

Planning and Environment Act 1987

MURRINDINDI PLANNING SCHEME

AMENDMENT C59

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Shire of Murrindindi which is the planning authority for this amendment.

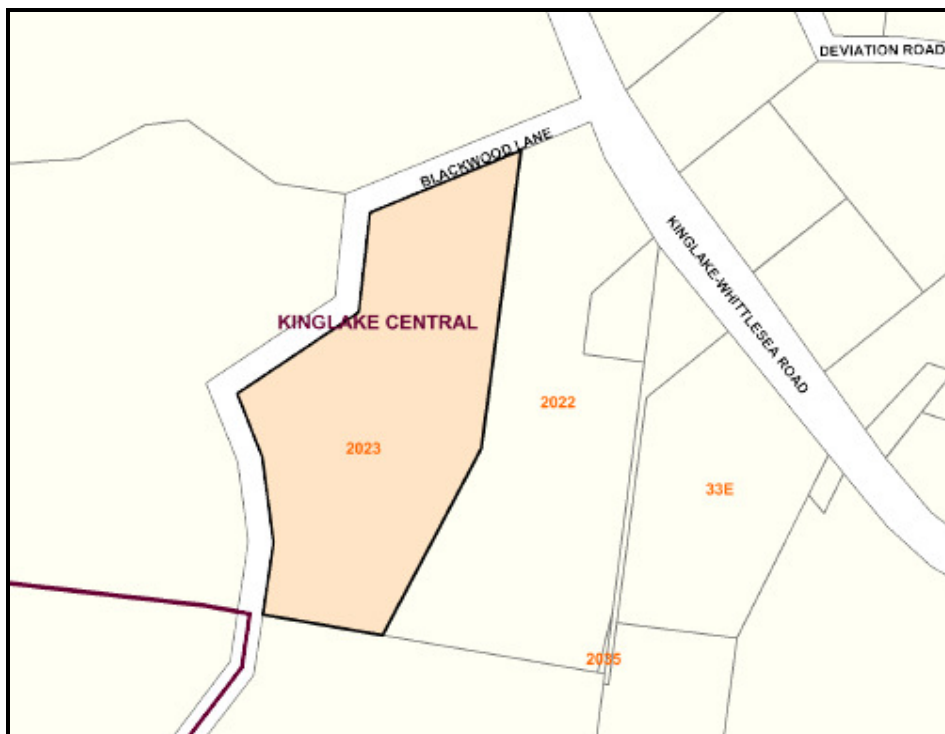
The amendment has been made at the request of the Kinglake Ranges Cemetery Trust.

Land affected by the amendment

The amendment applies to the following land parcel;

- Crown Allotment 2023, Parish of Kinglake, part of 265 Whittlesea-Kinglake Road, Kinglake.

The site covers an area of 4ha.



What the amendment does

The amendment proposes to rezone Crown Allotment 2023, Parish of Kinglake, part of 265 Whittlesea-Kinglake Road, Kinglake from Public Use Zone 7 (PUZ7) – Other to Public Use Zone 5 (PUZ5) - Cemetery and Crematorium.

The amendment also proposes to remove the Environmental Significance Overlay Schedule 1 (ESO1) - High Quality Agricultural Land from the subject site.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to correct the zoning of the subject site for the purposes of reflecting the intended use and purpose for which the site has been reserved under the *Crown Land (Reserves) Act 1978*.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives a, c, and f of planning in Victoria, as follows:

- *Providing for the fair, orderly, economic and sustainable use and development of land through the provision of a cemetery and crematorium.*
- *Appropriately using public land and enabling the orderly provision and coordination of facilities for the benefit of the community.*
- *Facilitating development in accordance with the above objectives.*
- *Balancing the present and future interests of all Victorians.*

The amendment will allow for the orderly, economic and sustainable use and development of a community facility. Of particular relevance is Section 4(1)(e) of the Act:

to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community

The proposed amendment will enable the orderly provision of public utilities and other facilities for the benefit of the community.

How does the amendment address any environmental, social and economic effects?

Environmental effects

The amendment is not expected to have any significant effect on the environment as land within the amendment site is already cleared of vegetation.

Social effects

The amendment will facilitate the use and development of cleared land for a cemetery and crematorium, which will have positive social impacts by meeting the current and future needs of the wider community. The provision of the facility will result in a net community benefit.

The rezoning of the land reflects the purposes for which it has been reserved under the *Crown Land (Reserves) Act 1978* for cemetery purposes (Government Gazette, 26 November 2015; L7P392998).

Economic effects

The amendment is expected to have positive economic effects by facilitating the development of this parcel of cleared land for public use purposes. It will also reduce inappropriate and unnecessary zoning controls applying to the land.

Does the amendment address relevant bushfire risk?

The amendment is not expected to increase existing bushfire risk as the land is not encumbered by a Bushfire Management Overlay.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment (including the amendment documentation and the proposed planning controls) is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Under section 12(2) of the Act, Ministerial Direction No 11 – Strategic Assessment of Amendments is applicable to the consideration of this amendment.

The purpose of this direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. It requires an explanatory report to discuss how the amendment addresses certain strategic considerations. The preparation of this explanatory report relating to this amendment complies with this direction.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment is consistent with the State Planning Policy Framework (SPPF) of the Murrindindi Planning Scheme including the general principles of land use and development planning set out at **Clause 11** Settlement, **Clause 12** Environmental and Landscape Values and **Clause 19** Infrastructure.

The SPPF encourages the development of integrated urban areas by providing suitably zoned land for housing, employment, recreation, open space, commercial and community facilities and infrastructure. Clause 19 specifically requires the provision of important community and social infrastructure to meet the needs of current and future communities.

The amendment will assist in meeting the long-term growth needs of the existing and future community of Kinglake.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

21.01 Municipal Strategic Statement

21.01-3 Key Issues and Influences

The proposed amendment will facilitate the development and use of land for a public cemetery which will service community needs for the dispersed townships of the Shire, while minimising environmental disruptions by locating the proposed use on already cleared land.

21.02 The Planning Vision

21.02-1 Vision

The proposed amendment will facilitate the provision of a community facility that should be considered as part of a full range of physical and community services needed to assist the residential growth opportunities in established townships and settlements.

Clause 21.06 Transport and Infrastructure

21.06-4 Community Development:

The amendment positively responds to the development of the community by delivering a public resource that is well located, accessible and minimises potential impact on the natural environment.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions. The amendment proposes to change zoning mapping of the Shire of Murrindindi Planning Scheme. There is

no alternative way or tools to achieve these changes to the Planning Scheme other than through a formal planning scheme amendment.

The amendment is required to ensure that the future use and development is aptly reflected in the zoning of the land.

The purpose of the Public Use Zone is to:

- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

The purpose of public land use for the PUZ5 is specifically for Cemetery/Crematorium purposes. The PUZ5 will reflect the intended use and purpose for which the land has been reserved under the *Crown Land (Reserves) Act 1978*.

The most appropriate zone in this instance is Public Use 5 – (Cemetery/Crematorium) in accordance with the Victoria Planning Provisions and Planning Practice Note 2 – Public Land Zones, June 2015.

How does the amendment address the views of any relevant agency?

The amendment has been prepared following discussions with representatives of the Department of Environment, Land, Water and Planning (DELWP).

During the exhibition of this Amendment, all relevant referral authorities will be notified in accordance with the *Planning and Environment Act 1987*.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not considered to trigger any of the requirements of this Act.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The application of the PUZ5 on the publically owned land will reduce the administrative costs of the responsible authority.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Murrindindi Shire Council, 19 Whittlesea-Kinglake Road, Kinglake 3763

Murrindindi Shire Council, Perkins Street, Alexandra, VIC 3714

Murrindindi Shire Council, The Semi Circle, YEA 3717

Murrindindi Shire Council website: www.murrindindi.vic.gov.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 8 September 2016.

A submission must be sent to: Murrindindi Shire Council, PO Box 138 Alexandra VIC 3714 or emailed to planning@murrindindi.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week of 10 October, 2016
- panel hearing: week of 7 November, 2016

Planning and Environment Act 1987

MURRINDINDI PLANNING SCHEME

AMENDMENT C59

INSTRUCTION SHEET

The planning authority for this amendment is the Murrindindi Shire Council.

The Murrindindi Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

Zoning Maps

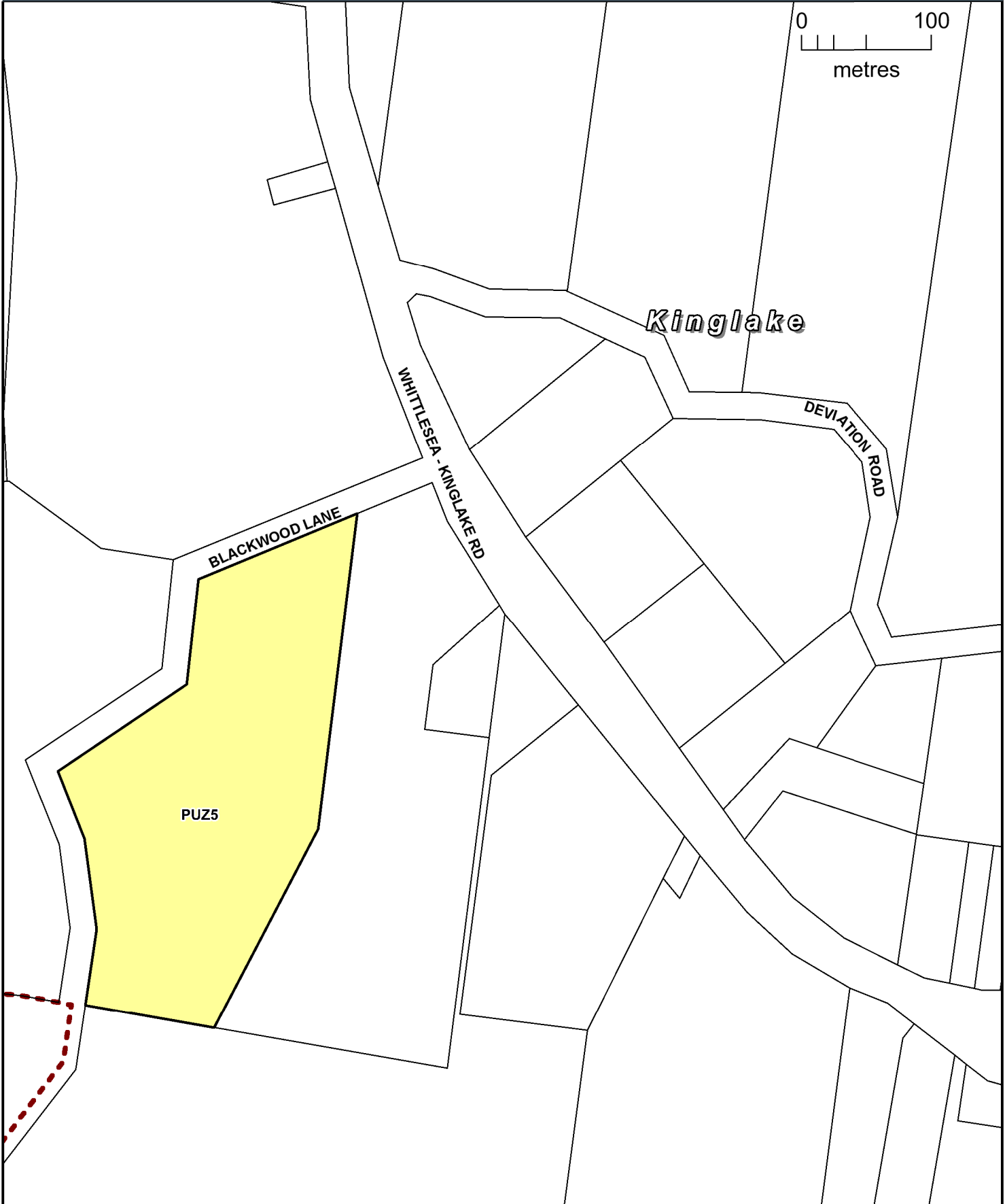
1. Amend Planning Scheme Map No. 26 in the manner shown on the 1 attached map marked "Murrindindi Planning Scheme, Amendment C59".

Overlay Maps

2. Amend Planning Scheme Map No. 26ESO in the manner shown on the 1 attached map marked "Murrindindi Planning Scheme, Amendment C59".

End of document

MURRINDINDI PLANNING SCHEME



LEGEND

Part of Planning Scheme Map 26

PUZ5	PUBLIC USE ZONE - CEMETERY/CREMATORIUM
------	--

AMENDMENT C59

MURRINDINDI PLANNING SCHEME



LEGEND

Part of Planning Scheme Map 26ESO

D-ESO AREA TO BE DELETED FROM AN ENVIRONMENTAL SIGNIFICANCE OVERLAY

AMENDMENT C59

AMENDMENT C59, MURRINDINDI PLANNING SCHEME SUMMARY OF SUBMISSIONS

1. AGENCY SUBMISSIONS:

1.1 Department of Environment, Land, Water and Planning (DELWP):

Submission summary:

- Supports proposed amendment.
- DELWP has temporarily reserved CA 2023, Parish of Kinglake for cemetery purposes with implies management responsibilities passing to the Department of Health and Human Services (DHHS). This change in status allows DHHS to undertake the amendment as the land manager.
- An unused road licence, for the purpose of grazing, exists on the western boundary of the proposed cemetery site.

Discussion:

- DELWP has supported the amendment and temporarily reserved the land to provide for cemetery purposes.

Officer recommendations to Council:

- Note submission.
- No change required to the exhibited Amendment C59.

1.2 VicRoads:

Submission summary:

- Understand that any planning permit for the development of the cemetery will trigger a planning permit under Clause 52.29 of the Murrindindi Planning Scheme.
- The subject land will access the Whittlesea-Kinglake Road via Blackwood Lane which is a gravel road with limited sight distance to the south on Whittlesea-Kinglake Road and no turn lanes exist at this intersection.
- VicRoads will require a Transport Impact Assessment Report to determine what mitigating works would be required on the Whittlesea-Kinglake Road to facilitate access to the proposed cemetery and crematorium.
- VicRoads does not consent to Council adopting this amendment until such time that Council has provided a TIAR to VicRoads satisfaction that identifies mitigating works on Whittlesea-Kinglake Road to facilitate access to this development as follows:
 1. A scaled layout plan of Whittlesea-Kinglake Road/Blackwood Lane intersection including features such as pavement, kerb / shoulders, line marking, power poles, trees and other road furniture within 100 metres of the intersection.
 2. The submission of swept path analysis for the appropriate design vehicle for all movements showing how all vehicles that are likely to access the development will undertake left and right turn movements at the Whittlesea-Kinglake Road/Blackwood Lane intersection.
 3. A Transport Impact Assessment Report (TIAR) prepared to VicRoads satisfaction. This report must address traffic and access issues arising from the proposed development on this site, predicted traffic generation and the impact of the development on the existing arterial road network in all relevant peak periods, in particular its impact on Whittlesea-Kinglake Road/Blackwood Lane intersection and any access points to abutting land. The report will also identify any mitigation works required.
- Following preparation of the TIAR, VicRoads required further changes to it to clarify details, methodology for turning lane identification and sight distances. Once these TIAR amendments were completed, VicRoads advised that the amended TIAR had addressed VicRoads comments and was acceptable to VicRoads.

Discussion:

- If the land is rezoned from Public Use 1 to Public Use 5, zone provisions provide that no planning permit will be required for the use or development of a cemetery. Clause 52.29 provides that a planning permit will only be required if access onto a Road Zone, Category 1 (ie Whittlesea-Kinglake Road) is being created or altered.
- Although no planning permit is applicable in the case of this proposal, in the event that a planning permit is required for future road access under Clause 52.29, referral will be made to VicRoads and a TIAR undertaken to its satisfaction.
- A Traffic Impact Assessment Report (TIAR) has been prepared to address the VicRoads requirement to determine what mitigating works would be required on the Whittlesea-Kinglake Road to facilitate access to the proposed cemetery. Key findings of the TIAR were that:

- Proposed car parking (108 spaces to be provided, with 100 spaces required under the planning scheme) and access is considered appropriate.
- Anticipated traffic volumes are not expected to impact on the operation of Whittlesea – Kinglake Road or the surrounding road network.
- Recommended that some mitigating works be required for Whittlesea – Kinglake Road, that is a basic left turn treatment and a short auxiliary right turn treatment.
- Sight lines at proposed access points are considered to have sufficient distance to meet Austroads requirements.
- Following preparation of the TIAR, VicRoads required further changes to it to provide clarification of some details, including the methodology for turning lane identification and sight distances. Once the TIAR amendments were completed, VicRoads advised VicRoads (by email dated 3 May 2017) that the amended TIAR had addressed VicRoads comments and was acceptable to VicRoads.
- Although some objectors had raised road safety concerns regarding heavy fog and winter conditions, in its review of the amended TIAR, VicRoads noted that ‘climatic conditions can affect many locations and motorist should drive in a manner that is appropriate for the prevailing climatic conditions. However, it would be appropriate to install intersection warning signs as part of the mitigating works at this intersection.’
- While finding traffic movements, sight distances and car parking satisfactory, the TIAR recommended that to accommodate the proposal, a basic left turn treatment and a short channelised right turn treatment be constructed on Whittlesea-Kinglake Road, in accordance with the requirements of Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections. Officers recommend that, should the amendment proceed, a Section 173 Agreement be entered into between Council and the proponents to ensure that these works recommended by the TIAR, and agreed to by VicRoads, are undertaken prior to the use and development of the land as a cemetery. This agreement should be satisfactorily completed prior to any Council adoption of Amendment C59.
- See further discussion on submissions regarding the TIAR under the discussion on ‘road access and other site issues’ in the following Section 2 of this summary of submissions, Private landowner submissions.

Officer recommendations to Council:

- Support submission.
- No change required to the exhibited Amendment C59.

1.3 Country Fire Authority:

Submission summary:

- Supports the amendment.
- CFA can confirm that the site is not located in the BMO area.
- CFA agrees that the planning scheme amendment will not increase the risk of bushfire to the address (and local area).

Discussion:

- CFA has supported the amendment and has raised no fire related issues that require further consideration.
- Following receipt of the amended Traffic Impact Assessment Report (TIAR), CFA confirmed (by email, dated 2 March 2017) that it did not wish to amend its earlier submission.

Officer recommendations to Council:

- Note submission.
- No change required to the exhibited Amendment C59.

1.4 Melbourne Water:

Submission summary:

- No objection to the amendment.
- Melbourne Water is responsible for regional drainage, floodplain and waterway management, and for contributing to the protection and improvement of waterway health across greater Melbourne.
- Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system based on a flood level that has a probability of occurrence of 1% in any one year, but a minor tributary of a waterway is located within the property.
- The amendment is not expected to have a significant effect on the environment as the land within the amendment site is already cleared of vegetation.
- Following receipt of the amended Traffic Impact Assessment Report (TIAR), Melbourne Water confirmed (by email, dated 3 March 2017) that its earlier submission, dated 8 August 2016, still stands.

Discussion:

- Melbourne Water has supported the amendment and has raised no catchment or drainage related issues that require further consideration.

Officer recommendations to Council:

- Note submission.
- No change required to the exhibited Amendment C59.

2. PRIVATE LANDOWNER SUBMISSIONS:

2.1 – 2.19 Submitters: Private landowners and organisations.

Submissions summary:

- Object to proposed amendment.
- Consultation:
 - No community consultation undertaken for proposed cemetery in Kinglake, including with adjoining and surrounding property owners and residents.
 - No community consultation regarding the appropriate use of the site for the future development and economic prosperity of the Kinglake Ranges.
 - Community deserves open and transparent discussions regarding the future use of the site.
 - How can Council think this is an acceptable proposal which has changed hands without community knowledge?
 - Greater community consultation and transparency is required, making good decisions for the future of the area.
 - The Kinglake Ranges Cemetery Trust has chosen to not have discussion with the wider community.
 - Simpler and easier for Council to conduct detailed community consultation prior to submitting the amendment.
 - Community is unaware that the site at 825 Whittlesea – Kinglake Road has always been reserved for use as a cemetery.
 - Councillors must represent views of whole community, not just a select few.
- Premature proposal:
 - Premature and inappropriate to seek rezoning prior to exhaustive community consultation.
 - Careful review and reassessment required.
 - Question whether the Kinglake area even requires a second cemetery with no real demographics and needs study undertaken.
- Alternative land uses:
 - Land purchased in 2010 for use by Parks Victoria and an arts and multi-purpose facility to attract tourism and development.
 - The best possible and appropriate use of this land should be identified for the future of the Kinglake Ranges. A broader vision is required for the development on all levels of economic and social tourism growth for the Kinglake Ranges, rivalling the Dandenong Ranges.
 - Many other beneficial options have not been explored for the land.
 - Proposal does not support business and tourism to the area or the future growth of the area.

- Will lose potential of an unexplored site for community, social, economic and tourism benefits in an area with key tourism assets.
- Consider developing a tourist destination on the land to create a future facility for the benefit of the community.
- Potential recreation and open space benefits, including potential expansion of the adjoining Frank Thompson Reserve or development as a cool climate botanic garden.
- A comprehensive analysis is required of the site's potential for tourism, economic development and community use.
- A strategic plan is required to foster the unique benefits of Kinglake for the benefit of the broader community into the future. Why isn't Council working with the wider community to explore business and tourism opportunities?
- Could be better developed for active recreation now and into the future.
- Site has magnificent views of the city valley and surrounding environs.
- Proposal would be detrimental to any future benefits for the site.
- The Ganglehoff Hill precinct is a visitor and community recreation precinct and a cemetery is not in alignment with this use.
- As the site is prime real estate with commanding views, a cemetery is not a sensible use of this asset from a community or visitor perspective.
- A cemetery is not an essential service that would have a detrimental effect if not provided. Work should be undertaken to determine the best utilisation of the land.
- Alternative sites for a cemetery:
 - Land purchased in 2010 for use by Parks Victoria and an arts and multi-purpose facility to attract tourism and development.
 - Perfectly good site at 825 Whittlesea – Kinglake Road, which is already reserved as a cemetery (for over 100 years) but has not been managed correctly. Pheasant Creek cemetery has overgrown since fires but this is a question of maintenance with caretakers failing in their maintenance responsibilities.
 - When was the 'conservation overlay for endangered species' applied to the cemetery at 825 Whittlesea – Kinglake Road, which is considered to be 'marginal at best'? A small section of this site could be cleared for an environmentally sensitive cemetery and dispense with the crematorium. Although reported that clearing of this site would be cost prohibitive, a small section of this site could be harvested with funds directed to the development of a cemetery.
 - 825 Whittlesea – Kinglake Road is a better site than this proposed one from road management and weather perspectives.
 - Other cemeteries exist in close proximity to Kinglake (Eltham, Yan Yean, Lilydale, Kangaroo Ground, with 120,000 existing plots 'within a short drive of Kinglake').
- Amenity:
 - Surrounding houses and residents will be seriously impacted, reducing amenity and adding stress.
 - Impact on community by a proposal that does not respect the character of local surroundings.

- Proposal will devalue properties.
- Proposal will impact on the usage of the adjoining Frank Thompson Reserve for both tourists and locals. An adjoining cemetery is not in alignment with the use of the Frank Thompson Reserve as a visitor and community recreation precinct.
- Funding:
 - How will the proposal be funded?
 - No business plan or budget to indicate how ongoing finance and management of the cemetery will be undertaken.
 - Total waste of land as a cemetery / crematorium.
- Road access and other site issues:
 - Blackwood Lane intersection from main roads is dangerous, making no sense of the proposed new cemetery site.
 - Major road works would be required at significant cost to provide turning lanes in both directions.
 - Proposed site on a dangerous hill and blind bend and subject to winter and fog all year.
 - Traffic flow hazards for locals.
 - A VicRoads requirement for a Traffic Impact Assessment Report (TIAR) has not been addressed.
 - The site is significantly sloping which is problematic for cemetery use, would cause environmental damage and would require expensive terracing for vehicle access and major drainage works and mitigation.
 - The site is at the headwaters of catchment.

Following a review of the Traffic Impact Assessment Report (TIAR), prepared at the request of VicRoads, three of the original submitters reiterated their original concerns with traffic and roads issues, noting:

- An allowance for 8,000 burials is excessive, far exceeding the actual population of the mountain.
- The provision of car parking and hard standing areas is more difficult on this land, which is undulating in nature, than the site already reserved as a cemetery which has a gentle slope.
- This is a dangerous section of road, with assessed sight lines and distances not taking weather conditions into account with this section of road frequently subject to heavy fog; one submission noted that this 'Ganglehoff' Hill area experiences heavy fogs at least twice weekly, although is more frequent in winter.
- Environmental Significance Overlay 1 (High quality agricultural land):
 - Would consider that agricultural needs should be a high priority.
 - Area has significant intensive agricultural investment, with no valid reasons being given to remove this overlay.

Discussion:

- Consultation and funding:
 - From a Council perspective, consultation is being undertaken through this statutory process of exhibition of a planning scheme amendment. This is however limited to planning related matters. Amendment C59 was exhibited for two months (8/7/17 – 8/9/17), with direct notice being given to all relevant agencies and all adjoining and nearby landowners. This notice exceeds the statutory minimum of one month's notice. The proponent did not initiate a public meeting during the exhibition to support consultation for the amendment.
 - Any consultation on the proposal prior to amendment stage is the responsibility of the Kinglake Ranges Cemetery Trust and Department of Health and Human Services (DHHS). Council was approached by a representative of both these bodies to exhibit the proposed amendment, which it has now completed.
 - Extensive consultation with the community was not undertaken by the Kinglake Ranges Cemetery Trust (KRCT) prior to this amendment stage to seek views on the need for a cemetery, the preferred site for a cemetery and the merits of the land subject to this amendment for a cemetery. It is considered appropriate that in conjunction with any referral of submission to a panel, Council advise that members of the community are over the view that inadequate pre – amendment consultation was undertaken by the KRCT regarding the need and site options for a cemetery in the Kinglake Ranges area.
 - It is considered that there is now awareness of the proposal in the community. All submitters have the legal right to make a submission to an independent panel appointed to hear unresolved submissions.
 - Funding is a matter for the proponent and is not a relevant planning consideration.
- Premature proposal, alternative land uses and alternative cemetery sites:
 - While some members of the community may consider that this proposal is premature, the KRCT and DHHS have determined that a cemetery is required in this location and are seeking approval for it. This is a matter for the KRCT and DHHS to determine.
 - While land was purchased for use by Parks Victoria, it is no longer required for that purpose and an alternative use is now sought for the land. Adjoining land to the east is still available for an arts and multi-purpose facility, should the Kinglake Ranges Foundation, as manager of that land, choose to develop a facility of this nature. The subject land does not adjoin the Frank Thompson Reserve as stated but is separated by land managed by the Kinglake Ranges Foundation.
 - A strategic plan has been developed for the area, the *Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework (2016)*, a reference document to the Murrindindi Planning Scheme. The framework provides a vision for a sustainable future for the local communities of Kinglake, Kinglake Central, Kinglake West/Pheasant Creek, Flowerdale and Toolangi, supporting limited growth within the area and providing a clear transition between urban and rural land uses. Figure 2, Kinglake Central Design Framework, indicates the following notations for the land, 'Support the Public Use Zone 7' and 'Consider for future public use opportunities'. No other potential land uses are explored or given direction in the framework. The proposed amendment is consistent with this strategic direction to consider further public use opportunities for the land.

- The Murrindindi Shire Economic Development Strategy 2011 – 2016, also a reference document to the Murrindindi Planning Scheme, provides general direction and support for business and tourism opportunities but does not give any specific guidance for this site or the Kinglake Central area. The need to review the strategy will be considered following completion of the forthcoming Murrindindi Shire Council Plan (2017-2021).
- Many private submissions have raised alternative uses and the need to consider other options for the subject land. Planning considerations available under the *Planning and Environment Act 1987* and the Murrindindi Planning Scheme do not provide for wider land use alternatives to be considered, requiring that each proposal must be considered on its merits for the land at the time of the proposal being made. Sections 4 (Objectives), 12 (What are the duties and powers of planning authorities?) and 60 (What matters must a responsible authority consider?) of the Act include consideration of Victorian planning objectives, the relevant planning scheme, social, economic and environmental effects and relevant strategic plans. These sections of the Act do not provide for alternative land uses or sites to be directly considered in assessing a proposal.
- Amenity:
 - The layout and design of the cemetery development can appropriately address potential impacts on adjoining and nearby properties, including the use of landscaping.
 - The subject land does not adjoin the Frank Thompson Reserve as stated but is separated by land owned and managed by the Kinglake Ranges Foundation. The siting and design of cemetery works can be carefully undertaken to avoid potential detriment to adjoining or nearby land.
 - It is not considered that potential adjoining and nearby public uses, ie a cemetery adjoining a potential future arts and multi-purpose facility or nearby a recreation reserve is incompatible and may be adequately addressed through appropriate siting and design of future cemetery use and development.
 - Although future detailed site and development works were not submitted as part of the amendment proposal, this further detail would be useful in further discussion on the amendment at a panel hearing and in addressing potential design and amenity issues raised by submitters. It is appropriate that a request be made to the proponents of the amendment to provide siting and design details of a future cemetery to support the further discussion of amenity issues at a panel hearing.
 - Potential devaluation of land cannot be readily quantified and is not a valid land use planning consideration.
- Road access and other site issues:
 - A Traffic Impact Assessment Report (TIAR) has been prepared to address the VicRoads requirement to determine what mitigating works would be required on the Whittlesea-Kinglake Road to facilitate access to the proposed cemetery and crematorium, in particular the impact on Whittlesea-Kinglake Road / Blackwood Lane intersection and any access points to abutting land. Key findings of the TIAR were that:
 - Proposed car parking (108 spaces to be provided, with 100 spaces required under the planning scheme) and access is considered appropriate.
 - Anticipated traffic volumes are not expected to impact on the operation of Whittlesea – Kinglake Road or the surrounding road network.

- Recommended that some mitigating works be required for Whittlesea – Kinglake Road, that is a basic left turn treatment and a short auxiliary right turn treatment.
- Sight lines at proposed access points are considered to have sufficient distance to meet Austroads requirements.
- Additional points raised by three submitters to the Traffic Impact Assessment Report (TIAR) are considered to be able to be fully satisfied through the proposal. Issues relating to a capacity for 8,000 burial lots and car parking and hard standing areas being more easily located on the alternative sites already reserved for cemetery purposes are essentially dealt with in the previous discussion on alternative land uses and sites. This site must be assessed on its merits, with an application being made for a capacity of 8,000 burial lots. While undulating, it is considered that proposed car parking and hard standing areas may be satisfactorily designed and located on the land.
- Following preparation of the TIAR, VicRoads required further changes to it to provide clarification of some details, the methodology for turning lane identification and sight distances. Once the TIAR amendments were completed, VicRoads advised VicRoads (by email dated 3 May 2017) that the amended TIAR had addressed VicRoads comments and was acceptable to VicRoads.
- Although some objectors had raised road safety concerns regarding heavy fog and winter conditions, in its review of the amended TIAR, VicRoads noted that ‘climatic conditions can affect many locations and motorist should drive in a manner that is appropriate for the prevailing climatic conditions. However, it would be appropriate to install intersection warning signs as part of the mitigating works at this intersection.’
- While finding traffic movements, sight distances and car parking satisfactory, the TIAR recommended that to accommodate the proposal, a basic left turn treatment and a short channelised right turn treatment be constructed on Whittlesea-Kinglake Road, in accordance with the requirements of Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections. Officers recommend that should the amendment proceed, a Section 173 Agreement be entered into between Council and the proponents to ensure that these works recommended by the TIAR, and agreed to by VicRoads, are undertaken prior to the use and development of the land as a cemetery. Should the amendment proceed, this agreement should be satisfactorily completed prior to any Council adoption of Amendment C59.
- Other site issues: The proposed cemetery and supporting infrastructure on the land may be sited and designed to avoid erosion and any adverse catchment impacts. It is noted that the Department of Environment, Land, Water and Planning (DELWP) supports the proposed rezoning and use under the amendment.
- Environmental Significance Overlay 1 (High quality agricultural land):
 - The ESO 1 indicates higher quality agricultural land that is zoned Farming and uses for farming purposes. The ESO1 is not generally used for public use, residential or commercial sites and has previously been removed from several sites used for these alternative purposes.
 - It is considered that the application of the ESO1 to the land is anomalous and should be removed, either in the current or proposed Public Zone category.

Officer recommendations to Council:

- **Note the submissions and refer the submissions to an independent panel.**
- **No change required to the exhibited Amendment C59 given that many of the issues raised in private submissions fall outside the matters that can be considered directly as part of the amendment process.**
- **Council note to the Kinglake Ranges Cemetery Trust and to any independent panel that members of the community consider that inadequate pre – amendment consultation was undertaken with the community by the Trust regarding the need and site options for a cemetery in the Kinglake Ranges area.**
- **Council requests the proponents of the amendment to provide siting and design details of a future cemetery to support the further discussion of amenity issues at any panel hearing.**