

### **3 LAKESIDE DISCOVERY CENTRE AT EMERALD LAKE PARK**

FILE REFERENCE INT1956770

RESPONSIBLE GENERAL MANAGER Tom McQualter

AUTHOR Doug Evans

#### **RECOMMENDATION**

That Council:

1. Note that the Heads of Agreement document with Emerald Tourist Railway Board has been executed,
2. Proceed with the sale of 8068 square metres of land at Emerald Lake Park, shown as Lot 1 of PS 829353T, to the Emerald Tourist Railway Board for the valuation to be set by the Victorian Valuer General to allow construction of the Lakeside Discovery Centre,
3. Use the proceeds from the sale to provide improvements to both Emerald Lake Park and Puffing Billy Place Reserve in Emerald, and
4. Note that this sale is in accordance with section 191 of the *Local Government Act 1989* (Vic).

#### **Attachments**

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|---|---|----------|
| 1 | Plan of Subdivision                                 | 2 Pages  |
| 2 | Heads of Agreement - Circulated to Councillors only | 45 Pages |

#### **EXECUTIVE SUMMARY**

This report proposes that the Council proceed with the sale of part of Emerald Lake Park to the Emerald Tourist Railway to facilitate development of the Lakeside Discovery Centre.

#### **BACKGROUND**

##### **Planning Approval**

In February 2017 the Emerald Tourist Railway Board (ETRB) finalised and adopted the Puffing Billy Railway Masterplan and one of the key projects of the Master Plan is the development and construction of the Discovery Centre at Emerald Lake Park which received \$15.7 million in funding from both the State and Federal Governments for its construction. Development of this facility is central to the Master Plan in ensuring that Puffing Billy Railway can achieve the outcomes that it is seeking.

Since 2016, Council officers have been working closely with Puffing Billy Railway (PBR) on development and finalisation of the Puffing Billy Railway Masterplan (February 2017).

It was agreed that the ETRB would lodge a planning scheme amendment request to the Minister for Planning under Section 20(4) of the Planning and Environment Act 1987 (the Act) to incorporate a

site specific control into the Cardinia Planning Scheme to enable the construction of the Discovery Centre.

On the 1 May 2018 the Emerald Tourist Railway Board requested that the Minister for Planning prepare, adopt and approve a planning scheme amendment under Section 20(4) of the Planning and Environment Act (1987).

The amendment process was also to be supported by a month long non statutory community engagement process whereby the community could view the relevant documents and provide a submission to the amendment which would be considered by the Minister for Planning in his decision making process. 31 submissions were received.

On 1 June 2018, Council provided a submission to the Amendment. The submission was supportive, with a number of minor technical/administrative changes to the draft amendment documents. The submission also reiterated Council's commitment to transparent and genuine community engagement and the request for the appointment of an Advisory Committee should there be unresolved submissions.

The Minister for Planning enacted his powers under 20(4) of the Act and approved the amendment. This was done without formal engagement of an Advisory Committee to provide him with advice prior to the final decision.

The Minister for Planning approved Amendment C243 which introduced a site specific control into the Cardinia Planning Scheme in Oct 2108. The purpose of the controls in the document are to allow the use and development of a Discovery Centre at the Puffing Billy Railway Lakeside Station precinct, including works and display of business identification signage to be undertaken generally in accordance with the Puffing Billy Railway Master Plan, February 2017.

To date, council officers approved the plans A, B, C, F, G, H, J, M and P under Condition 5.2 of the Puffing Billy Railway Discovery Centre Incorporated Document (August 2018).

### **Heads of Agreement**

A detailed 'Heads of Agreement' document has been entered into between the Council and the Emerald Tourist Railway Board in relation to the Puffing Billy Railway – Discovery Centre at Emerald Lake Park in relation to:

- a) access by ETRB and its contractors, consultants and agents to the Lake Land and Emerald Lake Park for the purpose of construction of the Discovery Centre and the construction of the Car Park;
- b) construction of the Car Park by ETRB on behalf of the Council;
- c) the relocation of certain assets in Emerald Lake Park by ETRB, necessitated by the construction of the Discovery Centre and the Car Park; and
- d) the increased contribution by ETRB to maintenance costs associated with the assets in Emerald Lake Park on the basis that the Emerald Lake Park and facilities will be used by Puffing Billy Railway and Discovery Centre patrons as well as other visitors to Emerald Lake Park.

### **Negotiated Planning Outcomes**

In consultation with the relevant internal departments, planning officers have negotiated the following outcomes on site:

- Detailed assessments of the relevant ecological and native vegetation reports against the development plans have resulted in reduced tree removal on site.
- A safe and functional car park design which accommodates passenger vehicles, buses and pedestrians.
- Appropriate waste management practices, including sufficient bin storage, litter collection and suitable vehicle access for waste collections.
- Appropriate drainage practices from throughout the site.
- Appropriate Amenity & Patron Management Plan and Operations Management Plan which govern the use and operation of the site with regards to hours of operation, patron numbers, staffing and patron behavior, noise attenuation measures and communication arrangements.

### **Emerald Lake Road**

As part of the analysis undertaken by Council in the development of the Discovery Centre a Traffic Impact Assessment Report was prepared by ETRB. This report identified that Emerald Lake Road was not required to be upgraded as part of the Discovery Centre development. It has been determined that minor vegetation clearance improvement works will be undertaken and Council is investigating the installation of speed humps to make the best use of the current pavement to suitably cater for the increased traffic. Council will continue to monitor the traffic and use of Emerald Lake Road during and after construction of the Discovery Centre.

### **POLICY IMPLICATIONS**

The State Government developed guidelines for the sale of Council land, known as “Local Government Best Practice Guidelines for the Sale and Exchange of Land” (the Guidelines).

The guidelines reaffirm that the public notification requirements detailed in Section 189 of the Local Government Act do not apply to the sale of land to any public body such as the Emerald Tourist Railway Board that has been established for a public purpose by an Act of the Parliament of Victoria (Local Government Act Section 191(1)).

### **RELEVANCE TO COUNCIL PLAN**

Development of the Discovery Centre is relevant to several Council Plan goals such as:

- Plan for and support local employment opportunities.
- Support the development of existing and new businesses within the Shire, and
- Support tourism and local businesses

### **CONSULTATION/COMMUNICATION**

Since 2016, Council officers have been working closely with Puffing Billy Railway on the development and finalisation of the Puffing Billy Railway Masterplan and the approvals required for the Lakeside Discovery Centre.

Both Council and ETRB have prepared plans to allow effective and timely communication with the community throughout the development and construction of the Discovery Centre.

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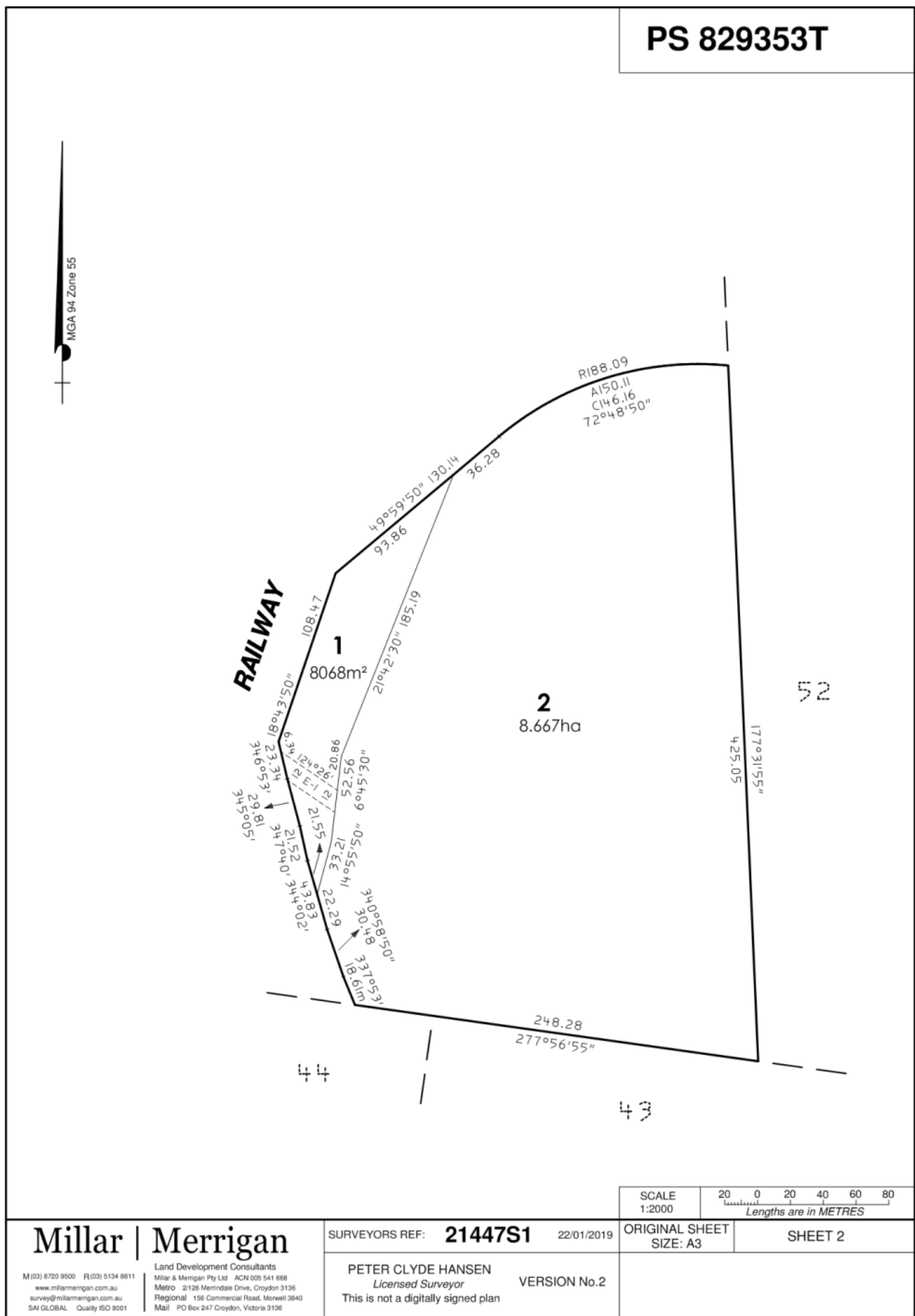
**FINANCIAL AND RESOURCE IMPLICATIONS**

The proceeds from the sale of this land will be used to provide improvements to both Emerald Lake Park and Puffing Billy Place Reserve in Emerald.

**CONCLUSION**

After lengthy negotiations and discussions with the Emerald Tourist Railway Board it is considered appropriate to sell the 8068 square metres of land at Emerald Lake Park to facilitate development of the Lakeside Discovery Centre.

PLAN OF SUBDIVISION		EDITION 1	PS 829353T	
<b>LOCATION OF LAND</b> PARISH: GEMBROOK TOWNSHIP: -- SECTION: -- CROWN ALLOTMENT: 51(PT) CROWN PORTION: -- TITLE REFERENCE: C/T Vol. 6312 Fol. 302 (PT)  LAST PLAN REFERENCE: LOT 16 TP 848518R POSTAL ADDRESS: (at time of subdivision) "LAKESIDE STATION" EMERALD LAKE ROAD EMERALD, 3782.  MGA CO-ORDINATES: E: 364 760 ZONE: 55 (of approx centre of land N: 5800 830 GDA 94 in plan)		<b>Council Name: CARDINIA SHIRE COUNCIL</b>		
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
<b>NOTATIONS</b>				
DEPTH LIMITATION	Does not Apply			
<b>SURVEY:</b> This plan is based on survey. <b>STAGING:</b> This is not a staged subdivision. Planning Permit No.  This survey has been connected to permanent mark No. 80 In Proclaimed Survey Area No.				
<b>EASEMENT INFORMATION</b>				
<b>LEGEND:</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
<b>EASEMENTS AND RIGHTS IMPLIED BY SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO ALL THE LAND IN THIS PLAN</b>				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	POWERLINE	12	THIS PLAN - SECTION 88 ELECTRICITY INDUSTRY ACT 2000	SP AusNet
<b>Millar   Merrigan</b> <small>M(03) 8720 9500 R(03) 5134 8611            www.millarmerrigan.com.au            survey@millarmerrigan.com.au            SAI GLOBAL Quality ISO 9001</small>		<b>SURVEYORS REF: 21447</b> 22/01/2019 <b>PETER CLYDE HANSEN</b> <i>Licensed Surveyor</i> This is not a digitally signed plan		<b>ORIGINAL SHEET SIZE: A3</b> <b>SHEET 1 OF 2</b> <b>VERSION No.2</b>



**PS 829353T**

MGA 94 Zone 55

SCALE	20 0 20 40 60 80
1:2000	Lengths are in METRES

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