

**ADDENDUM TO MINUTES
OF ORDINARY COUNCIL MEETING
25 July 2016**



RESPONSE TO QUESTIONS TAKEN ON NOTICE

ITEM 10: QUESTIONS WITH NOTICE FROM PUBLIC GALLERY

10.1 Questions were received from Benny Goh.

The following questions are in relation to the proposed mobile communication installation at 29-31 Windorah Drive, Point Cook (Featherbrook Reserve).

Question: 1. The installation of phone tower at Featherbrook, Point Cook. The proposed phone tower is less than 40m away from my house and is literally just across the street in front of my house. Why did Council not consult with us? I did not receive anything.

2. Why Vodafone cannot install the tower away from residential area?

As we all know this is a new technology and we don't know the impacts of this technology. Why have Council supported Vodafone to install at a location so close to residential area?

Answer: 1. Director City Operations, Stephen Thorpe, advised that this question will be taken on notice to obtain further details and a written response will be provided.

2. Telecommunication companies have different ways of providing services to their customers and Vodafone has obviously identified this as the way they need to provide telecommunications services in this area.

Further information: 1. The planning permit application WYP8591/15 nominated a site (29-31 Windorah Drive Point Cook) and the proposal was assessed against the relevant provisions of the Wyndham Planning Scheme and the Planning and Environment Act 1987. The Planning and Environment Act 1987 requires advertising to be undertaken by means of letters to adjoining owners and occupiers and a sign placed on site.

On the 29 September 2015, Council mailed forty eight (48) letters to land owners and occupiers adjacent and adjoining the site. The letters were sent to residents in Whisper Boulevard, Windorah Drive and Regal Road. On the 6 November 2015, two (2) signs were placed on the nominated site, one in the centre of the frontage to Windorah Drive and the other located at the centre of the frontage to Whisper Blvd. The signs were located on the site for 14 days and were displayed until the 21 November 2015. No objections were received during this time.

As the application is for "Use and Development" on Council land, the application was submitted to the Councillors at the Ordinary Council Meeting held on the 22 February 2016. At this meeting Council resolved to grant a planning permit for the proposal.

2. Council can only consider planning applications placed before them.

The land is zoned Public Park and Recreational Zone (PPRZ). The use or the development of a telecommunications tower on land zoned PPRZ is not prohibited and a planning permit is required.

During the planning process the application was publicly advertised and residents were invited to inspect the proposal and all supporting documentation. No objections were received.

The application was assessed against the Wyndham Planning Scheme and a permit was issued on the 3 March 2016. The rights for appeal under the Planning and Environment Act have passed and Council is not able to revisit the decision. The application is now closed.

10.2 Questions were received from Dawei Liu.

The following questions are in relation to the proposed mobile communication installation at 29-31 Windorah Drive, Point Cook (Featherbrook Reserve).

- Question:
1. Wyndham Council claimed that individual letters had been sent to residents who live close by, but I didn't receive any of it. Can you please provide us the list of all the addresses for this? Can you provide the proof that the letters had been sent out?
 2. Telstra can have all the telecommunication towers away from residential areas, yet have the best coverage in Point Cook. Why does Vodafone have to install a tower in the middle of the residential houses?

Answer: CEO, Kelly Grigsby, advised that as per 10.1, the first question will be taken on notice.

In relation to the second question, the CEO referred to the response that was previously provided by Director City Operations in 10.1.

Further information: Please see above.
Any concerns regarding coverage should be raised with Vodafone directly.

10.3 Questions were received from Paul Thomas.

The following questions are in relation to the proposed mobile communication installation at 29-31 Windorah Drive, Point Cook (Featherbrook Reserve).

- Question:
1. What Environment impact assessment has been prepared for the proposed mobile phone tower on land to be leased at Featherbrook Reserve, 29-31 Windorah Drive. EIA for construction and ongoing operational and maintenance?
 2. What other locations were considered for the proposed mobile tower and what document exists assessing the locations along with assessment and selection criteria?

Answer: Director City Operations, Stephen Thorpe, advised that in the planning report that was submitted with the planning permit application, environmental considerations were included. The applicant also submitted an electromagnetic energy report. These environmental impacts were considered during the assessment of the application and it was subsequently decided that a planning permit would be issued. The planning permit has a condition that the applicant must submit a site environmental management plan prior to any works commencing.

- Further information:
1. The planning report submitted with the planning permit application provided a response to environmental considerations.

The application was assessed against the Wyndham Planning Scheme and the environmental impacts were considered during the assessment of the application.

At the Ordinary Council Meeting on the 22 February 2016, Council decided to grant a planning permit for the proposal and a permit was issued on the 3 March 2016.

In regards to Council's considerations for the construction and ongoing operations and maintenance, the planning permit has a condition which requires that the applicant must submit a "Site Environmental Management Plan" prior to any works commencing.

The rights for appeal under the Planning and Environment Act have passed and Council is not able to revisit the decision. The application is now closed.

2. It should be noted that the planning permit is assessed against the site nominated which was 29-31 Windorah Drive.

The applicant considered (6) six other locations in their planning report. The sites included;

- 238 Boardwalk Blvd Point Cook
- 215 Sneydes Road Point Cook
- 59-61 Tom Roberts Parade Point Cook
- 48-56 Tom Roberts Parade Point Cook
- 63-65 Tom Roberts Parade Point Cook
- 215-221 Sneydes Road Point Cook

The document with the alternative sites and reason for rejection was submitted with the applicants "Planning Application Report" dated July 2015.

10.4 Questions were received from Susan Sulay.

The following questions are in relation to the proposed mobile communication installation at 29-31 Windorah Drive, Point Cook (Featherbrook Reserve).

- Question:
1. What Community Consultation has taken place?
 2. What Planning process has been adhered to and where are the relevant documents?

Answer: CEO, Kelly Grigsby, responded that as previously advised by Director City Operations, these questions would be taken on notice and a response provided once relevant information has been obtained.

Further information:

1. a) Town Planning Consultation

The planning permit application WYP8591/15 nominated a site (29-31 Windorah Drive Point Cook) and the proposal was assessed against the relevant provisions of the Wyndham Planning Scheme and the Planning and Environment Act 1987. The Planning and Environment Act 1987 requires advertising to be undertaken by means of letters to adjoining owners and occupiers and a sign placed on site.

On the 29 September 2015, Council mailed forty eight (48) letters to land owners and occupiers adjacent and adjoining the site. The letters were sent to residents in Whisper Boulevard, Windorah Drive and Regal Road. On the 6 November 2015, two (2) signs placed on the nominated site, one in the centre of frontage to Windorah Drive and the other located at the centre frontage to Whisper Blvd. The signs were located on the site for 14 days and were displayed until the 21 November 2015. No objections were received during this time.

As the application is for "Use and Development" on Council land the application was submitted for a decision to be made by the Councillor's at the Ordinary Council Meeting held on the 22 February 2016. At this meeting Council decided to grant a planning permit for the proposal.

b) Lease of Land Consultation

In regards to the leasing of land for the communication tower and equipment shelter, under Section 190 of the Local Government Act, Council is required to notify residents of their intention to lease the land by way of an advertisement in the local newspaper for a period of 28 days. The advertisement was placed in the Star Weekly newspaper in accordance with Section 223 of the Local Government Act on the 6 July 2016. The closing date for submissions is 3 August 2016. This process is still in progress.

2. During the planning process the application was publicly advertised and residents were invited to inspect the proposal and all supporting documentation.

The application was assessed against the Wyndham Planning Scheme and a permit was issued on the 3 March 2016. The rights for appeal under the Planning and Environment Act have passed and Council is not able to revisit the decision. The application is now closed.

10.5 Questions were received from Stephen Taylor.

The following questions are in relation to Planning Permit Application WYP9028/16 - Use and Development of a Primary School (Stage 1) at Lot 2, 855 Aviation Road, Werribee South.

- Question:
1. Are the Councillors confident that they are able to make a balanced, well-informed decision on the basis of meeting the needs of the Wyndham community (whom they represent) without having all relevant information presented to all Councillors?
 2. Can the Council be certain that it has reviewed all significant and relevant information to be able to reach a conclusion that the development is inappropriate and not in the best interests of the Wyndham community?

- Answer:
1. The CEO, Kelly Grigsby, responded that, like other planning applications, this has been given considerable attention from our planning officers who are all well trained and educated around such matters.
 2. Council is happy to provide a written response to the various elements listed within the question, but in the meantime, people should be assured that Council officers do consider all significant and relevant information when preparing their report for Council, including all associated recommendations.

- Further information:
1. Council officers acknowledge that not all the Councillors were present at the Planning Forum.

A briefing with the Councillors and the Planning Officers was undertaken on 11th July 2016.

The briefing provided an opportunity for the Council officers to present the proposal to the Councillors and for the Councillors to ask questions to the planning officers regarding the proposal.

Councillors unable to attend the forum or the briefing meeting were contacted directly by officers to discuss the application.

2. The planning assessment for the proposed school was undertaken based on the information that the applicant provided to Council to support their application.

As a part of the assessment of the application, the application was referred to a number of internal Council Departments for review and the application was also referred to a number of external agencies.

Council officers have undertaken a thorough assessment of the planning application against the relevant provisions of the Wyndham Planning Scheme and other Council documents including the Werribee South Green Wedge Policy and Management Strategy.

(Refer to additional information provided to this question below).

Additional information was provided against the various elements listed within question two as read out at the meeting by the CEO.

Question 2 from Stephen Taylor included the following list	Further information from Council
<p>a) There are 2 other schools in the Intense Agricultural Precinct (IAP) directly abutting cultivated fields.</p>	<p>a) A demonstration farm (Christian College, St Mary's Campus) is located on Whites Road, Werribee South. The site provided on-site practical farming experience students.</p> <p>No classrooms are located on site.</p> <p>Warringa Park School (Cayleys Rd Campus) is a public school and has been operating since 2013 and has 40 students enrolled. All public schools are exempt from obtaining planning consent.</p>
<p>b) Urban development in the form of Wyndham Harbour sits within (or directly adjacent to) the IAP.</p>	<p>b) Wyndham Harbour is located approximately 5km for the subject site and is located adjacent to the Intensive Agricultural Precinct.</p> <p>This project has been in planning for over 30+ years and went through a comprehensive planning process including the preparation of an Environmental Effects Statement to rezone the land and also to prepare a Development Plan for the site.</p>
<p>c) A significant resident population and their homes lie within the IAP, directly abutting cultivated fields</p>	<p>c) It is acknowledged that some residences within Werribee South directly adjoin cultivated fields and many were created from the planning provisions at the time which allowed farmers to make house excisions.</p>
<p>d) Immediately surrounding the proposed site are residences, un-farmed land, business not involved with direct primary production (growing) activities, and significant buffer zones between farmed land and the site.</p>	<p>d) A few houses are located surrounding the site, however they are generally associated with an ancillary to the agricultural businesses within the area.</p> <p>The site is located within an Intensive Agricultural Area that is recognised as being of State significance.</p>
<p>e) The proposed Aviators Field PSP is 500m from the proposed site</p>	<p>e) The Aviators Field PSP was not mentioned in the Council report because preparation of the Aviators Field PSP has not commenced.</p> <p>One of the recommendations in the Residential Growth Management Strategy (June 2016) is to recommend to the State Government that 'no further PSPs be released or approved unless they are located within 3km of an existing train station and are supported by an appropriate road network'. Aviators Field PSP is located further than 3km from the nearest existing railway station.</p>

<p>f) The population of Point Cook lies in close proximity to the proposed site (i.e. closer than Hoppers Crossing or Altona Green).</p>	<p>f) The site is located closer to Point Cook than Hoppers Crossing or Altona Green. Notwithstanding this, the site is located within an Intensive Agricultural Area.</p>
<p>g) The loss of land to primary agriculture being 1 in 1000 (therefore very small impact on agricultural production) and is significantly offset by the benefits to the community and the IAP promotional value of the school curriculum.</p>	<p>g) The proposed school will result in the permanent loss of productive agricultural land for the State's agricultural base.</p> <p>The State Planning Policy Framework seeks to protect agricultural land from incompatible uses. Land within the Intensive Agricultural Precinct is high-quality agricultural land and small incremental incursions of non-compatible uses within this area is not supported, as reinforced in the State Planning Policy Framework, the Council's Municipal Strategic Statement and the Werribee South Green Wedge Policy and Management Plan.</p>
<p>h) The applicant has sought independent, professional review of the site regarding contaminants and impact on farming practice which indicate the risks can be successfully managed.</p>	<p>h) The conclusions in the Reverse Sensitivity Review indicate that limitations will be placed on the farming practices of surrounding agricultural properties.</p>
<p>i) The impact of traffic in the local area is marginally incremental, well below the capacity for Aviation Rd and is not of a type that would cause noise concerns.</p>	<p>i) The following statement is from the Council report:</p> <p>The school is likely to generate a traffic demand. While the application proposes to use a private school bus to reduce the number of car trips required, it is likely that a significant number of car trips are likely to be generated to the location that is poorly served by public transport. This is contrary to sustainability aims to locate schools and community facilities within communities, as well as school traffic having an impact on the surrounding agricultural area.</p> <p>The proposal is considered contrary Clause 19.02-2 (Education Facilities) which seeks to 'locate primary education facilities to maximise access by walking and cycling'.</p>
<p>j) The school's constituency consist of parents who would otherwise seek to transport their children to schools much further away than the proposed site (ie. to Christian schools north of the Princes Freeway, or to Christian schools outside of Wyndham).</p>	<p>j) Comment has been noted.</p>

<p>k) The Mayor and other councillors have been quoted in the media regarding the impact of urban growth on social infrastructure, and in particular the need the schools across Wyndham to meet that growth.</p>	<p>k) Agreed.</p>
<p>l) A decision to permit the application does not affect Council's ability to orderly plan for the area.</p>	<p>l) The decision to grant a permit in this location would undermine the State Planning Policy Framework, Local Planning Policy Framework, the purpose and decision guidelines of the Green Wedge Zone and the Werribee South Green Wedge Policy and Management Strategy.</p>
<p>m) While State Planning Policy Frameworks "seek to integrate education facilities with the community", this is not mandated and does not consider how independent schools draw their student body from wider geographical distributions than do state schools (which in Point Cook enforce specific zones that cause some residents to be unable to place their children in local schools.</p>	<p>m) One of the strategies outlined in the State Planning Policy Framework to assist in meeting the objective 'of integrating education facilities within the community' is to 'locate primary education facilities to maximise access by walking and cycling'. The proposed school is within an intensive agricultural area and not located within a community.</p>
<p>n) The Wyndham Planning Scheme does not preclude primary or secondary schools in the context of the Green Wedge Zone being within "the highest level of protection" - the decision criteria for schools in the Green Wedge Zone do not include this as a criteria.</p>	<p>n) A school is a Section 2 Permit Required Use within the Green Wedge Zone.</p> <p>Based on an assessment of the proposed school at 855 Aviation Road, Council officers consider that the location of school at this site is inappropriate. Please refer to the Council officer report for a full explanation of reasons for refusal.</p>

10.6 Questions were received from Phil Shand.

The following questions are in relation to Planning Permit Application WYP9028/16 - Use and Development of a Primary School (Stage 1) at Lot 2, 855 Aviation Road, Werribee South.

- Question:
1. How does a loss of 1/1000 of the Intensive Agricultural Precinct outweigh the immense social benefit for having a school that will have an active agricultural focus?
 2. Why is the fact that there is a proposed PSP 1207 in Aviators Field, in close proximity to the proposed school, excluded from the Council Officer's report?

Answer: The CEO, Kelly Grigsby, stated that officers prepare their reports in accordance with the requirements of both the Victorian and Wyndham Planning Schemes. Further written advice can be provided to Mr Shand as required, but once again it is worth noting that Council officers do prepare comprehensive reports that take into account all relevant considerations.

- Further information:
1. The proposed school will result in the permanent loss of productive agricultural land for the State's agricultural base.

The State Planning Policy Framework seeks to protect agricultural land from incompatible uses. Land within the Intensive Agricultural Precinct is high-quality agricultural land and small incremental incursions of non-compatible uses within this area are not supported, as reinforced in the State Planning Policy Framework, the Council's Municipal Strategic Statement and the Werribee South Green Wedge Policy and Management Plan.

2. The Aviators Field PSP was not mentioned in the Council report because preparation of the Aviators Field PSP has not commenced.

One of the recommendations in the Residential Growth Management Strategy (June 2016) is to recommend to the State Government that 'no further PSPs be released or approved unless they are located within 3km of an existing train station and are supported by an appropriate road network'. Aviators Field PSP is located further than 3km from the nearest existing railway station.

10.7 Questions were received from Maria Cariesso.

The following questions are in relation to Planning Permit Application WYP9028/16 - Use and Development of a Primary School (Stage 1) at Lot 2, 855 Aviation Road, Werribee South.

Question: The following questions were asked in relation to a Primary School, 855 Aviation Road, Werribee South.

1. The road is one way and very busy, no U-turns allowed, very dirty. Traffic flow?
2. Lighting and poor visibility, sewerage being unavailable, and fertiliser/chemicals used by farmers?

Answer: The CEO, Kelly Grigsby, advised that information in relation to these issues has already been provided within the officer's report. Further written advice will, however, be forwarded to Ms Cariesso in due course.

Further information: 1. The proposal was assessed against the relevant provisions of the Wyndham Planning Scheme and the Planning and Environment Act 1987.

The school is likely to generate a traffic demand. While the application proposes to use a private school bus to reduce the number of car trips required, it is likely that a significant number of car trips will be generated to the location, is poorly served by public transport. This is contrary to sustainability aims to locate schools and community facilities within communities, as well as school traffic having an impact on the surrounding agricultural area.

The proposal is considered contrary to Clause 19.02-2 (Education Facilities) which seeks to 'locate primary education facilities to maximise access by walking and cycling'.

2. Your comments in regards to lighting, sewerage and off-spray from chemicals have been noted and have been addressed and considered in the officer's report.