

1 PROPOSED SALE OF - LAND - 335 MCGREGOR ROAD FILE

REFERENCE INT1848665

RESPONSIBLE GENERAL MANAGER Michael Ellis

AUTHOR Doug Evans

RECOMMENDATION

That:

1. Having considered all submissions under section 223 of the Local Government Act 1989, Council resolves to sell lot 3 on PS 746980A (**Land**) for the following reasons:
 - Development of the land for a Motorsport facility is in keeping with the zoning of the land
 - The development will inject substantial investment into the local economy and generate significant full time jobs both direct and indirect as well as tourism opportunities
 - The Koo Wee Rup and District Motor Cycle Club will be guaranteed a permanent home either on Lot 2 at the McGregor Road site, or an alternate site subject to rezoning
 - The \$3M received from the sale of the land will be used solely to purchase additional land for the use of the Koo Wee Rup and District Motor Cycle Club and the Pakenham Auto Club and to provide capital works for either building/ accommodation or track works for the Clubs
 - Concerns in regard to noise, drainage, access and amenity issues associated with the development will be addressed as part of the planning approval process required for the development
2. Council notify in writing every person who has lodged a separate submission of the decision and the reasons for the decision;
3. Council authorises the CEO to sign the contract of sale for the Land on Council's behalf; and
4. Council authorises the CEO to sign any transfer of the Land and any section 173 agreement for the Land and any other document required to be signed in connection with the sale of the Land.

Attachments

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EXECUTIVE SUMMARY

To resolve on the proposed sale of land at Lot 3 335 McGregor Road Pakenham.

BACKGROUND

Public notice of the proposed sale of Lot 3 at 335 McGregor Road appeared in the 'Pakenham Gazette' on 30 May 2018. At the close of the period for the lodgement of submissions on 28 June receipt of submissions 19 individual submissions and several petitions were received opposing the proposed sale and 4,236 submissions were received in support of the proposed sale and development of the motorsport facility. These submissions are detailed in the attached summary.

Those persons that requested to be heard in support of the proposed sale were provided with that opportunity at the Special Meeting held on 9 July.

Council is now in a position to resolve to sell the land or not.

The main concerns expressed in regard to the sale of the land were received from members of the Koo Wee Rup and District Motor Cycle Club. The concerns expressed in these submissions were:

- The sale of Lot 3 would disadvantage the club

Comment:

It is acknowledged that Lot 3 is a more desirable parcel of land for the clubs activities however if the sale proceeds the club will be guaranteed a permanent home either on Lot 2 at the McGregor Road site, or an alternate site subject to rezoning

- Lot 2 is not suitable for their activities due to the restrictions on the land

Comment;

The club has had use of lot 2 for many years and it is acknowledged that the current restrictions placed on their activities does restrict their use, Council has commenced discussions with SP Ausnet in regard to the current conditions attaching to use of the area within the powerlines easement to ascertain if the current restrictions can be eased to make the area more suitable for the club.

- The alternate site proposed for the club is not guaranteed as the land requires a rezoning

Comment:

It is acknowledged that use of the potential alternative site is subject to a rezoning.

- Lot 3 should be retained for community use not for a commercial use

Comment:

The use of Lot 3 is a matter that the Council needs to determine.

One submitter, Mr Tony O'Hara, has opposed the development of the land for a motorsport facility due to the amenity issues concerned with such a development and likened the concerns to those associated with motor racing at the Sandown Racecourse.

Comment:

Concerns in regard to noise, drainage, access and amenity issues associated with the development will be addressed as part of the planning approval process required for the development

One submitter, Melbourne Auto Stadium, has raised concerns with the process associated with the market procurement process for the Motorsport facility being the expression of interest process for this project and subsequently the request for proposals process in particular they are alleging that their intellectual property rights associated with the proposal were breached.

Comment:

The allegations that intellectual property rights, that Melbourne Auto Stadium were entitled to, were infringed by the Council during the during the market procurement process are completely rejected.

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). This

document provides guidance for the sale of Council land The Guidelines propose that all sales should be by a market tested sales campaign, unless an alternative method of sale will be in the best interest of the community. Council has conducted a market procurement process for the proposed sale of the land, consistent with the Guidelines.

RELEVANCE TO COUNCIL PLAN

Sale of the land as proposed to facilitate the development of a Motorsport facility is in keeping with the Council Plan goals detailed in the 'Our Economy' section of the Plan that seeks to create and support local employment and business opportunities for our community and the wider region.

CONSULTATION/COMMUNICATION

Ongoing consultation will be maintained with Koo Wee Rup and District Motor Cycle Club and the Pakenham Auto Club through a Motorsport Clubs Steering Committee involving representatives from both clubs, Councillors and Council staff. The initial meeting of this Committee was able to allay many fears of the clubs and clarify some issues of concern. It is intended that this Committee will continue to meet on a regular basis with the next meeting scheduled for early August.

FINANCIAL AND RESOURCE IMPLICATIONS

The proposal sale of the land will generate an income of \$3M that will be used solely to purchase additional land for the use of the Koo Wee Rup and District Motor Cycle Club and the Pakenham Auto Club and to provide capital works for either building/ accommodation or track works for the Clubs

CONCLUSION

As Council has complied with the requirement of Section 190 and 223 of the Local Government Act it is able to resolve on the proposed sale.

Summary table – submissions received regarding sale of Lot 3 335 McGregor Road

Individual submissions

Name	Comment summary	Attended and spoke in support
Jason Miles	Opposing the proposed sale and asking for the the Koo Wee Rup and District Motorcycle Club to occupy the land.	Yes
Bryan Noble	Opposing the proposed sale and asking for the Koo Wee Rup and District Motorcycle Club to occupy the land.	Scott Noble presented on behalf of Bryan Noble.
Alison Wright	Concerned that the sale will disadvantage the KWRMCC	Yes
Robert Mestrom, CEO Motorcycling Victoria	On behalf of the KWRMCC seeks your confirmation and transparency over the location of its permanent premises in order to ensure its long-term viability and to effectively continue its operations and purposes. And objects to the proposal sale to Podium 1 Pty Ltd	No, did not attend
James Lawton	Providing support for the KWRMCC to remain at McGregor road and be included in the development of the Cardinia Motorsport complex.	No, did not attend
Jo Spencer	Objecting to the proposed sale that will disadvantage the KWRMCC and requesting: <ul style="list-style-type: none"> • Do not take the McGregor Road site away from the club • Do not sell the land to a corporate entity • Offer the alternate parcel of land to the corporate entity • Give the KWRMCC a permanent home 	Yes
John Spencer	Objecting to the proposed sale as it will disadvantage the Koo Wee Rup & District MCC	Yes
Melbourne Auto Stadium	Objection to the sale	Apology was submitted together with additional information
Anthony O'Hara	Concerned about the potential impact with the proposed Motorsport facility at 335 McGregor Road and is concerned that this site is not the best location.	Yes
Philip Rankin	Concerned that the sale will disadvantage the KWRMCC	Did not request to speak
Craig Morrison	Concerned that the sale will disadvantage the KWRMCC	Did not request to speak
Brenda Corkery	Concerned that the sale will disadvantage the KWRMCC	Did not request to speak

Darren Walker	Concerned that the sale will disadvantage the KWRMCC	Did not request to speak
Colin Brace	Concerned on the impact of the KWRMCC if the sale proceeds	Did not request to speak
Kim Woodward	Concerned that the sale will disadvantage the KWRMCC	Did not request to speak
Jo Spencer	Question asked at Council Meeting 18 June 2018	Did not request to speak
Kelly Belcher	Concerned that the sale will disadvantage the KWRMCC	Did not request to speak
Troy Johnson	Concerned that the sale will disadvantage the KWRMCC	Did not request to speak
John Spencer	Question asked at Council Meeting 18 June 2018	
Jason Miles	Question asked at Council Meeting 18 June 2018	
Various – 4236	Support for proposed sale	
Petition	Support for KWRMCC Club and requesting for sale to be deferred tabled at Council Meeting 18 June	
Petition	Support for KWRMCC Club signed by 1,150 person	
Petition	Change.org containing 925 signatures in support of KWR&DMCC	
Petition	Change.org containing 499 signatures in support of KWR&DMCC	