
This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. This summary includes the original question, the response provided at the meeting and, where applicable, the response provided after the meeting to any question taken on notice (which is included in red text).

7.1 Ms Jenny Port - Smith Street Structure Plan Update

Question:

What is happening with the Smith Street to Wellington Street Local Area Plan? I believe consultants were to be engaged to produce some work in this area and am following up on the progress.

As you know there is quite a lot of development proposed for the Wellington Street area and fear that September will be too late. Is there some way the study can be speed up?

Response:

The Director Planning and Place Making advised that there was some difficulty in finding consultants for the project however officers have advised that the procurement matter is almost ready so that would mean the built form analysis study for that area should be back in the office around September. Unfortunately the study is unable to be speed up as we are only now in the process of procuring consultants for this work. The work will cover a vast area from Smith Street to Brunswick Street and to clarify to Ms Port, this also incorporates the west side of Wellington Street.

7.2 Mr Stephen Zafir - 24-28 Stanley Street Collingwood Development - PLN16/0753

Question:

I have been a resident of Stanley Street Collingwood for the past years and have fought two adjoining developments in that time. With the current development of 24-28 Stanley Street Collingwood, during the planning process I was away, however I did not receive any papers in my mailbox and the planning process went through without my knowledge. It looks like the development is complete with lights on and ready for people to move in however they have made no consideration for any privacy for the adjoining residents and no effort to putting up any privacy structures or frosting of windows. The building is 1.6 meters from my property and will no longer have any privacy as people will be able to look into my bedroom and bathroom.

(Mr Zafir showed Councillors a series of photographs taken from this property ref: D17/29746)

Is Council aware of this development and when can I expect a resolution to this matter in regard to the lack of privacy for me and my wife and other residents? Before the development we enjoyed having our balcony as an extension to our living area but now have obstructed views and no privacy.

Cr Jolly had forwarded me the response he had received and it only mentioned that they would uphold the approved plans. I received this information on Friday. It was also mentioned that the development wasn't finished yet.

Response:

The Director Planning and Place Making advised that he would follow up the matter this week and forward the Planning Permit and or the extract of the endorsed plans to the resident and Councillors.

The Director Planning and Place Making subsequently advised that Council's Construction Management staff met with the builder on site on Monday 20 March to assess the overlooking concerns of Mr Zafir and then met with Mr Zafir on Wednesday 22 March.

The planning permit was issued to the direction of VCAT.

The builder has agreed to install a louvre screen which will extend the full length of the western balcony.

This installation is by agreement only has there is no requirement from a planning perspective to install the screening (VCAT permit), nor is there a building requirement to install the screening (Class 2 building).

7.3 Ms Margaret O'Brien - Heritage/Urban Consultants

Question:

Councillors and Executives are aware that the use of consultants for heritage advice, especially in relation to statutory planning decisions has been a matter of concern for some time. Specifically concerns on the public perception of conflict of interest potentially arising where advisors consult for both Council and developers.

Will Council please provide publicly it's policy and evidence of Council's governance practises to avoid conflicts of interest and details on how it manages the risks of Council using consultants for heritage advice, for urban design advice and also traffic management advice?

Will Council also include the details of processes to monitor for cross referencing in instances where consultants work in the City of Yarra either for Council or developers on planning matters?

Response:

The Director Planning and Place Making advised that with contractual arrangements, heritage consultants need to declare any conflicts of interest and that process is managed by the contract manager and in this instance the Manager Statutory Planning. These are detailed questions and will need to take the questions on notice to make enquires.

The Director Planning and Place Making further advised that Council has two heritage advisers which work to the Council under an contractual arrangement – this provides a EFT of 1.2 heritage advisers assisting the statutory planning office in tis assessments of planning applications.

In this contractual arrangement with the heritage advisers any actual or potential conflicts of interest must be made as a full disclosure to the contract manager. The Manager, Statutory Planning confirms that this disclosure does occur and has occasionally required a different heritage adviser to provide comment on the proposal to the office.

Clause 2.7 of the Agreement for the provision of heritage advisor services reads:

“2.7 Conflicts of Interest

2.7.1 The Contractor must immediately make a full disclosure in writing to the Council of the existence, nature and extent of any actual or potential conflict of interest that the Contractor, or any of its employees, agents or sub-contractors, may have between the Contractor's obligations under this Contract and the interest of:

2.7.1.1 the Contractor, its employees, agents or subcontractors;

2.7.1.2 an associate of the Contractor, its employees, agents or sub-contractors;

2.7.1.3 a company in which the Contractor, its employees, agents or sub-contractors are involved, whether as an officer, shareholder, employee or otherwise; or

2.7.1.4 any other person with whom or which the Contractor or its employees, agents or sub-contractors have a financial or business association, whether directly or indirectly.

2.7.2 If the Contractor fails to comply with its obligations under subclause

2.7.1 the Council may immediately terminate this Contract. If this Contract is terminated under this sub-clause

2.7.2 sub-clauses 6.2 and 6.3 will operate, to the extent that they are applicable, as if the termination had been made by the Council under sub-clause 6.1.1.”

Cr Jolly – the reality is that only a small number of consultants do this work and like it or not work for developers at times and Council at other times. Would it be possible in the preparation of the report for the next Council meeting for Mr Gilbert to give some thought to the idea of e.g. in Brisbane City Council, as a matter of Council policy, all planning applications, all relevant documents are online, not just the heritage advice but all the reports i.e. heritage, urban, officers report etc., not for small applications but for the larger ones. Can we look into something like this to cut across this kind of problem? Also in relation to the Queen Parade development and to the officers credit gave a lot more information to residents that is what is usually received.

The Group Manager Chief Executive's Office advised that I don't believe providing the information would be a problem as it is part of the assessment process and from a governance perspective quite reasonable to have the reports available to the report as attachments.

Cr Jolly – can you please comment on this in your heritage report, the report you will be will providing Council? The Group Manager Chief Executive's Office agreed.

7.4 Mr Brad Marsh - Queens Parade Built Form Report

Question:

Can Council request changes to the Queens Parade Clifton Hill Built Form Review, prepared by Hansen Partnership to correct some serious omissions and faulty inclusions that I will point out potentially distort the subject area and recommendations given? I appreciate that the DDO has already gone in, however this report is likely be referred to by decision makers in the future so it is important that it accurately reflects the area and Yarra's planning scheme.

The omissions that are of concern, fail to identify some relevant and important strategies in Yarra's Local Policy Planning Framework:

- Strategy 26.2 in Yarra LPP 21.05-3: "Maintain the dominance of the avenue trees

over built form along boulevards"; This has not been noted or addressed in the report and should be considered in determining the maximum heights and setbacks along Queens Parade.

- Strategy 14.6: "protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of build form both within places and from adjoining areas". The report notes this and appears to address it for Newry Street, but fails to address it for Coleman Street as if it is not in the Heritage Overlay, which it is. I note that Council did pick up on this and resolved to amend the Interim DDO to address this, but should it not also be corrected in the report that informs Council and others.
- Objective 17 Protect Yarra's low rise...urban form" and specifically relevant Strategy 17.2 which states that "development on Strategic development sites or within activity centres should generally be no more than 5-6 stories"; While the report mentions this in its introduction, it provides no justification for deviating from this and yet it does quite significantly. I would have thought 5-6 stores would be the starting point, with justifications given for areas where this can be deviated.
- Possibly the leap in height can be explained by what has been included in the report and I refer to this page 24 showing 6 buildings. Only one of these actually exists. Why are they showing buildings that don't exist in the built form review? Half of these aren't even approved and we have to assume until they are that they may not be approved. What are they doing in the built form review?
- Related is the complete absence of photos like this in the report which do exist and are typical and relevant to the built form of the areas.
- "Planning Permits" table under the heading Queens Parade built form review indicating some very large developments; Only 3 of the 12 listed are approved and none of these are anywhere near the precinct that controls were being considered for, these were all at the other end which will have controls pending.
- These should not be included in a built form review because they aren't built, aren't approved and may not be. If it was ok to include applications, then I could put in an application for 50 stories then get an independent built form review which would say well there has been an application for 50 stories so it must be ok. Do you see how absurd this logic is?
- The absence of recent development that is relevant from 54 to 88 Queens Street, including this one. 4 storey street front, with 15m setback to the 6th storey. I think this is relevant to inform the proposed controls.

Response:

The Director Planning and Place Making advised, I believe the Hansen report cannot be changed, the process on Queens Parade is still continuing and to answer Mr Marsh it is appropriate that the consultant look at what's approved in the area but not built because that is what the panel committee or VCAT would seek. It is true they may or may not be built but the approvals in place is a relevant topic. Officers will look at the report and any work that embellishes the work will certainly be looked at and discussed.

7.5 Mr Ross Cooper, Jack Dyer Pavilion Users Group - Budget

Question:

Have provisions been made for improvements needed to the Jack Dyer Pavilion at Citizens Park oval to accommodate the growing number of people, in particular

women and girls now participating with sports clubs based at the pavilion?

What is the timeframe and process for the budget?

Response:

The Director Planning and Place Making advised that it is on the list of possible capital works, however there is no priority order finalised at this stage and Council will need to agree or disagree with what is the priority. The budget is not finalised and the decision will be up to Council over the next couple of months.

The Director Corporate, Business and Finance advised that we are in the process of finalising the budget, that will then come to Council in early April as a draft budget and that will go out for public consultation for a month. This will give the public the opportunity to make submissions in writing and also the opportunity to come to Council in May to make verbal submissions.