



Moreland City Council

Minutes of the Planning and Related Matters Meeting

Held at the Council Chamber, Moreland Civic Centre,
90 Bell Street, Coburg
on Wednesday 24 August 2022

The Mayor opened the meeting at 6.34 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Mark Riley, Mayor	6.34 pm	7.56 pm
Cr Lambros Tapinos, Deputy Mayor	6.34 pm	7.56 pm
Cr Adam Pulford	7.40 pm	7.56 pm
Cr Angelica Panopoulos	6.34 pm	7.56 pm
Cr Annalivia Carli Hannan	Apology	
Cr Helen Davidson	6.34 pm	7.56 pm
Cr Helen Pavlidis	6.34 pm	7.56 pm
Cr James Conlan	Apology	
Cr Monica Harte	Apology	
Cr Oscar Yildiz JP	6.34 pm	7.28 pm
Cr Sue Bolton	6.34 pm	7.56 pm

OFFICERS

Director Place and Environment – Joseph Tabacco
Group Manager City Development – Phil Priest
Unit Manager Urban Planning – Mark Hughes
Planning Coordinator – Esha Rahman
Planning Coordinator – Kylie Sullivan
Acting Principal Urban Planner – Ryan Hay
Manager Governance and Strategy – Yvonne Callanan
Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Conlan, Cr Carli Hannan and Cr Harte were apologies to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil

MINUTE CONFIRMATION

Resolution

Cr Bolton moved, Cr Pavlidis seconded -

The minutes of the Planning and Related Matters Meeting held on 27 July 2022 be confirmed.

Carried

6.39 pm Cr Panopoulos left the meeting.

6.39 pm Cr Panopoulos returned to the meeting.

COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT JUNE QUARTER 2022

Executive Summary

The City Development Urban Planning and Planning Enforcement teams are managing to produce reasonably good results in the face of increases in the numbers of incoming applications, increased compliance requests, and a high outstanding caseload. The planning application outstanding caseload, and the planning compliance caseloads are areas to continue to monitor closely.

Planning permit activity levels increased by 6 per cent in the 2021/22 financial year when compared to the previous financial year which is indicative of some sign of recovery in the development sector. The data clearly indicates that planning activity levels are once again increasing after remaining steady at reduced levels throughout the majority of the COVID 19 pandemic. The number of applications determined was up by 11 per cent from the previous year which is a pleasing result.

Timeframes to determine most planning applications were still below the metropolitan average largely due to staff turnover and staff illness. There have been small improvements particularly in Vic Smart timeframes, but this remains an area to monitor and improve.

Planning compliance had new case numbers which were more around the average expected for the quarter. The number of cases closed in the quarter also remained steady. This had a positive impact on the outstanding caseload which is reducing while still not at an ideal level.

VCAT activity, while much reduced, was slightly higher in the June 2022 quarter compared to the previous year but is still well below pre-COVID-19 levels.

Officer Recommendation

That Council notes the City Development Activity Report – June Quarter 2022.

Resolution

Cr Bolton moved, Cr Davidson seconded -

That Council notes the City Development Activity Report – June Quarter 2022.

Carried

5.2 251-265 LYGON STREET & 1A PITT STREET, BRUNSWICK EAST - PLANNING PERMIT APPLICATION MPS/2022/4



Property:	251-265 Lygon Street, BRUNSWICK EAST 1A Pitt Street, BRUNSWICK EAST			
Proposal:	Construction of an eight and five storey mixed use building above two levels of basement, and a reduction in the car parking requirements			
Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial 1 Zone (C1Z) Design and Development Overlay Schedule 19 (DDO19) Parking Overlay 1 (PO1) Development Contributions Plan Overlay (DCPO1) 			
Strategic setting:	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Objections:	A total of 96 objections with key issues being: <ul style="list-style-type: none"> Building Height and overshadowing Street wall and upper level setbacks Car parking and traffic impacts 			
Planning Information and Discussion (PID) Meeting:	Date: 5 July 2022 Attendees: 21 objectors, the applicant, Council officers, and Cr Riley, Cr Yildiz and Cr Bolton No changes were agreed to, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report			
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 7 stars 			
Accessibility:	<ul style="list-style-type: none"> Adaptable apartments comprise 55 per cent of the proposal 			
Key reasons for refusal	<ul style="list-style-type: none"> Excessive building height and visibility of upper levels contrary to DDO19 The proposal does not maintain solar access to the Lygon Street footpath 			
Recommendation:	Council's submission to VCAT be that no planning permit should be issued for the proposal, based on the grounds outlined in the recommendation.			

Officer Recommendation

That Council's submission to Victorian Civil and Administrative Tribunal (VCAT) be one that no planning permit be issued for Planning Application MPS/2022/4 for the construction of an eight and five storey mixed used building above two levels of basement and a reduction in the car parking requirements at 251-265 Lygon Street and 1A Pitt Street, Brunswick East, subject to the following grounds of refusal:

1. The development fails to satisfy the following requirements and objectives of Schedule 19 to the Design and Development Overlay at Clause 43.02 of the Moreland Planning Scheme because the development fails to:
 - a) Create a new mid rise built form character that provides a built form transition between the Lygon Activity Corridor and adjoining low-rise residential areas such as Evan Street.
 - b) Ensure highly visible development is limited to identified key redevelopment sites.
 - c) Ensure the street wall remains the visually dominant element in Lygon Street.
 - d) Ensure that the levels above the street wall are visually recessive, subservient and does not dominate the streetscape appearance to Lygon Street and Evans Street.
 - e) Protect and enhance the amenity and maintain solar access to key pedestrian street (Lygon Street).
2. The proportions of the development would enclose the public space within the adjoining streets due to building height and minimal upper level setbacks failing to contribute to the urban design outcomes sought by the objectives at Clause 15.01-1S Urban Design, 15.01-1L Urban Design in Moreland and 15.01-2S Building design and Clause 15.01-5S – Neighbourhood Character.
3. The siting of the stair on the northern side of the five storey building would compromise the internal amenity of the dwellings and would not maximise passive energy efficiency and create a quality living environment for residents, failing to meet the strategies and objective of Clause 15.01-2L – Apartment developments in Moreland and Clause 15.01-2L-04 – Energy Efficiency in Moreland.
4. The siting of the upper levels to the north-western boundary would impact on the future development opportunities of the adjoining land due to inadequate building separation, failing to meet the building setback and separation strategies of Clause 15.01-2L – Apartment developments in Moreland.
5. The development fails to satisfy the following standards and objectives of Clause 58 (Apartment Developments) of the Moreland Planning Scheme:
 - a) Clause 58.02-1 – Urban Context Objectives (Standard D1) – The design fails to contribute to the preferred future development of the area or respond to the features of the site and surrounding area, including the low-rise residential (Evan Street), and is not appropriate to the urban context and the site.

7.05 pm Cr Panopoulos left the meeting.

7.07 pm Cr Panopoulos returned to the meeting.

7.15 pm Cr Yildiz left the meeting.

Resolution

Cr Bolton moved, Cr Riley seconded -

The Council resolve:

That a VCAT position to not grant Planning Permit No. MPS/2022/4 be issued for the

construction of an eight and five storey mixed use building above two levels of basement, and a reduction in the car parking requirements at 251-265 Lygon Street & 1A Pitt Street, BRUNSWICK EAST on the following grounds:

1. The development fails to satisfy the following requirements and objectives of Schedule 19 to the Design and Development Overlay at Clause 43.02 of the Moreland Planning Scheme because the development fails to:
 - a) Create a new mid rise built form character that provides a built form transition between the Lygon Activity Corridor and adjoining low-rise residential areas such as Evan Street.
 - b) Ensure highly visible development is limited to identified key redevelopment sites.
 - c) Ensure the street wall remains the visually dominant element in Lygon Street.
 - d) Ensure that the levels above the street wall are visually recessive, subservient and does not dominate the streetscape appearance to Lygon Street and Evans Street.
 - e) Protect and enhance the amenity and maintain solar access to key pedestrian street (Lygon Street).
2. The proportions of the development would enclose the public space within the adjoining streets due to building height and minimal upper level setbacks failing to contribute to the urban design outcomes sought by the objectives at Clause 15.01-1S Urban Design, 15.01-1L Urban Design in Moreland and 15.01-2S Building design and Clause 15.01-5S – Neighbourhood Character.
3. The siting of the stair on the northern side of the five storey building would compromise the internal amenity of the dwellings and would not maximise passive energy efficiency and create a quality living environment for residents, failing to meet the strategies and objective of Clause 15.01-2L – Apartment developments in Moreland and Clause 15.01-2L-04 – Energy Efficiency in Moreland.
4. The siting of the upper levels to the north-western boundary would impact on the future development opportunities of the adjoining land due to inadequate building separation, failing to meet the building setback and separation strategies of Clause 15.01-2L – Apartment developments in Moreland.
5. The development fails to satisfy the following standards and objectives of Clause 58 (Apartment Developments) of the Moreland Planning Scheme:
 - a) Clause 58.02-1 – Urban Context Objectives (Standard D1) – The design fails to contribute to the preferred future development of the area or respond to the features of the site and surrounding area, including the low-rise residential (Evan Street), and is not appropriate to the urban context and the site.
 - b) Clause 58.07-4 – Natural Ventilation Objectives (Standard D29) – The development fails to provide at least 40 per cent of dwellings with adequate cross ventilation.
6. The development fails to provide adequate loading and unloading facilities on-site pursuant to Clause 65.01 impacting on amenity, traffic flow and road safety.

7.22 pm Cr Panopoulos left the meeting during debate.

7.22 pm Cr Panopoulos returned to the meeting during debate.

7.22 pm Cr Tapinos left the meeting during debate.

Meeting Adjournment

Mayor, Cr Riley adjourned the meeting at 7.23 pm until Cr Tapinos or Cr Yildiz returned as a quorum could not be maintained in their presence.

7.24 pm Cr Tapinos returned to the meeting.

Meeting Resumption

Mayor, Cr Riley resumed the meeting at 7.24 pm.

7.24 pm Cr Yildiz returned to the meeting during debate.

7.25 pm Cr Yildiz left the meeting during debate.

7.26 pm Cr Tapinos left the meeting during debate.

Meeting Adjournment

Mayor, Cr Riley adjourned the meeting at 7.26 pm until Cr Tapinos or Cr Yildiz returned as a quorum could not be maintained in their presence.

7.26 pm Cr Yildiz returned to the meeting.

Meeting Resumption

Mayor, Cr Riley resumed the meeting at 7.26 pm.

7.27 pm Cr Tapinos returned to the meeting during debate.

7.27pm Cr Tapinos left the meeting and did not vote on item.

Carried unanimously

7.27 pm Cr Yildiz left the meeting.

7.27 pm Cr Tapinos returned to the meeting.

7.28 pm Cr Yildiz returned to the meeting.

7.28 pm Cr Yildiz left the meeting and did not return.

5.3 53-57 ALBERT STREET, BRUNSWICK EAST - PLANNING APPLICATION MPS/2021/1029



Property:	53-57 Albert Street, BRUNSWICK EAST				
Proposal:	Construction of a six storey apartment building and a reduction in the car parking requirement				
Zoning and Overlay/s:	<ul style="list-style-type: none">• Mixed Use Zone (MUZ)• Design and Development Overlay Schedule 19 (DDO19)• Environmental Audit Overlay (EAO)• Parking Overlay 1 (PO1)• Development Contributions Plan Overlay (DCPO)				
Strategic setting:	<table border="1"><tr><td>Minimal housing growth</td><td>Incremental housing growth</td><td>Increased house densities encouraged</td><td>Significant housing growth</td></tr></table>	Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth
Minimal housing growth	Incremental housing growth	Increased house densities encouraged	Significant housing growth		

Objections:	<ul style="list-style-type: none"> • 6 objections received with the key issues: • Building height • Overshadowing impacts • Car parking reduction
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> • Date:19 July 2022 • Attendees: 0 objectors, the applicant, 2 Council officers, and Councillor Harte and Mayor Riley
ESD:	<ul style="list-style-type: none"> • Minimum average NatHERS rating of 8 stars.
Accessibility:	<ul style="list-style-type: none"> • Adaptable apartments comprise 73 per cent of the proposal.
Key reasons for refusal	<ul style="list-style-type: none"> • The overall building height exceeds that of the DDO19 and does not provide for a transition in built form • The proposal does not maintain solar access to the Albert Street footpath and overshadows Fleming Park • The design provides compromised internal amenity including daylight to habitable rooms and private open space areas.
Recommendation:	Council's submission to VCAT be that no planning permit should be issued for the proposal, based on the grounds outlined in the recommendation.

Officer Recommendation

That Council's submission to the Victorian Civil and Administrative Tribunal (VCAT) be that no planning permit should be issued for the construction of a six storey apartment building and a reduction in the car parking requirement at 53-57 Albert Street, Brunswick East, subject to the following grounds:

1. The development fails to satisfy the following requirements and objectives of Schedule 19 to the Design and Development Overlay at Clause 43.02 of the Moreland Planning Scheme by:
 - a) Not providing a built form transition between the Lygon Street Corridor and adjoining low-rise residential areas and Fleming Park;
 - b) Proposing a highly visible development that exceeds the preferred building height on a site not identified as a key redevelopment site;
 - c) Not protecting or enhancing the amenity nor maintaining solar access to Albert Street, an identified key pedestrian street;
 - d) Not maintaining solar access to Fleming Park; and
 - e) Not maintaining reasonable amenity for residential properties near the site.
2. The proposal results in overshadowing of the Albert Street footpath and Fleming Park, contrary to and 15.01-1L (Urban Design in Moreland).
3. The proposal does not satisfy the following objectives and standards of Clause 58 (Apartment Developments) of the Moreland Planning Scheme:
 - a) Clause 58.02-1 – Urban Context Objectives (Standard D1) – The design fails to contribute to the preferred future development of the area or respond to the features of the site and surrounding area, particularly the heritage context, and

- is not an appropriate design response to the urban context and the site;
- b) Clause 58.02-5 – Integration with the Street (Standard D5) – The design utilises high solid front fencing (walls) to the street that limits the activation at the ground level;
 - c) Clause 58.05-3 – Private Open Space (Standard B20) – The design includes insufficient dimensioned ground floor secluded private open space areas that do not allow for the reasonable recreation and service needs to residents; and
 - d) Clause 58.07-3 – Windows (Standard D28) – The design includes habitable rooms with poorly located windows that have poor access to daylight and result in compromised internal amenity.

7.31 pm Cr Tapinos left the meeting.

Meeting Adjournment

Mayor, Cr Riley adjourned the meeting at 7.32 pm until Cr Tapinos returned as a quorum could not be maintained in their presence.

7.33 pm Cr Tapinos returned to the meeting.

Meeting Resumption

Mayor, Cr Riley resumed the meeting at 7.33 pm.

Resolution

Cr Bolton moved, Cr Pavlidis seconded -

That Council's submission to the Victorian Civil and Administrative Tribunal (VCAT) be that no planning permit should be issued for the construction of a six storey apartment building and a reduction in the car parking requirement at 53-57 Albert Street, Brunswick East, subject to the following grounds:

1. **The development fails to satisfy the following requirements and objectives of Schedule 19 to the Design and Development Overlay at Clause 43.02 of the Moreland Planning Scheme by:**
 - a) **Not providing a built form transition between the Lygon Street Corridor and adjoining low-rise residential areas and Fleming Park;**
 - b) **Proposing a highly visible development that exceeds the preferred building height on a site not identified as a key redevelopment site;**
 - c) **Not protecting or enhancing the amenity nor maintaining solar access to Albert Street, an identified key pedestrian street;**
 - d) **Not maintaining solar access to Fleming Park; and**
 - e) **Not maintaining reasonable amenity for residential properties near the site.**
2. **The proposal results in overshadowing of the Albert Street footpath and Fleming Park, contrary to and 15.01-1L (Urban Design in Moreland).**
3. **The proposal does not satisfy the following objectives and standards of Clause 58 (Apartment Developments) of the Moreland Planning Scheme:**
 - a) **Clause 58.02-1 – Urban Context Objectives (Standard D1) – The design fails to contribute to the preferred future development of the area or respond to the features of the site and surrounding area, particularly the heritage context, and is not an appropriate design response to the urban context and the site;**
 - b) **Clause 58.02-5 – Integration with the Street (Standard D5) – The design**

utilises high solid front fencing (walls) to the street that limits the activation at the ground level;

- c) **Clause 58.05-3 – Private Open Space (Standard B20) – The design includes insufficient dimensioned ground floor secluded private open space areas that do not allow for the reasonable recreation and service needs to residents; and**
- d) **Clause 58.07-3 – Windows (Standard D28) – The design includes habitable rooms with poorly located windows that have poor access to daylight and result in compromised internal amenity.**

7.39 pm Cr Tapinos left the meeting.

Meeting Adjournment

Mayor, Cr Riley adjourned the meeting at 7.40 pm until Cr Tapinos returned as a quorum could not be maintained in their presence.

7.40 pm Cr Pulford entered the meeting.

Meeting Resumption

Mayor, Cr Riley resumed the meeting at 7.40 pm.

7.40 pm Cr Tapinos returned to the meeting.

7.41 pm Cr Tapinos left the meeting and did not vote on the item.

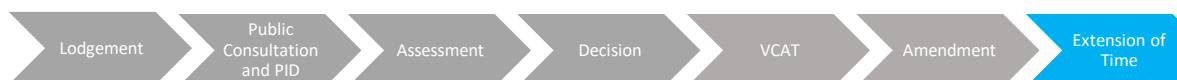
Carried unanimously

7.42 pm Cr Tapinos returned to the meeting.

7.43 pm Cr Tapinos left the meeting.

7.44 pm Cr Tapinos returned to the meeting.

5.4 PART CP1, 22, 24-26 AND 28 PENTRIDGE BOULEVARD AND PART 27 URQUHART STREET, COBURG VIC 3058 - PLANNING PERMIT MIN/2011/12837A



Property:	Part CP1, 22, 24-26 and 28 Pentridge Boulevard and Part 27 Urquhart Street, COBURG VIC 3058
Proposal:	Extend the expiry date of Planning Permit MIN/2011/12837A by two years (both commencement and completion dates). The Group Manager is referring the request to Council in light of previous Council decision-making on this site.
Zoning and Overlay/s:	<ul style="list-style-type: none"> • Activity Centre Zone (ACZ1) • Parking Overlay (PO1) • Environmental Audit Overlay (EAO) • Development Contributions Plan Overlay (DCPO1) • Heritage Overlay (HO47) – that part of 22 and 24-26 Pentridge Boulevard within 3 metres of the bluestone walls on the adjoining properties to the west.

Strategic setting:	<div style="display: flex; justify-content: space-around; text-align: center;"> <div style="background-color: #cccccc; padding: 5px;">Minimal housing growth</div> <div style="background-color: #cccccc; padding: 5px;">Incremental housing growth</div> <div style="background-color: #cccccc; padding: 5px;">Increased house densities encouraged</div> <div style="background-color: #00a0e3; color: white; padding: 5px;">Significant housing growth</div> </div>
Key reasons for support	<ul style="list-style-type: none"> There has been no significant change in planning policy since the most recent extension of time approval. Since the previous extension of time, factors mitigating against a timely commencement include the submission of significant amendment proposals, complex site history and a change in ownership and the Covid19 pandemic. It is likely that a planning permit would be issued if a fresh application were lodged today.
Recommendation:	It is recommended that a two year extension of time be granted to Planning Permit MIN/2011/12837A so that the development must commence by 30 June 2024 and be completed by 30 June 2028.

Officer Recommendation

That an extension is granted to Planning Permit MIN/2011/12837A at part CP1, 22, 24-26, 28 Pentridge Boulevard and part 27 Urquhart Street, Coburg (more specifically known as part CP1, lots S32, S33, S34 and part S38 on PS543333) so that the development must commence by 30 June 2024 and be completed by 30 June 2028.

Resolution

Cr Riley moved, Cr Panopoulos seconded -

That an extension is granted to Planning Permit MIN/2011/12837A at part CP1, 22, 24-26, 28 Pentridge Boulevard and part 27 Urquhart Street, Coburg (more specifically known as part CP1, lots S32, S33, S34 and part S38 on PS543333) so that the development must commence by 30 June 2024 and be completed by 30 June 2028.

Carried

URGENT BUSINESS REPORTS

Nil

The meeting closed at 7.56 pm.