ensuring a liveable and sustainable development.

6.6.2. Inner Regional Housing Statement

The *Inner Regional Housing Statement* acknowledges that the Inner Region, where the subject site is located, is a complex area, wherein changes to housing growth and composition must be carefully managed so as not to impact upon the region's existing character and liveability.

The proposal responds to the Statements directions by providing housing in a location that has the capacity for change, and that can provide a high level of economic, social, cultural and environmental sustainability.

6.6.3. Economic Development Strategy

Yarra's *Economic Development Strategy 2015-2020* identifies the site as being within the Collingwood Creative Cluster; outlining that the municipality should maintain its distinctive neighbourhoods and diverse building typologies, whilst also ensuring an availability of office and studio space to facilitate further growth in the creative sector.

Key comments in response to Yarra's EDS are provided below:

- Yarra's employment areas provide a significant amount of jobs to the population however, the types of employment opportunities provided continues to evolve with the emergence of the digital economy and associated advances in technology.
- SMEs are emerging as a relevant and effective contributor to Yarra's economy however, require land use flexibility in order to be realised.

- The Gipps precinct has further evolved since its original rezoning in 2011 and incorporates a significant amount of creative industries. These industries are well suited to operate within proximity to residential land uses without causing any significant land use conflicts.
- Most recent population projections in Yarra are already being exceeded and this trend may continue into the future.

6.6.4. Business and Industrial Land Strategy

As discussed earlier, the BILS provides a 10-15 year direction for Yarra's business and industrial area and provides *'practical guidance for Council and local stakeholders for land use planning in these areas.'*

Pursuant to the BILS, the subject site is located within a Core Industrial or Business Node ("CIB"). These areas are defined as:

Relatively large or consolidated industrial business nodes, internal areas provide opportunities for businesses to operate with minimal sensitive interfaces. Outer edges of the precinct may however have residential, open space or river corridor interfaces (page 15).

Key comments in response to the BILS are below:

- The land use figures do not accurately reflect the current land uses within the study area which include a large portion of creative uses and some residential uses.
- The subject site only forms a small portion of 24.7 hectares of C2Z land and is located on the periphery of the precinct. Its continued use for dwellings is not expected to significantly impact the vitality of the precinct.
- Each precinct needs to be assessed on a precinct by precinct basis to ensure land is used effectively and responds to the prevailing trends in the economy.

6.6.5. Gipps Precinct Local Area Plan

The Gipps Precinct Local Area Plan outlines strategic directions aimed at increasing economic activity, employment, and residential amenity in the Gipps Precinct. The subject site is located in the south-west corner of the Precinct.

The Plan acknowledges that there is demand for residential and non-industrial land uses in the area, particularly noting that the adaptive reuse of warehouses for residential conversions has been sought in a range of locations fringing the precinct. Additionally, it is observed that manufacturing activity in the precinct has diminished in favour of low impact commercial operations such as technical and business services

6.6.6. Yarra Housing Strategy

Council recently adopted the Yarra Housing Strategy (2018) which aims to direct housing growth to appropriate locations and provide more certainty to the community about where housing growth may occur.

The proposal is considered consistent with the adopted Housing Strategy (noting that it is yet to be incorporated into the Yarra Planning Scheme) for the following reasons:

- The proposal does not seek to introduce any additional residential uses to the Gipps Precinct beyond those existing.
- The proposal will limit residential uses to the edge of the Gipps Precinct and will not impinge on the Precinct's ability to accommodate forecast employment growth.
- The location of the existing dwellings is consistent with the attributes of the locations for future housing growth outlined in the Housing Strategy given its proximity to services, employment opportunities, public transport and nearby activity centres.

6.6.7. Yarra Spatial Economic and Employment Strategy

Council recently adopted the Yarra Spatial Economic and Employment Strategy ("SEES") which is intended to assist Council to understand, and capitalise on, Yarra's economic strengths and respond to the key trends and economic drivers over the next 10 to 15 years.

The Gipps Street precinct is recommended for retention as an employment precinct by the SEES. However, it is important to note that the SEES also recognises that whilst the Gipps Precinct has a long history of

employment uses, the area does contain *"some housing that pre-dates the introduction of distinct residential and industrial land use zones".* As outlined throughout this report, we are instructed that the existing residential uses on site have existed on the subject site since the late 1990s and early 2000s.

The proposal does not seek to increase the number of residential uses on site and will not compromise the function of the Gipps Precinct as an employment precinct. In this regard, the continued use of part of the site for residential uses is consistent with the SEES.

6.7. IS THE LAYOUT OF THE SUBJECT SITE SUITABLE FOR RESIDENTIAL USE?

A site inspection of the buildings on the subject site confirms that the layout of the buildings is suitable for use as dwellings.

Specifically, the dwellings (including the bedrooms and living areas) are generously sized, have good access to daylight through the provision of multiple windows and each comprise areas of private open space in the form of balconies or rooftop terraces. Moreover, we are instructed that the site was recently inspected by Council for fire safety compliance and was found to comply.

The layout of the dwellings within the distillery buildings are generally well suited to both residential and commercial uses. These dwellings include open plan living areas and separate spaces which can be used as offices. This is the general "set-up" observed in the home-office tenancies visited.

However, the layout of the silo buildings do not, in our view, lend themselves to commercial uses and are more suited to residential uses (noting that the dwellings we visited have not been altered since the current owners have occupied the spaces). These dwellings comprise corridors between the bedroom and living spaces incorporate layouts typical of apartment buildings (i.e. open kitchen, living and dining areas and separated bedroom and bathroom spaces). Given the dwellings within the silo buildings are replicas of each other, it is difficult to envisage that these spaces could have accommodated commercial/office uses in the past.

7. CONCLUSION

This report seeks to provide a strategic land use assessment to support a Planning Scheme Amendment in relation to the land at 26 Wellington Street and 21 Northumberland Street, Collingwood (the “subject site”) and its inclusion within Clause 51.01 ‘Specific Site and Exclusions’ of the Yarra Planning Scheme to enable the continued residential use of the land, despite the C2Z prohibiting such uses.

This report has considered a range of matters in relations to the proposal, including the context of the subject site within the defined study area, the surrounding land uses and the relevant statutory and strategic policies.

Overall, our assessment has found that the proposal should be supported on the following basis:

- Part of the subject site has been utilised for residential purposes (dwellings) since at least 1997 without any reported land use conflicts.
- The proposal for a site-specific exemption is an appropriate mechanism to allow the continued use of the site for dwellings, will limit residential uses to the periphery of the precinct and will minimise any perceived risk of land use creep.
- The site is strategically located between two activity centres and has good access to a range of public transport services, employment opportunities and facilities. These characteristics make the site well suited to continued residential land uses.
- The proposal is consistent with the Planning Policy Framework and Municipal Planning Strategy, the purpose of the C2Z and its decision guidelines by limiting residential uses to the periphery of the Gipps Precinct and ensuring that no adverse land use conflicts arise. Further, the site appropriately responds to Yarra’s key strategic documents.
- The proposal affects a small portion of C2Z land within the City of Yarra and will not compromise the vitality of this employment precinct nor Yarra’s ability to meet forecasted employment growth.
- The Gipps Precinct has shifted away from intensive industrial uses and comprises a mix of commercial, office and creative industry uses. These types of uses can readily co-exist with residential uses.
- The location of the site on the periphery of the C2Z land, adjacent to the C1Z and MUZ further reiterates that residential uses in this location is appropriate and will not result compromise the operations of existing commercial uses.
- There are no existing uses in the study area that will adversely impact on the amenity of the residential dwellings.
- The presence of residential uses in this location will not prohibit or unreasonably constrain the redevelopment of surrounding properties for higher density commercial buildings.
- The buildings on the subject site are well suited to residential uses and provide high levels of internal amenity for residents.

DISCLAIMER

This report is dated 24 January 2019 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Best Hooper Lawyers (**Instructing Party**) for the purpose of Strategic Land Use Assessment (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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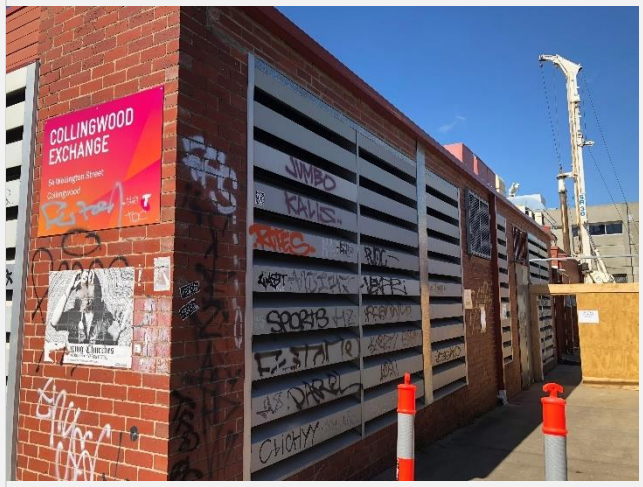
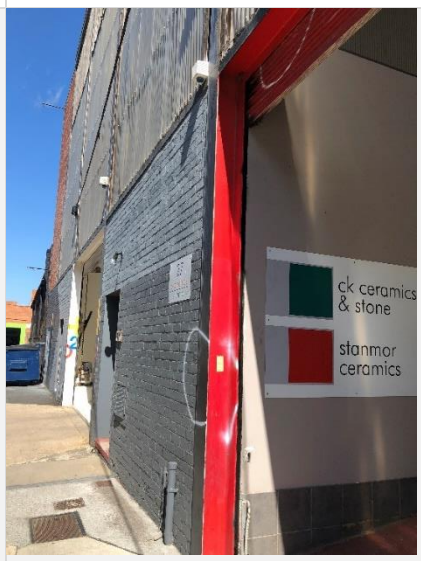
This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A LAND USE ASSESSMENT OF STUDY AREA

Number	Site Address	Land Use	Description	Image
1	28-30 Wellington St	Commercial	Office/retail **Source:** https://www.realestate.com.au/property/28-30-wellington-st-collingwood-vic-3066 **Planning History:** Application PLN12/0606 for use of the land for food production (coffee roasting), a food and drinks premises (cafe) and a reduction in car parking requirements. Permit granted (https://www.yarracity.vic.gov.au/planning-application-search?applicationNumber=PLN12%2F0606)	
2	32-34 Wellington St	Commercial	Hacer Group Offices **Source:** https://www.realcommercial.com.au/property-offices-vic-collingwood-502455310	
3	15 Byron St	Residential	Residential	
4	13 Byron St	Residential	Home Office **Source:** https://www.realestate.com.au/property/13-byron-st-collingwood-vic-3066	

Number	Site Address	Land Use	Description	Image
5	2-16 Northumberland St	Commercial	Telstra Exchange **Planning History:** PLN16/0435 for use and development of the land for the construction of two multi-storey, buildings for offices (no permit required for office use) and food and drink premises (cafe), reduction of car parking https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2017/08/18/pln160435	 
6	11 Byron St	Residential	Dwelling **Source:** https://www.realestate.com.au/sold/property-house-vic-collingwood-121997230	
7	36 Wellington St	Commercial	Music offices **Source:** https://www.whitepages.com.au/warner-music-australia-pty-ltd-10407452/collingwood-vic-10407454B	

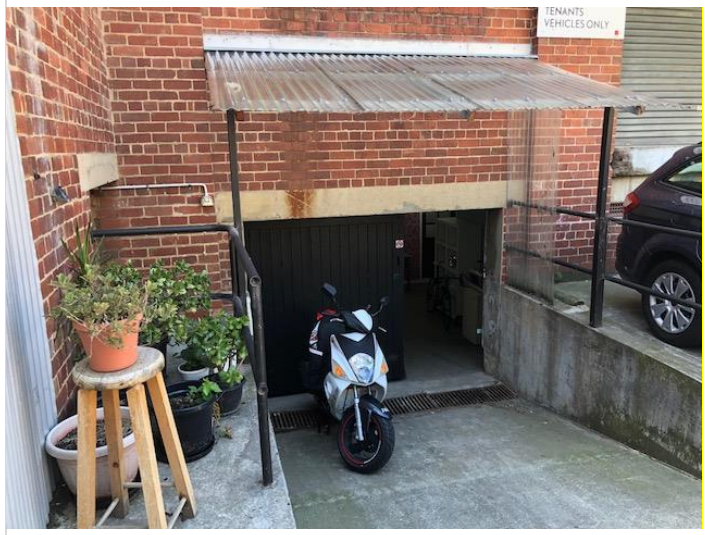
Number	Site Address	Land Use	Description	Image
8	25 Northumberland St	Commercial	Office / warehouse **Source:** https://www.realcommercial.com.au/property-offices-vic-collingwood-500808067 https://www.commercialrealestate.com.au/property/25-northumberland-street-collingwood-vic-3066-2010370288 **Planning History:** PL04/0983 Use of the site as a dance school and caretakers dwelling; Development of alterations and additions to the existing building – Amended Plan Approved https://www.yarracity.vic.gov.au/planning-application-search?applicationNumber=PL04%2F0983	
9	1/9 Byron St	Residential	Dwelling **Source:** https://www.theweeklyreview.com.au/domain/converted-warehouse-trendsetter-collingwood/pub/melbourne_times/	
10	2/9 Byron St	Residential	Dwelling **Source:** https://www.realestate.com.au/sold/property-townhouse-vic-collingwood-125491198	
11	38-46 Wellington St	Commercial	Warehouse / offices (Plasta Masta) **Source:** https://www.realestate.com.au/property/38-46-wellington-st-collingwood-vic-3066	

Number	Site Address	Land Use	Description	Image
12	1-57 Wellington St	Commercial	Recording studio / warehouse **Planning History:** Planning Permit Application PLN16/0922 for construction of a 14-storey mixed use building plus basement, part demolition, with a reduction in the car parking requirement. https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2017/06/29/pln160922	
13	27 Northumberland St	Commercial	Ceramic warehouse / showroom **Source:** https://www.whereis.com/vic/collingwood-3066/yellowId-12131234	
14	2/7 Byron St	Commercial	Warehouse/showroom/office **Source:** https://www.realcommercial.com.au/property-offices-vic-collingwood-502642710	

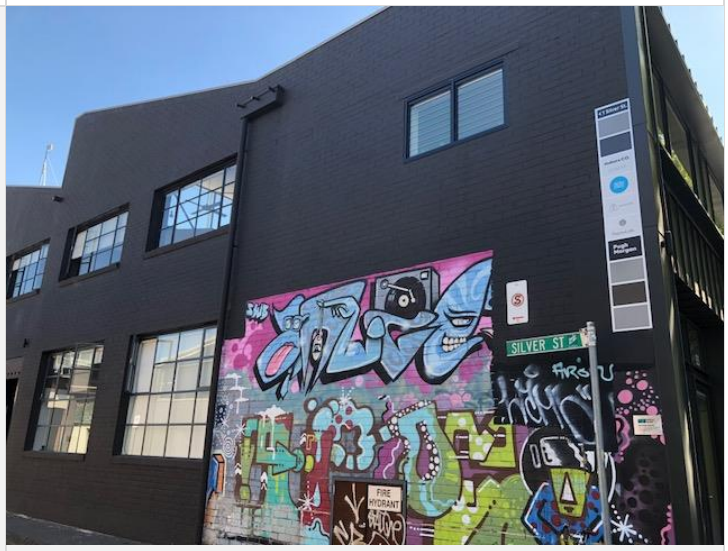
Number	Site Address	Land Use	Description	Image
15	1/7 Byron St	Commercial	Warehouse/showroom/office	
16	3/7 Byron St	Commercial	Office/warehouse/showroom **Source:** https://www.realcommercial.com.au/property-offices-vic-collingwood-501869826	
17	18 Northumberland St	Commercial	Car sales **Source:** http://www.mcguinnessauto.com/	
18	37A-51 Wellington St	Commercial	Offices	

Number	Site Address	Land Use	Description	Image
19	22-24 Northumberland St	Commercial	Warehouse / storage for “Shop for Shops”	
20	48-52 Wellington St	Commercial	Office	
21	14 Glasgow St	Residential	Dwelling	

Number	Site Address	Land Use	Description	Image
22	29 Northumberland St	Residential	Open warehouse ground floor / potential dwelling upstairs **Source:** https://www.nelsonalexander.com.au/property/458402/1-29-northumberland-street/	
23	16 Glasgow St	Residential	Dwelling **Source:** https://www.realestateview.com.au/real-estate/16-glasgow-street-collingwood-vic/property-details-sold-residential-749207/	
24	61-75 Langridge St	Commercial	Current car park and office **Source:** http://www.aceparking.com.au/find-parking/65-langridge-street-collingwood/	

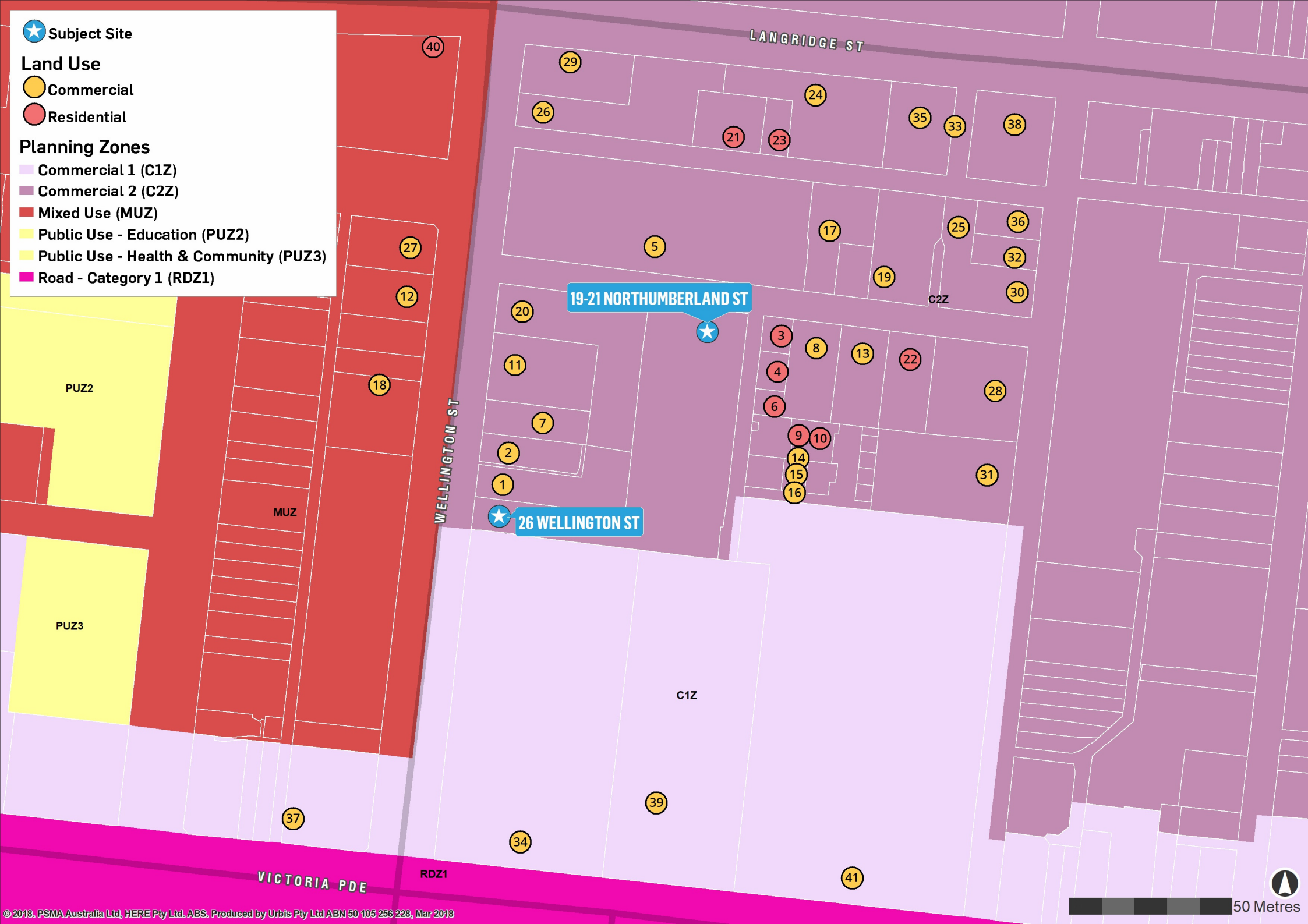
Number	Site Address	Land Use	Description	Image
25	29 Glasgow St	Commercial	Office / warehouse / showroom	
26	64 Wellington St & 53 Langridge St	Commercial	Red Box Art Studios – Some tenancies potentially function as a home office or dwelling	

Number	Site Address	Land Use	Description	Image
27	59 Wellington St	Commercial	The Vine Hotel **Permit History:** Permit PLN15/0329 for the part demolition, alterations and additions to allow for the conversation of the existing building into two dwellings.	
28	33-41 Rokeby St	Commercial	Warehouse building	
29	51 Langridge St	Commercial	Current display suite and vacant site until construction **Planning history:** PLN17/0332 - Use and development of the land for the construction of a 12 storey office building (plus four basement levels) (no permit required for office use) and a ground floor food and drink premises (cafe - 7am-6pm, 7 days per week), reduction of car parking requirements – Refused Council was informed on 26 September 2017 that a Section 79 'Failure to determine' appeal had been lodged by the Applicant with VCAT. https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/advertised-planning-applications/2017/07/26/pln170332	
30	26-30 Northumberland St	Commercial	Offices and cake & wine wholesaler & Emme's studio space **Source:** http://www.cakeindulgence.com.au/contact-us/m **Planning History:** PL05/0843 - Part change of use to a wine wholesale operation, construction of a third storey addition for use as a caretaker's dwelling and a reduction in the car parking requirements https://www.yarracity.vic.gov.au/planning-application-search?applicationNumber=PL05%2F0843	

Number	Site Address	Land Use	Description	Image
31	25 Rokeby St	Commercial	Offices and Café **Source:** http://www.premiersdesignawards.com.au/entry/25-rokeby-street-collingwood/	
32	59 Rokeby St	Commercial	Storage / warehouse – 'Shop for Shops'	
33	1 Silver Street	Commercial	Multiple offices / co-working spaces **Source:** http://www.creativespaces.net.au/find-a-space/high-noon-5	
34	79-81 Victoria Parade	Commercial	Jetstar offices and a car park	

Number	Site Address	Land Use	Description	Image
35	77-83 Langridge St	Commercial	Office / showroom **Sources:** http://www.miglicdean.com.au/for-lease/36-83-langridge-street-collingwood-vic-3066 http://www.commercialview.com.au/77-85-langridge-street-collingwood-vic/commercial-for-lease-details-11137956 https://foxmichael.com.au/contact/	
36	61-63 Rokeby St	Commercial	Workshop or warehouse	
37	75-77 Victoria Parade	Commercial	Restaurant	
38	87-89 Langridge St	Commercial	Shop for Shop display/fitting store **Source:** http://www.shopforshops.com/	

Number	Site Address	Land Use	Description	Image
39	103 Victoria Parade	Commercial	Melbourne Pathology	
40	67-71 Wellington St	Residential	Office building currently under construction **Planning history:** PLN15/0641 - Development of the land for the construction of a 13 storey building (plus 3 basement levels), use of the land as offices with an associated reduction in the car parking https://www.yarracity.vic.gov.au/planning-application-search?applicationNumber=PLN15%2F0641	Need photo
41	105-133 Victoria Parade	Commercial	Porsche showrooms and offices **Planning history:** http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2001/264.html Demolition of the existing grain silos and retention of the existing showroom and motor vehicle work	



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APPENDIX B PLANNING AND BUILDING PERMIT HISTORY

No.	Date	Permit Type	Reference	Address	Description
1.	26 March 1996	Planning Permit	95/103	26 Wellington Street, Collingwood	The permit allows for the purpose of 20 lot subdivision, provisions of associated services and partial use as offices in accordance with the attached endorsed plans.
2.	30 April 1997	Endorsed Plans (Amended)	95/103	26 Wellington Street, Collingwood	Endorsed plans of The Distillery conversion, prepared by Axia.
3.	04 May 1997	Letter from Axia Architects & Consultants	95/103	26 Wellington Street, Collingwood	Letter highlighting that the zoning of the land is not consistent with the market demand for residential apartments at the site. Also arguing the merits of mixed use development at the site.
4.	24 Jul 1997	Planning Permit	97/828	26 Wellington Street, Collingwood	The permit allows for the purpose of alteration, additions and a 12 lot subdivision to the existing building, provision of signage and a change of use to office, light industry and caretakers residences in accordance with the attached endorsed plans.
5.	29 Sep 1997	Planning Permit	1411/97	26 Wellington Street, Collingwood	The permit allows alterations and additions to the existing building and subdivision into three lots in accordance with the attached endorsed plans.
6.	29 Sep 1997	Delegate Report	1411/97	26 Wellington Street, Collingwood	Recommendation: That a planning permit be issued to land at 26 Wellington Street for the purpose of development and subdivision of an existing building into 3 units.
7.	30 Sep 1997	Endorsed Plans	1411/97	26 Wellington Street, Collingwood	Endorsed plans for the Proposed Silo Redevelopment, prepared by Axia.
8.	22 Dec 1997	Statement of Compliance for Stage One of a Staged Plan	96/1464	21 Northumberland Street and 26 Wellington Street, Collingwood	Statement of Compliance for Stage One of a Staged Plan (subdivision) issued under Section 21.

No.	Date	Permit Type	Reference	Address	Description
9.	21 July 1999	Extension of Time	Planning Permit No. 97/828	26 Wellington Street, Collingwood	12 month extension of time to Planning Permit No. 97/828. *'The use/development must now be completed no later 24 July 2000'*.
10.	12 Dec 1997	Plan of Subdivision	PS 40494D	26 Wellington Street and 21 Northumberland Street, Collingwood	Plan of Subdivision
11.	1997	Delegate Report	Planning Permit No. 97/828	26 Wellington Street, Collingwood	Recommendation: That a planning permit be issued to land at 26 Wellington Street, Collingwood for the purpose of alteration, addition and subdivision of the building into 12 units, provision of signage and change of use to office, light industry and caretakers dwellings.
12.	29 Aug 1998	Plan of Subdivision	97/1601	21 Northumberland Street, Collingwood	Plan of Subdivision.
13.	09 Dec 1999	Building Permit	1069-990373-0	26 Wellington Street, Collingwood	Nature of Building Work: Construction of ground floor works to existing silo buildings (Stage 1 of overall project works).
14.	24 Mar 2000	EPA Priority Sites Certificate	Silo Building/Carl	26 Wellington Street, Collingwood	Later from EPA stating there are no Priority Sites reported for the municipality as of 24 March 2000.
15.	05 Oct 2000	Endorsed Plans	97/828	21 Northumberland Street, Collingwood	Amendment to plan approved 24 July 1997, prepared by Caulfield Krivanak & Sugar Pty Ltd. Proposed Silo Redevelopment.
16.	2001	Building Owner's Home Warranty Insurance	Certificate No. BAV996-DA000445-00/1/32	21 Northumberland Street, Collingwood	Insurance issues in respect of the *'fit out of apartment within existing concrete silo shell'* at *'cnr Northumberland & Byron Streets, Collingwood'*.
17.	02 Mar 2001	Building Permit (Stage 1)	BS1047/2001037/1	21 Northumberland Street, Collingwood	Building Permit issued for Silo Apartments in relation to Planning Permit N0. 97/828. Nature of building work: Alternations, additions and change of use to an existing building to office/residential use.

No.	Date	Permit Type	Reference	Address	Description
18.	04 Jul 2001	Building Permit (Stage 2)	BS1047/2001037/1	21 Northumberland Street, Collingwood	Building Permit issued for Silo Apartments in relation to Planning Permit N0. 97/828. Nature of building work: Alternations, additions and change of use to an existing building to office/residential use.
19.	16 Mar 2002	Architectural Plans for Proposed Silo Apartments		26 Wellington Street, Collingwood	Plans for the Proposed Silo Apartments at 26 Wellington Street, Collingwood showing the configuration of apartments.
20.	31 May 2007	Paid Invoice	Invoice No. 411894	21 Northumberland Street, Collingwood	Paid invoice for domestic refuse service. Payment for bin delivery to properties within 21 Northumberland Street, Collingwood.
21.	18 Sep 2002	Mandatory Inspections Letter		21 Northumberland Street, Collingwood	Peter Luzinat (Building Surveyor) states the dates that building inspections were approved.
22.	28 Mar 2007	Submission letter to Council re rubbish collection		11k/21 Northumberland Street, Collingwood	Resident's submission to Council seeking better waste collection services.
23.	06 Jul 2007	Request for Building Approval Particulars	326(1)	11C/21 Northumberland Street, Collingwood	Summary of building permits issued in the preceding 10 years issued by City of Yarra.
24.	25 Mar 2017	Letter to Robert Caulfield		26 Wellington Street, Collingwood	Letter from original architect Robert Doyle confirming that he does not possess copies of the original planning permits relating to the silo conversion.
25.	08 May 2017	Reply to Request for Historical Records	Building Permit No. BS1047/2001037/0	26 Wellington Street, Collingwood	Rhys Thomas from Yarra City Council advises Lawrie Groom that Council cannot locate Minutes of the meeting in relation to the 1995 decision to issue a planning permit at 26 Wellington Street, Collingwood.

APPENDIX C ASSESSMENT AGAINST STRATEGIC ASSESSMENT GUIDELINES

No.	Strategic Assessment Guidelines	Response
1	Why is an amendment required?	The Planning Scheme Amendment is required to allow for the continued use of the subject site for dwellings through the inclusion of the site within Clause 51.01 (Site Specific Exemptions) of the Yarra Planning Scheme. Currently, dwellings are prohibited under the provisions of the Commercial 2 Zone applying to the site.
2	Does the amendment implement the objectives of planning and address any environmental, social and economic effects?	This amendment will implement the objectives of Planning in Victoria by providing for the fair, orderly, economic and sustainable use and development of land. The amendment will provide opportunities for existing residential uses to occur lawfully. **Environmental Effects** The site is not subject to an Environmental Audit Overlay nor is recorded on the EPA's Priority Sites Register. Notwithstanding this, the proposed amendment does not pose any adverse environmental effects. Further, an environmental assessment prepared by Edge Group confirms that the site in its currently layout is suitable for both commercial and residential uses. Whilst no changes to the site layout are proposed as part of this application, should any changes to the site layout occur in the future, then an updated assessment of risk would be required. **Social Effects** The proposal will allow existing residential land uses to occur lawfully on the subject site. The proposal will result in positive social impacts by contributing to the vibrancy of the area and by providing additional passive surveillance. **Economic Effects** The proposal will limit residential uses to the periphery of the C2Z land and will ensure that the vitality of the employment precinct is not compromised.
3	Does the amendment address relevant bushfire risk?	The subject site is not located within the Bushfire Management Overlay nor a bushfire prone area and does not present a bushfire risk.
4	Does the amendment comply with all the relevant Minister's Directions?	The proposal is consistent with the relevant Ministerial Directions being Directions 1, 9 and 11. **Ministerial Direction 1 – Potentially Contaminated Land** An environmental assessment has been undertaken which notes that the site has been used previously as a distillery from the mid-1800s to 1992 where it has since (1997) been redeveloped for commercial land use, and partially for residential dwellings.

		The assessment concluded that whilst there is the potential for contamination of soil, groundwater and/or soil vapour sourced from on and off-site activities, in the current site setting there is considered to be a low risk to current site users. As such, the assessment concludes that the site in its current layout is suitable for both commercial and residential uses. Whilst no changes to the site layout are proposed as part of this application, should any changes to the site layout occur in the future, then an updated assessment of risk would be required. Refer to Edge Group report being provided concurrently with this report for further details. **Ministerial Direction 9 – Metropolitan Planning Strategy** The proposal is consistent with the current Metropolitan Planning Strategy as it will not compromise the vitality of the existing employment precinct and commercial operations contained within. In addition, the proposal allows the continued use of the land for dwellings within close proximity to public transport, jobs and services. **Ministerial Direction 11 – Strategic Assessment of Amendments** This assessment has been prepared in accordance with these assessment requirements
5	Does the amendment support or implement the Planning Policy Framework (PPF)?	The amendment is consistent with and implements the Planning Policy Framework for the reasons discussed in Section 5 of this report.
6	How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically, the Municipal Strategic Statement (MSS)?	The amendment is consistent with and implements the Local Planning Policy Framework for the reasons discussed in Section 5 of this report.
7	How does the amendment support or implement the Municipal Planning Strategy (MPS)?	The amendment is consistent with and implements the Municipal Planning Strategy for the reasons discussed in Section 5 of this report
8	Does the amendment make proper use of the Victoria Planning Provisions?	The Amendment makes proper use of the planning provisions. Any proposed controls associated with this amendment are to be used in a manner that is consistent with the objectives of the Victorian Planning Provisions (VPP).
9	How does the amendment address the views of relevant agencies?	It is not anticipated that any other relevant agency will be affected by the proposed amendment.

10	Does the amendment address the requirements of the Transport Integration Act 2010?	The amendment will not impact the requirements of the Transport Integration Act. The site is strategically located with excellent access to public transport and provides for the integration of land uses with the transport system.
11	What impact will the new planning provisions have on the administrative costs of the responsible authority?	The amendment is not expected to result in any unreasonable resource or administrative costs for the responsible authority.

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