

## **2 AMENDMENT C243 - PUFFING BILLY DISCOVERY CENTRE - SUMMARY OF SUBMISSIONS RECEIVED**

FILE REFERENCE INT1846430

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Brooke Templeton

### **RECOMMENDATION**

That Council:

1. Note the submissions received to Amendment C243 during the non - statutory consultation period.
2. Request that the Minister for Planning enact his powers under 20(5) of the Planning and Environment Act 1987 and establish an Advisory Committee to consider the unresolved submissions.

### **Attachments**

- 1 Council submission to Planning Scheme Amendment C243 2 Pages

### **EXECUTIVE SUMMARY**

In February 2017 the Emerald Tourist Railway Board finalised and adopted the Puffing Billy Railway Masterplan (February 2017) 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.

To facilitate the timely development of the Discovery Centre, on 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). A 4-week non statutory community consultation process supported this request which concluded on 1 June 2018.

31 submissions were received and this report provides Council with a summary of these and next steps.

### **BACKGROUND**

Since 2016, Council officers have been working closely with Puffing Billy Railway (PBR) on the development and finalisation of the Puffing Billy Railway Masterplan (February 2017). With the finalisation and adoption of the document, the next stage is to implement the various projects of the master plan with the Discovery Centre being the priority project.

\$15.7 million in funding has been received by the Emerald Tourist Railway Board (ETRB) from both the State and Federal Governments. The timely development of this facility is central to the Master Plan in ensuring that Puffing Billy Railway can achieve the outcomes that it is seeking, underpinned by the demand to increase patronage along the railway line.

There have been numerous discussions between Council strategic planning officers to determine the most efficient, effective and transparent planning approval approach for the proposed Discovery Centre. It was agreed that the ETRB to seek 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. The amendment process was also to be supported by a month long 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.

There are two planning approval processes, the Planning Scheme Amendment and the Planning Permit application process. The amendment process proposed by the State for the Minister for Planning to consider the amendment directly can be more time efficient as the Minister for Planning is able to prepare and approve the amendment. Community consultation was undertaken to help inform the Minister of the concerns within the community.

The site specific control still provides Council with ultimate decision making to issue a permit or not, as it requires plans to be endorsed by Council before any development can commence.

On the 24 April 2018, a letter from the Mayor was sent to the Minister for Planning which outlined Council's commitment to transparent and genuine community engagement and should there be unresolved submissions, that the Minister enact his powers under 20(5) of the Act and engage an Advisory Committee to provide him with advice prior to the his final decision.

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 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.

### **Next steps**

As this Amendment has been requested by the ETRB, Council's role is only as a submitter. A copy of all the submissions will be provided to the Minister for Planning by the ETRB, accompanied by a request for the Minister to approve the amendment.

Approval timeframes of the amendment cannot be confirmed as this is subject to processes undertaken by the Minister for Planning. It is also a State Election year and unless the election is called earlier, the caretaker period will begin on Tuesday 30 October. The ETRB are hopeful that the amendment will be approved prior to the caretaker period.

### **POLICY IMPLICATIONS**

N/A.

### **RELEVANCE TO COUNCIL PLAN**

The following relevant key actions within the 2017 Council Plan have been identified:

**Section 4 Our economy** is relevant, of which the objective is we will create and support local employment and business opportunities for our community and the wider region.

#### **4.1 Increased business diversity in Cardinia Shire**

**4.1.1 Plan for and support local employment opportunities.**

4.1.2 Support the development and existing new businesses within the shire.

### CONSULTATION/COMMUNICATION

Amendment C243 was available for community comment from 1 May 2018 to 1 June 2018. All documents were available on the Puffing Billy Website and a community information session was held on Saturday 12 May 2018 from 12pm - 4pm at the Gemco Theatre in Emerald which 11 people attended. Two Council officers were in attendance at this session.

A total of 925 information brochures, containing project and the community information session were sent to surrounding land owners and relevant community groups through an external mail house that was engaged and managed by Council.

A total of 31 submissions were received with the following key themes:

1. Support for the growth of the Puffing Billy Railway
2. The design of the Discovery Centre should be 'heritage style' in keeping with the balance of the railway
3. The Discovery Centre undermines the natural beauty of Emerald Lake Park and therefore should be in the town centre of Emerald
4. Protection of Emerald Star Bush
5. The need for the retention/relocation of Council's assets in the park (i.e. Messmate shelter, car parking etc.)
6. A range of comments on internal design of the Discovery Centre and potential interpretation displays
7. Whether or not there is a need for an additional station platform
8. A desire to widen Emerald Lake Road (6 submissions)
9. Lack of understanding on how the incorporated document works and what authority Council has in document approval for construction of the Discovery Centre

### FINANCIAL AND RESOURCE IMPLICATIONS

There are no finance and resource implications associated with this Amendment, as all costs in the preparation of and approval are required to be paid by the ETRB.

### CONCLUSION

During the amendment process, Council has committed to ensuring fair and transparent engagement for the Emerald community. Therefore, it is recommended that Council resolve to write again to the Minister for Planning requesting that he enact his powers under 20(5) of the Act and appoint an Advisory Committee to hear the unresolved submissions.

If the amendment is approved, officers will continue to work with Puffing Billy on the documentation required for approval prior to the commencement of the construction of the Discovery Centre.

Our ref: INT1834045



1 June 2018

Mr Jonathan Clancy  
Acting CEO – Puffing Billy Railway  
Via email: [discoverycentre@pbr.org.au](mailto:discoverycentre@pbr.org.au)

Dear Jonathan

**Re: Submission to Planning Scheme Amendment C243**

We refer to the 20(4) Planning Scheme Amendment C243 that the Emerald Tourist Railway Board (ETRB) has requested the Minister for Planning prepare and approve.

A large proportion of the Puffing Billy Railway is located within Cardinia Shire. Puffing Billy is an important asset to the Shire and Council will continue to work with the railway to ensure that its expansion can occur without losing the integrity and the fabric of the railway and its link to the community. Council values the scenic and important natural environment that it sits within which protects the Puffing Billy experience.

Council is supportive of Amendment C243 and the construction of the long awaited Discovery Centre which will bring local jobs, tourism and economic development, subject to some drafting changes which have been detailed in the following attached track change documents:

- **Schedule to Clause 36.01 - Public Use Zone**

The proposed changes relate to the Discovery Centre at Emerald Lake Park and the definition of 'Normal Operations'. There needs to be further changes to this definition to address the balance of the projects proposed along the corridor as part of the *Puffing Billy Master Plan* (February 2017).

- **Schedule to Clause 52.03 - Specific sites and exclusions**

Minor administrative change.

- **Schedule to Clause 81.01 - Table of documents incorporated into this Scheme**

Minor administrative change.

- **Incorporated Document - Puffing Billy Railway Discovery Centre 2018**

A range of proposed changes, mostly administrative in nature.

The Heads of Agreement is still under preparation and it is envisaged that the document will be finalised prior to the approval of this Amendment and as such, Council requests that the following wording be included in the approved Incorporated Document with reference to the date of the agreement.

*The development approved by this incorporated document must not be occupied until all of the obligations of Emerald Tourist Railway Board (ETRB) under the heads of agreement dated ? / ? / 2018 between the Responsible Authority and ETRB have been satisfied to the approval of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.*

**Cardinia Shire Council**  
ABN: 32 210 906 807  
20 Siding Ave, Officer

PO Box 7  
Pakenham 3810  
(DX 81006)

Phone: 1300 787 624  
Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)  
Web: [cardinia.vic.gov.au](http://cardinia.vic.gov.au)



We also note the additional Council land needed for the construction of the Discovery Centre has not been finalised. Please be aware that it is not possible to build a building over two separate titles.

Should the process that is required for the land that ETRB require for the construction of the Discovery Centre be finalised prior to the approval of the Incorporated Document (which also facilitates a boundary realignment) it is submitted that a future Planning Scheme Amendment is required to rezone the land from Public Park and Recreation Zone (PPRZ) land to Public Use Zone – Schedule 7 (PUZ7).

Council is committed to transparent and genuine community engagement with the community, particularly as this Amendment facilitates a significant proposal for Emerald Lake Park and how the park will be used going forward.

Given this, Council respectfully requests that should there be unresolved submissions / comments that the Minister for Planning enact his powers under 20(5) of the *Planning and Environment Act 1987* and engage an Advisory Committee to provide him with advice prior to making a decision in relation to the amendment proposed. Cardinia Council requests that it be a party to this Advisory Committee process.

Council also requests a copy of the submission summary table and a copy of the original submissions received to the Amendment including any responses or proposed changes to alleviate concerns raised.

Should you have any questions in relation to this submission or require anything further, please do not hesitate to contact Brooke Templeton, Coordinator Strategic Planning on 5945 4404 or at [b.templeton@cardinia.vic.gov.au](mailto:b.templeton@cardinia.vic.gov.au)

Yours faithfully



**Andrew Paxton**  
General Manager – Planning and Development

**Enc:**

1. Schedule to Clause 36.01 - Public Use Zone
2. Schedule to Clause 52.03 - Specific sites and exclusions
3. Schedule to Clause 81.01 - Table of documents incorporated into this Scheme
4. Incorporated Document - Puffing Billy Railway Discovery Centre 2018

**Cardinia Shire Council**  
ABN: 32 210 906 807  
20 Siding Ave, Officer

PO Box 7  
Pakenham 3810  
(DX 81006)

Phone: 1300 787 624  
Email: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)  
Web: [cardinia.vic.gov.au](http://cardinia.vic.gov.au)

