



Merri-bek
City Council

Council Resolution Action Memo

Meeting Date: 12/04/2023

Report Heading / Item No. 7.7 **AMENDMENT C219 - 42 ST PHILLIP STREET, BRUNSWICK - REMOVAL OF SPECIFIC CONTROL OVERLAY- DECISION GATEWAY 3 (D23/133133)**

Confidential Status: Public

Department: Director Place and Environment

Further Report Required: No

Notes

7.7 **AMENDMENT C219 - 42 ST PHILLIP STREET, BRUNSWICK - REMOVAL OF SPECIFIC CONTROL OVERLAY- DECISION GATEWAY 3**

Executive Summary

Amendment C219more (the Amendment) proposes to remove the Specific Controls Overlay – Schedule 4 from 42 St Phillip Street, Brunswick East. The overlay was placed on the land in 2003 to restrict development and use of the land to one dwelling.

The Amendment was exhibited to the public for a period of 5 weeks and 11 submissions were received (one was later withdrawn). Council resolved in December 2022 to request the Minister for Planning to appoint an independent Panel to consider the submissions received during the exhibition of the Amendment.

A Panel Hearing was held on 27 and 28 February 2023. The recommendations of the Planning Panel were supportive, noting that there is no strategic justification for the continued application of the Specific Controls Overlay to the land, and that there is no inherent reason why the subject land is not suitable for more than one dwelling.

The Planning Panel also determined that if the Specific Controls Overlay were removed, the existing planning framework would ensure that any proposal for a second dwelling properly addresses neighbourhood character and amenity impacts. The Planning Panel recommended that the Amendment be adopted as exhibited with no changes.

It is recommended that Council adopt Amendment C219more and submit the Amendment to the Minister for Planning for approval.

Officer Recommendation

That Council:

1. Notes the findings and recommendations of the C219more Planning Panel.
2. Using its powers as a planning authority under section 29 of the *Planning and Environment Act 1987*, adopts Planning Scheme Amendment C219more as shown in Attachment 1 of this report.
3. Submits the adopted Amendment to the Minister for Planning.

Resolution

Cr Davidson moved, Cr Yildiz seconded -

That Council:

1. **Notes the findings and recommendations of the C219more Planning Panel.**
2. **Using its powers as a planning authority under section 29 of the *Planning and Environment Act 1987*, adopts Planning Scheme Amendment C219more as shown in Attachment 1 of this report.**
3. **Submits the adopted Amendment to the Minister for Planning.**

9.29 pm *Cr Carli Hannan left the meeting during the debate.*

Carried

Cr Davidson called for a division:

For	Against	Abstain
Cr Davidson	Cr Conlan	Cr Bolton
Cr Yildiz	Cr Harte	
Cr Pulford		
Cr Panopoulos		
Cr Pavlidis		
Cr Riley		
Cr Tapinos		
Total For (7)	Total Against (2)	Total Abstain (1)