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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).

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### **7.1 Mr Brad Marsh, APMAG - Development Resolutions**

Question:

On 22 November 2016, Council resolved a number of motions that Council wanted the Minister for Planning to consider. These motions addressed concerns of residents about development in Yarra.

Have Council written to the Minister for Planning?

Was a response given by the Minister?

Has the Minister accepted the request to have a meeting?

*Response:*

*The Mayor advised that there was an informal verbal response and an indication of accepting to meet with residents, although a meeting date has yet to be confirmed.*

### **7.2 Mr Jeremy Hindell - Nunnery Hostel at 114 Nicholson Street, Fitzroy re Permit**

Question:

Council issued the Nunnery with a permit for use back in 2001 and for fourteen years have been non-compliant with the conditions of the permit, until a request was made. Council took compliance action against the Nunnery and following this the planning permit was amended. The Nunnery was then given a further 12 months to comply with their permit and again they failed to do so, so it has now been 15 years of non-compliance. I also understand that the Nunnery has been given another 12 month to comply.

Can someone please explain on what basis Council would accept 16 years of non-compliance with a planning permit?

*Response:*

*The Director Planning and Place Making took the question on notice.*

*The Director Planning and Place Making further responded that following the meeting he has been in contact with Mr Hindell and has met with the Manager, Compliance and the Manager, Statutory Planning and other relevant staff regarding this particular matter and obtained a briefing of the various aspects.*

*He advises that there is an existing planning permit with conditions and also a live planning application being assessed. He is collating that information, will analyse that material and then I will provide a further response.*

*The Director Planning and Place Making further advised that Council issued the*

*Nunnery with a permit for use back in 2001 and for fourteen years they have been non-compliant with the conditions of the permit, until a request was made. Council took compliance action against the Nunnery and following this the planning permit was amended. The Nunnery was then given a further 12 months to comply with their permit and again they failed to do so, so it has now been 15 years of non-compliance. The Nunnery has now been given another 12 month to comply.*

*Cr Jolly suggested that a meeting be organised with concerned residents and ward councillors.*

### **7.3 Ms Susannah Dax - Visitor Parking Permits**

Question:

There has been an escalation in the sale of visitor parking permits in the area, to the point of people letter dropping asking people to sell their visitors permits. I have also noticed that people in the flats that are not granted a parking permit, have parking permits.

What action is the Council taking to address the issue?

Response:

*The Mayor advised that it is against the law to sell visitor parking permits and if evidence is provided to Council, Council will contact the Police to investigate.*

### **7.4 Ms Karen Delvin - Smith Street Precinct Plan**

Question:

In relation to the south precinct plan of South Collingwood, it was agreed last year that a consultant would be engaged to advise on the Smith Street Precinct Plan; that covers the area from Smith Street to Wellington Street that would address amongst other things; appropriate height level, heritage impact and community amenity.

Where is the consultant up to in the work schedule?

Response:

*The Director Planning and Place Making advised that:*

- (a) two studies are on at the moment on built form analysis, one for Brunswick Street to Smith Street and the other from Victoria Street to Bridge Road;*
- (b) prior to Christmas, expressions of interest were sort for consultants to undertake both pieces of work; we received a selection of consultants for the Victoria Street/Bridge Road, they were analysed and evaluated and a consultant was appointed;*
- (c) only one application was received for the Brunswick Street/Smith Street Precinct Plan (this plan includes Wellington Street) and unfortunately that was not of an acceptable standard;*
- (d) there has been a process to re-procure that and submissions are due later this week or next week and hopefully we can procure a good consultant to commence that work; and*
- (e) unfortunately this has set us back a number of weeks to commence this work, so if a consultant is appointed than I would estimate that work to be completed around the middle of the year.*

*Cr Jolly – What is the process and is it at all possible for Council to fine-tune the old*

*Smith Street Structure Plan and re-present that to the current Planning Minister?*

*The Director Planning and Place Making advised that it would not be practicable or achieve a result. A structure plan does need to be converted into the planning scheme language and unfortunately the independent panel, Panels Victoria considered that amendment at the time and was quite damning of that matter. Council could seek to bring back the previous Smith Street Structure Plan, but was not recommended by the director.*

*Cr Jolly – At the next meeting I will get a statement from the minister because he is giving information that is quite different to what the Director has just said so I would like to foreshadow a General Business Motion at the next meeting to open up this debate around the structure plan again.*

## **7.5 Mr Greg Spark - Edinburgh Gardens re Trees**

Question:

The proposed water main upgrade through the park along the path from the Falconer Street entrance to Jamieson Street entrance will have a serious detrimental effect on the mature Elm trees that align the path.

Could Yarra arrange for Melbourne Water to re-route the mains upgrade along Alfred Crescent?

Shouldn't Council be telling Melbourne Water where it's going to go, not the other way around?

Response:

*The Director City Works and Assets advised that the final alignment had not been conveyed by Melbourne Water. Officers are urgently seeking that information so that they can analyse the impact, particularly on the trees.*

*Information will be provided to the community and Councillors once the detailed alignment is received.*

*The project is the realignment of Melbourne Water's water mains and Council does not have the expertise to advise on the placement of the water mains.*

## **7.6 Marion Marshall - Graffiti in North Fitzroy**

Question:

I have a business in Scotchmer Street and live in Rae Street North Fitzroy and every third week we paint all the walls at our shop and my home from graffiti. The last time we called Council it was advised that it would take 28 days before anyone could come out, so I pay my staff to paint walls.

Is there anything Council can do to change the graffiti driven garbage that is happening all over North Fitzroy?

Just to clarify, although it was 28 days it was not my initial complaint, it's just so overwhelming that of course you can't get there until 28 days, it's more what are we going to do to make North Fitzroy free of graffiti?

Response:

*The Director City Works and Assets advised that:*

- (a) normally officers would attend quicker than 28 days and offered his apologies that it had taken 28 days. Council have two full-time graffiti crews working*

*throughout the municipality and costs Council and rate payers hundreds of thousands of dollars;*

- (b) Council does prioritise work based on amenity, particularly where the graffiti is visual to more people and particularly the activity centres. In general, officers do not clean on private property, however do where it is in general view of a number of people;*
- (c) Graffiti is a significant problem, a growing problem and Council are putting more and more resources towards the problem but are inundated; and*
- (d) Council also does have a Graffiti Management Strategy that looks at education, working with youth and working with schools.*

*The Mayor advised that the Graffiti Management Plan has a number of actions, we cannot change the culture, it's a broader culture issue and as the Director mentioned is a long term issue and involves working with other agencies such as schools and police. When the plan is reviewed, it would be great to have your input as to further actions you may think might be useful.*

*Cr Fristacky – Council and the community share your concerns, Council spends towards a million dollars in dealing with graffiti, we do deal with it on private property, on Council property and urgently particularly if it is racist or sexist, but it really needs all of the community to deal with it because Council cannot keep up and don't have the resources to do it all. With private property, it really needs the community to take responsibility as property owners, as they would with their repairs and maintenance and this needs to be emphasised as Council cannot cover the costs of dealing with everything and is just not feasible.*

## **7.7 Ms Christine Wirtz - Rates Increase**

**Question:**

*My rates have increased over 30 % whilst the amenity around my property has actually reduced as the result of increased developments. I understand that the values of individuals houses have increased however as much as that may be the case it certainly doesn't mean my wage has increased anywhere near the increased amount of \$800 or \$900.*

*Although the value of my property was fairly accurate, with so many developments that have occurred within the City of Yarra how is it that my rates have increased by 30% in just one year?*

**Response:**

*The Director Corporate Business and Finance advised the way rates work;*

- (a) rate is a bulk amount, so for instance this year in the budget papers, \$100m worth of rates was received from the community, that is then redistributed across the community by the way of rates according to the values of properties;*
- (b) with some revaluations, some people, as you have, experience an increase in their rates due to the increased value of their property;*
- (c) some peoples rates will go up, some peoples rates will stay the same and some may experience a rate drop; and*
- (d) it is done according to the legislation, Council are required by the State Government.*

*Cr Fristacky – Given that we have rates capping, what is the point of doing property valuations other than for new properties and is their merit in putting to the Treasurer and the Minister for Local Government that we save funds on doing the valuations*

*and just have the rate cap applied to every property in the municipality, so we wouldn't be in this position of some people get 30% increase and some get a decrease?*

*Director - The State Government are reviewing the Local Government Act and are looking at a number of elements, including the ways in which Councils are currently required under the act to apply rates. We are bound by the Local Government Act in terms of the way we apply rates, it is a redistributive tax if you like, where we collect that money on behalf of the community to deliver services according to the Act. Council is required every two years to go through a revaluation process and then redistribute the burden of those rates across properties, according to the value of those properties. It is a requirement that we don't have any flexibility around and certainly something that should there be a change around that, that would have to come through the State Government and through the Local Government Act.*

*Cr Jolly – Is it too late or is it possible for this resident who has come here tonight who's said that she has had an increase in her valuation by 30% to make an appeal and if so, can we organise a meeting between the resident and any Councillors that are interested over the course of the next few days to look specifically at this issue.*

*Director - advised that he would be happy to meet and discuss what the circumstances are and in terms of the request for revaluation, the date had passed but we would be happy to both take up the matter around the concerns in relation to the approach of officers and to also sit down and discuss as officers do with many residents and talk through specific circumstances.*

## **7.8 Ms Vivien Carroll - Local Area Traffic Management Schemes**

Question:

Since 2013, development approvals have seen an addition of a significant number of car parks (estimated 1,000) in Langridge Ward. The traffic that's been generated by these new car parks has already impacted residents in the area bounded by Smith, Langridge, Wellington and Victoria Streets and areas to the east of Wellington Street. A particular concern are the rat runs in Cambridge and Derby Streets, the dangers to cyclists near the intersections of Derby, Wellington and Northumberland Streets and a danger to the children and elderly in Cambridge, Derby and Oxford Streets.

Can Council confirm how many additional car parks have entered the precinct between 2013 and 2017 and how many more are planned, that is, are already in proposals that are being considered?

Will Council immediately review in this first quarter the local area traffic management scheme as it pertains to the area bound by Smith, Langridge, Wellington and Victoria Streets?

Response:

*The Director Planning and Place Making took the question on notice.*

*The Director Planning and Place Making advises that it is not feasible to calculate how many car parking spaces have been constructed in the identified area during the relevant time period, as it would require an individual assessment of every planning permit issued during that period, as well as a site survey of the area.*

*The Director City Works and Assets took the question on notice, however did mention that if there are specific traffic issues in particular safety issues Council can investigate based on the 'black spot' program.*

*The Director City Works and Assets further advises that the area referred to is Precinct 12 (Collingwood) and following community consultation the traffic*

*management plan was adopted by Council at its meeting of 2 September 2014. This Plan and its traffic management initiatives were then delivered over two financial years 2014/15 and 2015/16. Therefore this area is no longer a priority of traffic management works.*

*The Precincts 3 (Scotchmer) and 13 (Abbotsford) are the two precincts identified in most need for consideration of a local area traffic management study as this point in time.*

*However the issues raised in Precinct 12 (Collingwood) will be reviewed as part of the annual traffic management review of recently completed works in November 2017.*

## **7.9 Mr Mark Nipperus - Smith Street Structure Plan re Consultants**

Question:

Consultants are not always used and rely on internal planning experts. Council also have a history of trusting and relying on internal staff for permit approvals, so why can't internal experts be used to prepare the Smith Street Structure Plan?

Single mandatory height limits are problematic and are holding up the structure plan, so why can't a formula be applied to determine height restrictions i.e. a formula that refers to the size of a block and the average height of nearby buildings?

Response:

*The Director Planning and Place Making advised:*

- (a) in relation to the Smith Street Structure Plan, it was done in-house and one of the criticisms of the panel was that it wasn't externally peer reviewed;*
- (b) Council do have considerable urban design skills in-house and use them frequently, but with the work load more often external consultants are needed to undertake the work i.e. Queens Parade;*
- (c) when a matter goes before panel and the tribunal, they prefer the independence of external consultants;*
- (d) Council has capacity in-house, but not to do everything at once and need to get experts involved so the best result can be achieved;*
- (e) Prior to 1997, planning schemes were a little more prescriptive, the government saw fit to make planning schemes performance based and they are performance based;*
- (f) the guidelines of the minister and the state government department say that it has to be performance based, except in exceptional circumstances;*
- (g) Council has been advocating for some mandatory height controls, some prescriptive measures within that performance system;*
- (h) the Johnston Street Local Area plan is an example where the Johnston street local area plan was adopted by Council in December 2015, the office then converted that into the planning scheme and took that to the Council in May 2016. Council accepted that report and Council sought authorisation from the Minister for Planning to put on exhibition;*
- (i) For any Council to put forward a proposed planning scheme amendment, i.e. any change to the planning scheme, it cannot do so without the written authorisation of the Minister for Planning;*
- (j) Without authorisation we cannot ask the community what they think of it and*

*this is the stage we are at with Johnston Street. It went to the Minister in May last year and are still waiting; and*

- (k) the government should allow some variations to the format of planning schemes to provide some greater certainty.*