



***HEPBURN SHIRE COUNCIL  
ORDINARY MEETING OF COUNCIL  
MINUTES***

***TUESDAY 20 AUGUST 2013***

**DAYLESFORD SENIOR CITIZENS ROOM  
VINCENT STREET  
DAYLESFORD  
6:00PM**

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**Hepburn Shire Council  
Ordinary Meeting of  
Council**



# **MINUTES**

**TUESDAY 20 AUGUST 2013**

**Daylesford Senior Citizens Room**

**Vincent Street, Daylesford**

**Commencing 6:00PM**

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***Hepburn Shire Council  
Ordinary Meeting of  
Council***



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**AARON VAN EGMOND**  
CHIEF EXECUTIVE OFFICER  
20 AUGUST 2013

## 1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

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## 2. OPENING OF MEETING

**PRESENT:** Mayor Councillor Bill McClenaghan, Deputy Mayor Councillor Don Henderson, Birch Ward Councillor Kate Redwood AM, Cameron Ward Councillor Neil Newitt, Coliban Ward Councillor Sebastian Klein.

**IN ATTENDANCE:** Chief Executive Officer Aaron van Egmond, General Manager Corporate Services Evan King, General Manager Community Services Kathleen Brannigan, General Manager Infrastructure Bruce Lucas, Manager Risk and Property Grant Schuster, Manager Planning Justin Fiddes, Manager Community Development Adam McSwain.

### STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE  
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION  
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS  
OF THE COMMUNITY  
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS  
OF THE CODE OF GOOD GOVERNANCE  
SO THAT WE MAY FAITHFULLY REPRESENT  
AND UPHOLD THE TRUST PLACED IN THIS COUNCIL BY THE  
PEOPLE OF HEPBURN SHIRE”.

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### 3. APOLOGIES

Councillor Greg May, Creswick Ward Councillor,  
Councillor Pierre Niclas, Birch Ward Councillor.

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### 4. DECLARATIONS OF CONFLICTS OF INTEREST

Hepburn wind rates mater

Councillor Kate Redwood declared a direct Conflict of Interest in Agenda Item 10.2 Proposed Rates for Hepburn Wind – under section 77B of the *Local Government act 1989*. Councillor Redwood left the meeting at 7:03 pm and returned to the meeting at 7:46 pm. Councillor Redwood was absent while this matter was considered.

Councillor Bill McClenaghan declared an indirect Conflict of Interest in Agenda Item 10.9 Crossing Borders Tracks and Trails – under section 78B Indirect Interest – conflicting duty of the *Local Government Act 1989*. Councillor McClenaghan left the meeting at 8:25 pm and returned to the meeting at 8:34 pm. Councillor McClenaghan was absent while this matter was considered.

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### 5. CONFIRMATION OF MINUTES

#### RECOMMENDATION

5.1. *That the Minutes of the Ordinary Meeting of Council held on 16 July 2013 (as previously circulated to Councillors) be confirmed as required under Section 93 (2) of the Local Government Act 1989.*

**Moved:** Councillor Don Henderson

**Seconded:** Councillor Kate Redwood

**Carried.**

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### 6. NOTICES OF MOTION

Nil

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## 7. ITEMS OF URGENT BUSINESS

### PROCEDURAL MOTION

7.1.1. *That Council considers an Item of Urgent Business – Leave of Absence.*

**Moved:** Councillor Sebastian Klein  
**Carried.**

## 7.2. LEAVE OF ABSENCE

### RECOMMENDATION`

- 7.2.1. *That Council grants a Leave of Absence to Councillor Greg May from 12 – 26 August 2013.*
- 7.2.2. *That Council grants a Leave of Absence to Councillor Pierre Niclas from 18 – 22 August 2013.*

**Moved:** Councillor Kate Redwood  
**Seconded:** Councillor Sebastian Klein  
**Carried.**

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## 8. PRESENTATION OF COUNCILLOR REPORTS

### MAYOR'S REPORT

#### **Councillor Bill McClenaghan, Holcombe Ward**

Straight after the last Council meeting I had the pleasure of attending two functions at the Daylesford Secondary College. The first was a special breakfast where Councillors and Officers cooked breakfast for students. It's a demonstration of good will and that Council supports them in their school life. The second was an event run by the school with the Foundation for Young Australians called Pitch Up! /Change it Up! whereby a number of students came up with ideas to change the world around them. Some of these ideas were very well thought out and students presented these ideas to an audience of their peers, teachers, councillors, youth workers and well wishers from the community. Three of the ideas were funded from a pool of \$1,000. One idea received \$100 and two ideas received \$450 each. I was particularly impressed by an additional idea from a young lady who wanted to set up a website that would teach people how to read. There are quite a few people in our community whose reading skills are not up to scratch, so I decided that I would assist with that idea. I did say to all of the students that they should not keep their good ideas hidden from the community; that they should get out there and tell people about their good ideas. They should come to Council and during Public Participation Time tell the Council about their good ideas. Unfortunately, the group I suggested come tonight are not here. Hopefully, we will hear next month about the website that teaches people how to read and how this idea is progressing. It's one thing to have a good idea and it takes a lot of courage to put it forward but it takes a bit more commitment to actually put it into action. We need to give these young people every assistance and encouragement we can.

On Wednesday 31<sup>st</sup> July I attended the AGM of the 1<sup>st</sup> Creswick Scout Troop in their newly renovated scout hall. It now has a concrete floor after the Creswick floods destroyed the foundation of that building and the old floor. They were very appreciative of the assistance given by the State Government of Victoria and also Hepburn Shire Council and they awarded some certificates of appreciation to the Deputy Premier of Victoria, The Hon Peter Ryan MP and to the Manager of Council's Flood Office at the time, Ms Jenny Browne. It was good time to reflect on the amount of money spent in the community by the Flood Office during its time of operation. Many organisations such as the Creswick Scout Troop have received a wonderful shot in the arm as a result of the works.

On Friday 9<sup>th</sup> August I met with the Regional Development Australia (RDA) Grampians Committee and spoke to them about the region and about the ideas that are coming forward for the development of the region by the RDA.

On Thursday 15<sup>th</sup> August I officiated at an Australian Citizenship Ceremony at the Daylesford Town Hall where we inducted eighteen new citizens into the community of Australia. It was probably the biggest citizenship ceremony we have held here and was very well received by the wider community.

On Saturday 17<sup>th</sup> August I was invited to officially open the new kitchen at the Creswick Neighbourhood Centre that involved the complete restoration of the old kitchen in the hall. This now provides the ability to hold a men's cookery class in that kitchen.

Later that day I attended a celebration of a business, Eclectic Notions, after one year in the Rex Arcade.

Last Sunday on 18<sup>th</sup> August, it was Children's Day here at the Town Hall sponsored by Hepburn Libraries as part of the *Words in Winter* Festival. It was a wonderful experience whereby we saw clown acts, a martial arts demonstration and we heard stories that children had written themselves. It was really a wonderful outpouring of community in action.

*Words in Winter* itself opened earlier on 2<sup>nd</sup> August at the Rex Arcade followed by a film at the Rex Cinema. Once again, I was pleased to officially open that event, demonstrating that Hepburn Shire events are very popular and build community life as well as economic life within the Shire and the whole region.

## **COUNCILLOR REPORTS**

### **Councillor Greg May, Creswick Ward**

Absent - No report to present this month.

### **Councillor Pierre Niclas, Birch Ward**

Absent - No report to present this month.

### **Councillor Kate Redwood AM, Birch Ward**

This has been a busy month both for Council commitments and for constituent issues.

#### **Implementation of Streetscape works in Vincent Street**

Cr Pierre Niclas and I attended the Daylesford and Hepburn Springs Business and Tourism Association (BATA) AGM. After the formal meeting I spoke about the absence in the Village Well report of consideration of the built form and heritage issues. There was interest in a collaborative approach to develop formal heritage guidelines on signage, colour schemes and verandahs. This is now under discussion with Council officers. An internal meeting is scheduled for September.

#### **CFA location of new Hepburn shed**

There have been two meetings between Council and the CFA over the last month. The issue of the location of the new fire shed for Hepburn has not been finalised. However there is good will on both sides and I remain optimistic that this will be resolved.

#### **New sporting facilities for Vic Park**

I have written to ask each of the major users of Victoria Park to nominate a representative to form a working group to help us to develop a well supported proposal for facilities to be built on the existing footprint of the clubrooms and within the expected budget of roughly \$2.5 million. The plans for Bungaree will provide a starting point at a meeting to be held tomorrow. I believe that we have strong support for this approach from local stakeholders and also from state and federal government and from the Central Highlands League.

Meetings I have attended as part of my Council role have included the following:

- 16/07/2013 Councillor briefings, Councillor/CEO meeting, Council meeting
- 18/07/2013 Meeting re drafting of public art policy
- 22/07/2013 CEO catch up
- 25/07/2013 Pitch Up/Change It - DSC students at the ARC
- 25/07/2013 On site meeting at Hepburn Springs Reserve
- 25/07/2013 Council meeting with CFA
- 25/07/2013 Hepburn Springs Reserve Advisory Committee
- 05/08/2013 Daylesford and Hepburn Springs Business and Tourism Association (BATA) AGM

- 06/08/2013 Councillor briefings, Councillor/CEO meeting
- 06/08/2013 Pop Up Art Project, East St
- 07/08/2013 International Women's Day Women's Honour Roll Advisory Committee
- 13/08/2013 CEO appraisal, Councillor briefings
- 13/08/2013 Delegated Planning Committee
- 14/08/2013 Discussions re Vic Park facility
- 15/08/2013 Wombat Hill Botanic Gardens Advisory Committee
- 15/08/2013 Citizenship Ceremony
- 18/08/2013 Children's Words in Winter
- 19/08/2013 ARC Advisory Committee
- 19/08/13 Birch Ward meeting

### **Councillor Neil Newitt, Cameron Ward**

Councillors, it has been a busy month with apart from councillor briefings and meetings, I attended 15 external meetings and events in my capacity as Cameron Ward Councillor.

I would like to highlight just a few in the time available this evening:

On 26 July, it was with pleasure I attended the 16th Annual Clunes Community Dinner also attended by our CEO.

I was delighted to introduce the Male and Female Citizens of the Year - Ken Gibson and Kath Milne; both members of the community that have contributed much to the town.

Over the weekend of 27 and 28 July, I attended the MAV Councillor Development Weekend attended by many councillors from across the state. I can report that all programs were beneficial with many contributions from those attending which gave me the chance to hear how other councils operate. Of special mention was the keynote speaker, Paralympian Kurt Fearnley who was just sensational in telling us his life story; particularly how as children, he and his brothers worked as a team.

On 1 August I attended the announcement in Creswick of the next step in delivering an ambulance station to the town.

Ambulance Victoria Grampians Region General Manager Greg Leach outlined how the centre will deliver a service to not only Creswick, but also to Clunes, Smeaton and all within the district.

Finally on 8 August, I attended the inaugural meeting of the Clunes Landcare and Waterways Group. This group has evolved from the Clunes Waterway Group and will put the group in a stronger position as part of the larger Landcare organisations.

### **Councillor Sebastian Klein, Coliban Ward**

Over the month since the past Council meeting:

Stand out events were the Central Highlands Agribusiness Forum where a Bioenergy Breakfast presentation was followed by a series of fascinating sessions on the future of agriculture in various forms including farm forestry, high school agriculture programs at Ballarat Grammar, the place of The Australian Agricultural sector in the Asian Century and supply logistics and opportunities for agriculture in the Bioenergy space.

*Words in Winter* was as always a highlight, although I have been sorry due to work and study commitments to attend far fewer events than I am accustomed to.

Other events I attended over the month included:

- The Victorian Local Governance Association Resource & Finance Sub-Committee
- A breakfast for the students at Daylesford Secondary College cooked by Councillors and senior staff
- Victorian Local Governance Association Board meeting
- Bioenergy breakfast at the Victorian Agribusiness Summit
- Central Highlands Agribusiness Forum - Victorian Agribusiness Summit
- Trentham forum meeting
- Joint meeting of the Committee for Ballarat Sustainable Living and Ballarat West Growth Zone Task Teams in Ballarat Town Hall
- Trentham Neighbourhood Centre Executive Committee meeting
- *Words in Winter* - Vantastic book launch - Kate Ulman  
- Live Radio Show

### **Councillor Don Henderson, Creswick Ward**

It certainly has been a very busy time. I note that Cr Kate Redwood mentioned the International Women's Day Women's Honour Roll Committee. I am honoured to be invited to attend meetings of this Committee as a guest.

I also attended an event at Doug Lindsay Reserve run by Netball Victoria which was a 'Match of the Month' where we heard some very inspiring stories from the members of the Melbourne Vixens who played for their country, sharing their experiences with the young women in Creswick – very rewarding.

Last Friday night I went to a show at the Creswick State School. Children from all of the schools across the ward came together for a lantern festival with LED lanterns and a story teller.

I attended a very positive meeting at the Dean Recreation Reserve where they elected office bearers to their Committee. The Committee outlined plans for their kite festival which will be held in October and attract people from all over the shire.

I also attended the Annual General Meeting of the 1<sup>st</sup> Creswick Scout Troop. I was honoured to accept an award as President of the Creswick Railway Workshops Association. When the Scouts were flooded out, they were given a home at the refurbished Creswick Railway Workshops for which they were very appreciative.

On Thursday 15 August I was pleased to attend the Australian Citizenship Ceremony with some of my fellow Councillors at the Daylesford Town Hall where eighteen new citizens made their pledge and shared some fun with us.

### **RECOMMENDATION**

8.1 That Council receives and notes the Mayor's and Councillors' reports.

### **MOTION**

*8.1. That Council receives and notes the Mayor's and Councillors' reports.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Neil Newitt

**Carried.**

## **9. PUBLIC PARTICIPATION TIME**

This part of the Ordinary Meeting of Council allows 30 minutes for the purpose of:

- Tabling of Petitions
- Responding to questions that have been submitted by members of the community
- Allowing members of the community to address Council.

Community members are invited to submit written questions to the CEO by 12 noon on the day of the Council meeting. If you wish to address Council you must provide a brief synopsis of your address in writing to the CEO by 12 noon on the day of the Council meeting.

Questions may be taken on notice and responded to later. Likewise, some questions of an operational nature may be responded to through usual administrative procedure. Separate forums and Council processes are provided for deputations or for making submissions to Council.

### **9.1. PETITIONS**

Nil

### **9.2. QUESTIONS**

Nil

### **9.3. REQUESTS TO ADDRESS COUNCIL**

#### **Request to address Council in relation to Agenda Item 10.2 – Proposed Rates for Hepburn Wind from Ms Tracy Anthony, Chief Executive Officer, Hepburn Wind and LHWO Pty Ltd.**

Ms Tracy Anthony addressed the Council in relation to this Agenda item requesting that Council, in accordance with the Wind Energy Facility Guidelines 2009, waives the fixed portion of the charge in lieu of rates, and that a charge to Hepburn Wind be limited to a yearly capacity charge of \$900/MW (indexed).

Ms Anthony tabled a comparison of rates per megawatt including Community Fund contribution per turbine per annum and Hepburn Wind Community Fund annual growth.



15 August 2013

Mr Aaron van Egmond  
Chief Executive Officer  
Hepburn Shire Council  
76 Vincent Street  
Daylesford VIC 3460

cc: Hepburn Shire Councillors

**Re: Charge in lieu of rates for Hepburn Wind**

Dear Aaron,

On 19 July 2011, HSC considered the charge in lieu of rates for the Hepburn Community Wind Farm. We understand that the Council considered the recommendations of the 2004 Review Panel on Rating Arrangements under the Electricity Industry Act 2000 and the Council's own Wind Energy Facility Guidelines 2009.

We understand from the Shire's letter of 28 July 2011 that the charge in lieu of rates is to be reviewed every two years, and is therefore now due for consideration.

In 2011, HSC determined a fixed yearly charge of \$10,000 plus a yearly capacity charge of \$900 / MW, indexed to Melbourne CPI.

**As such, Hepburn Wind paid \$14,586 in 2012, an effective rate of \$3,558 / MW, which we contend is the highest charge per MW of any electricity generator in Australia.**

To put this into perspective, it is understood that the Macarthur Wind Farm pays approximately \$995 / MW and the Waubra Wind Farm pays approximately \$1,108 / MW. We understand that wind farms in South Australian and New South Wales do not pay rates.

As argued in Hepburn Wind's 14 August 2008 and 17 April 2010 submissions to Council, the default Victorian formula is highly inequitable for small generators – a fact that was recognised by Council in formulating its own Wind Energy Facility Guidelines which stipulates:

*Where wind energy generators can demonstrate a community enterprise ownership to the satisfaction of Hepburn Shire Council, consideration can be given to reducing or removing the \$40,000 fixed yearly payment.*

Hepburn Wind is a cooperatively-owned community enterprise established to provide social and economic benefits to the community.

Our wind farm has just celebrated its second year of operation and we are very proud of our achievements:

- To date we have generated 22,423,513 kWh of renewable energy – the equivalent of powering an average house for almost 1,500,000 days.
- In June we announced \$40,000 in grants to 14 community groups across the Hepburn and Moorabool Shires as part of the third round of the Hepburn Wind Community Fund.
- Since 2011 we have granted \$72,000 to 36 community groups and we expect this to grow by at least \$50,000 in the current financial year.
- We share the benefits of our wind farm through our neighbourhood benefits program.
- We employ three local residents.
- We plan to make our first financial return to our very patient members in the near future

**Hepburn Wind manages the most generous community fund in the country – this year we are set to contribute \$25,000 / turbine to our community. The next most generous wind farm in Australia is Pacific Hydro's Clements Gap, which contributes \$1852 / turbine to its community fund. On a capacity basis, these community contributions dwarf the community funding provided by Victoria's coal fired power stations.**

**Given that:**

- the 2004 Review Panel did not consider wind farms in particular, nor small projects; and
- the default formula is highly inequitable for small projects; and
- Hepburn Wind is clearly a community enterprise; and
- Hepburn Wind provides many valuable benefits to the shire, including the country's leading community fund by a generator

**We ask that Council exercises the discretion granted by the Wind Energy Facility Guidelines 2009 and waives the fixed portion of the charge in lieu of rates such that charge to Hepburn Wind's be limited to a yearly capacity charge of \$900 / MW (indexed).**

In making this request, we ask Council to carefully consider our position that Hepburn Wind should not be assessed a larger charge (per MW) than Victoria's large wind farms.

For your reference, I have attached some information about Hepburn Wind which I trust underscores our commitment to building a sustainable shire.

We would welcome the opportunity to meet with you, councillors or officers to discuss our position before Council makes a determination on the specific charge in lieu of rates.

Yours sincerely



Tracy Anthony  
CEO

## Overview

Hepburn Wind is a community enterprise that owns and operates Australia's first community owned wind farm. The 4.1 MW Hepburn Community Wind Farm is located on Leonards Hill on the southern boundary of Hepburn Shire. The electricity from the farm is fed into the local 22 kV distribution line running through the property.

The project was conceived in late 2004 and permitted in 2007. Construction began in late 2010 and the wind farm exported its first energy into the local distribution network on 22 June 2011.

The project delivers a range of significant social, economic and environmental benefits to the community.

## Community enterprise

Under Hepburn Wind's democratic co-operative structure, each member receives one vote irrespective of the size of their investment. The opportunity to join the co-operative was widely promoted in the Shire (in partnership with local sustainability groups), with preference given to locals.

More than 55% of our 2000 members identify as locals. Our three staff are all locals, and all but two of the 18 individuals who have held or currently hold a directorship over the past eight years have a strong local connection through property ownership or residence in the Shire.

Hepburn Wind is overseen by a board of seven directors, chosen by the co-operative's members at the Annual General Meeting held in Daylesford each year.

## Hepburn Wind Community Fund

Hepburn Wind runs the most generous community fund of any electricity generator in Australia.

### Round I – November 2011

The results from our first round were announced at our Launch Festival on 5 November 2011 and totalled \$15,000:

- Wombat Forestcare – Arboreal Mammal Research Project in Wombat State Forest (\$1511)
- Daylesford Food Aid – Commercial freezer (\$1650)
- Daylesford Football and Netball Club – Footballs and netballs (\$560)
- Trentham Kindergarten – Planter box (\$520)
- Hepburn Wholefoods Collective – Start up equipment (\$1000)
- SHARE – Retrofitting project (\$2000)
- Daylesford Secondary College – Waste education (\$1000)
- Daylesford Lawn Tennis Club Club – Facility Development Plan (\$1500)
- Bungal Arts Depot – Ballan community art project (\$1250)
- Daylesford Men's Shed – Welding unit (\$1200)
- Creswick Soccer Club – BBQ (\$400)
- Leonards Hill Hall – Kitchen refurbishment (\$2000)
- Clunes Playgroup – Outdoor play equipment (\$550)

## Round II – June 2012

The committee selected 10 groups to share in the available total of \$17,000.

- Daylesford Girl Guides – Daylesford Guides mentor breakfast 2013 (\$250)
- Clunes and District Kindergarten – Irrigation for outdoor playscape area (\$1000)
- Moorabool Environment Group – MEG projector (\$850)
- Daylesford Secondary College – Cyber solutions (\$2000)
- St Michael’s School Parents Association – Bush tucker and Indigenous garden (\$2500)
- SHARE – Sustainable Futures: renewable energy pilot education program (\$5000)
- Creswick Brass Band – New instrument fund low brass (\$1200)
- Creswick Neighbourhood Centre – Growling grass frog & friends happy habitat (\$1700)
- Daylesford and District Community Brass Band – New instrument fund (\$1500)
- Hepburn Relocalisation Network – Workshops for resilient living (\$1000)

## Round III – June 2013

Twenty applications were assessed by the Community Fund committee totalling over \$100,000. The volunteer committee had \$40,000 to distribute and chose fourteen projects. Twelve projects are located within the Hepburn Shire and two projects in the Moorabool Shire, close to the wind farm in Leonards Hill.

- Glenlyon Progress Association – Cycling for Sound (\$770)
- Melbourne Chamber Orchestra Daylesford – Chamber Music Weekend Development (\$2750)
- Daylesford Neighbourhood Centre – Community Solar, Heating and Energy Efficiency (\$3200)
- Daylesford Riding for Disabled Centre Arena – seating and fencing (\$3531)
- Ballan & District Kindergarten – Information Technology (\$1580)
- Jubilee Lake Co-operative Ltd – Solar Street Lights Pilot Project (\$3000)
- Creswick Neighbourhood Centre – Local Warming Project (\$1100)
- Gordon Primary School – Sustaining Cultural Awareness (\$1346)
- Franklinford Cemetery Trust – Public Seats (\$600)
- Hepburn Wildlife Shelter inc. – Hospital facility for injured wildlife (\$5000)
- Daylesford & District Historical Society Inc. – Revealing our heritage (\$4327)
- Daylesford Community Theatre – Reel to Real... Empowering Volunteers (\$2750)
- Daylesford Dharma School – Eco-learning Hub (\$5000)
- Trentham Sustainability Group – Trentham Renewable Energy Project (\$5000)

## Other economic and social benefits

Hepburn Wind currently employs three locals in the roles of Chief Executive Officer, Community Officer and Administrative Officer. In addition, the co-operative has a local purchasing policy – where practical, we turn to local providers for our auditing, accountancy, catering, internet service and graphic design. We hold one of the largest accounts at the Daylesford District Community Bank.

We are very mindful of the potentially divisive situation sometimes seen at wind farms when benefits are concentrated in the hands of landowners with no consideration to near neighbours. In response to this concern, Hepburn Wind has undertaken specific consultation with Leonards Hill residents to identify ways in which the project can benefit the immediate community.

Consequently, we are delivering further tangible benefits to our neighbours including:

- An offer of a gift 1000 shares in the co-operative (without charge or obligation) to all ratepayers in the vicinity of the project. This will give those who take up the offer a say in the running of the co-operative and provide them with a share in the profits of the project.
- An energy affordability program aimed at reducing the electricity bills for our immediate neighbours. We believe it is important that our neighbours benefit from the energy being generated in their backyard.
- Since 2011, we have made annual donation to the Leonards Hill CFA and the Leonards Hill Hall.

The co-operative earns income from the sale of electricity and renewable energy certificates and intends to return surpluses to its members. Because most of the members are from the local region, much of this profit will be retained locally.

Efforts of the Hepburn community have been an inspiration for many other groups around Australia. Hepburn Wind's success has stimulated the creation of Embark, a non-profit peak body for community renewable energy projects. Embark ([embark.com.au](http://embark.com.au)) is now working with more than 60 communities across the country (spanning solar, wind and hydro technologies) who wish to adapt and adopt what has become known as the 'Hepburn Model'.

We are very proud to have helped position the Hepburn Shire at one of the Australia's most sustainable and progressive local government areas.

## Environmental benefits

The primary driver for the construction of our community wind farm has always been its environmental benefits.

Due to Victoria's heavy reliance on lignite (brown coal), Victoria has the highest emissions per capita of any Australian state or territory, and in turn Australia has the highest emissions per capita of the major economies.

Despite the Shire enjoying some of the best wind resource in the country, almost all of the Shire's electricity was previously imported from Victoria's coal fired power stations. The Hepburn Community Wind Farm is the first large scale effort to harness the shire's excellent and free source of abundant wind energy to reduce its reliance on polluting energy sources. Although the project is one of the smallest in the country, the two turbines offset more emissions than are created by all the houses of Daylesford, Leonards Hill and everywhere in between.

Hepburn Wind is proud to be making an early and significant contribution to the Shire's ambitious and achievable goal of becoming a carbon negative community by 2025.

## Awards and Recognition

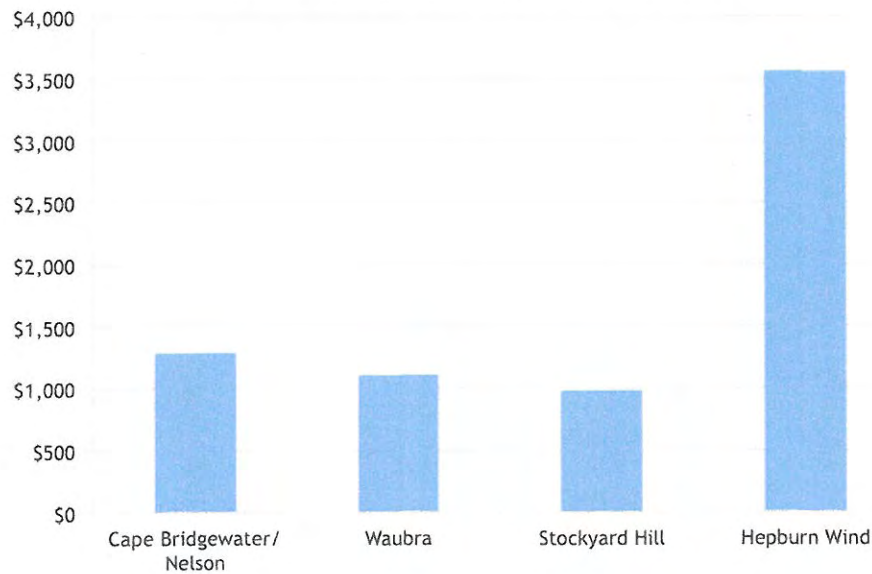
- 2010 Innovator of the Year Award
- 2011 Victorian Premier's Sustainability Award
- 2011 Banksia Environmental Award
- 2011 Australian Sustainability Award
- 2011 Clean Energy Future national advertising campaign
- 2012 World Wind Energy Award
- 2012 UN International Year of Co-operative (Australian flagship project)



We ask that Council exercises the discretion granted by the Wind Energy Facility Guidelines 2009 and waives the fixed portion of the charge in lieu of rates such that charge to Hepburn Wind be limited to a yearly capacity charge of \$900 / MW (indexed).

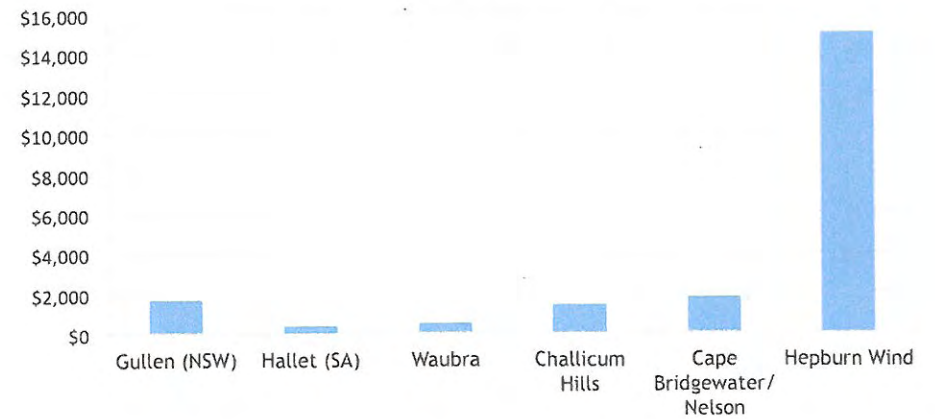
Hepburn Wind paid \$14,586 in 2012, an effective rate of \$3,558 / MW, which we contend is the highest charge per MW of any electricity generator in Australia.

Comparison of rates per megawatt

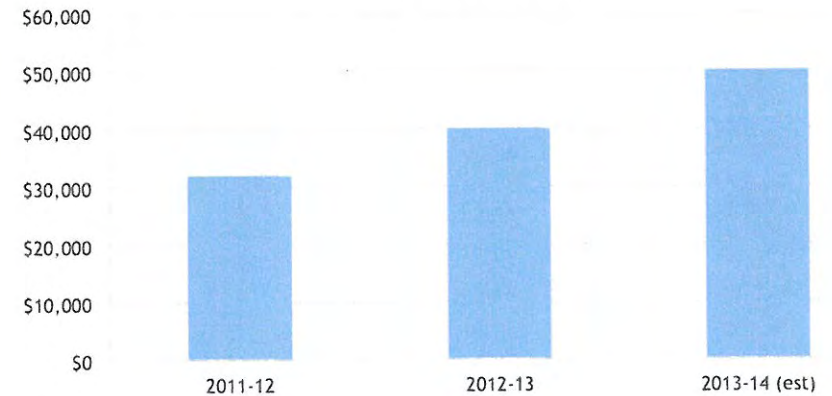


Hepburn Wind manages the most generous community fund in the country – this year we are set to contribute \$25,000 per turbine to our community.

Community Fund contribution per turbine per annum



Hepburn Wind Community Fund Annual growth



**Request withdrawn by Mr Mark Marsden, PS Planning**

**Request to speak in support of Agenda Item 10.8 – Hepburn Planning Scheme – Amendment C62 – Combined Planning Scheme Amendment to Amend Clause 52.03 (Specific Sites and Exclusions) and Planning Permit Application to Subdivide land into Three (3) Residential Lots at 96 Lake Road, Daylesford from Mr Mark Marsden, PS Planning.**

**I request that I be allowed 5 - 10 minutes to speak in support of Agenda item 10.8, Private Planning Scheme Amendment at 96 Lake Road, Daylesford during the Public Participation time at the Council meeting on 20 August 2013**

**Request to address Council in relation to Council Land – Florence Denbigh Pratt Reserve – request to consider Sec 173 Agreement from Mr Ian Esmore, Daylesford Design Studio, on behalf of landowner Mr Brown.**

Mr Esmore addressed Council in relation to Florence Denbigh Pratt Reserve.

Mayor Councillor Bill McClenaghan advised Mr Esmore that Council can consider Items of Urgent Business, however, Council is unwilling to consider items such as the sale of property which is heavily regulated by the *Local Government Act 1989* without an Officer's Report and recommendations.

This item has been listed for discussion at a Councillor Briefing early in September with an Officers' Report to be prepared for consideration by Council at its next Ordinary Meeting on 17 September 2013.

DATE 20 August 2013

**HEPBURN SHIRE COUNCIL  
VINCENT ST DAYLESFORD**

**To Mayor, Councillors and Chief Executive Officer  
Cr Bill McClenaghan  
Mr Arron Van Egmond**

**RE: COUNCIL LAND, Florence Denbigh Pratt Reserve  
REQUEST to consider SEC173 AGREEMENT**

This letter is for Council to consider a land covenant in the form of a SEC173 Agreement for a portion of Council land.

Planning Permit 10893 for 40 Tablehill road Daylesford  
Development for the construction of a dwelling.  
Refusal to Grant a Permit currently under VCAT review Ref P3188/2013  
Reasons. CFA as a section 55 referral has Objected to the permit.

Council and the CFA have been requested by the tribunal to put forward proposed permit conditions for consideration.

Possible motion for consideration.

*The planning permit to have a permit condition worded to the effect of requiring a Sec173 Agreement be entered into prior to the issue of a Building permit. All costs for such to be worn by the applicant.*

Property owner Mr Brown requests Council consider a legally binding agreement with Hepburn Council on land adjoining his western boundary, so as to manage weeds and grasses on the Council land.

On behalf of the owner I respectfully ask council consider this request as a matter of urgency.

Yours sincerely,

*Jan Esmore*

Issues associated with VCAT review

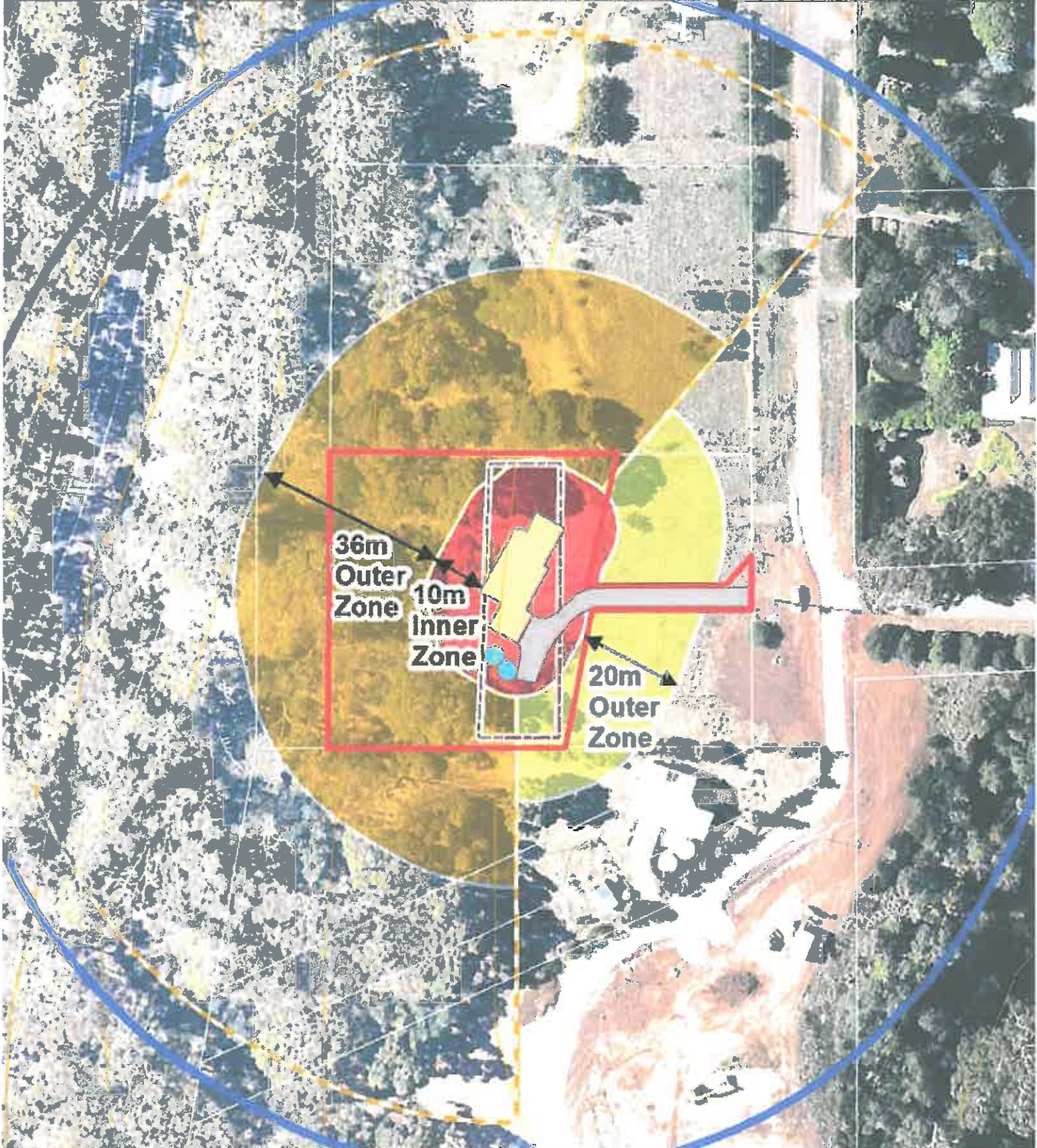
- *The current permit application does not contain any legally binding agreement, which could guarantee that the land abutting the site will be maintained to acceptable levels.*
- *The identified required vegetation management area extends beyond the boundary of the subject site, with no legally binding agreement in place to ensure that the management will occur.*
















Unnamed

Forestview Lane

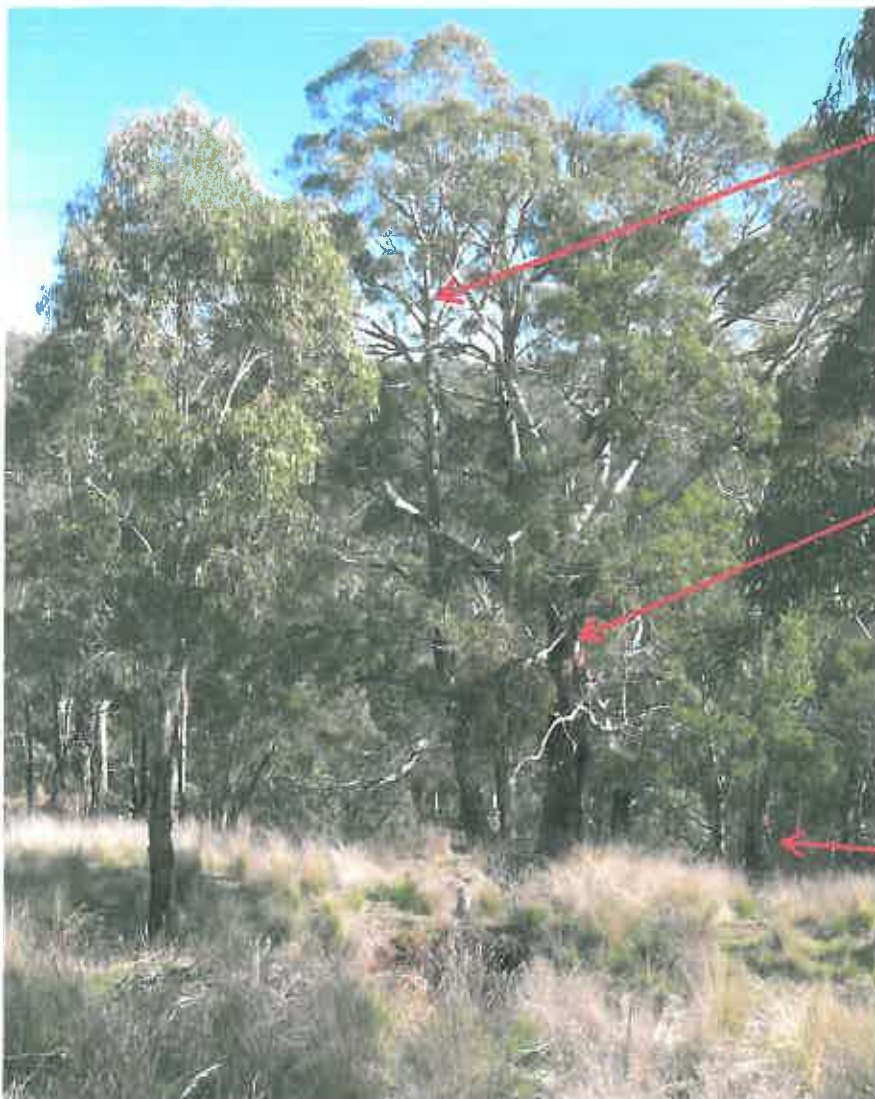


-  100m WMO assessable area
-  10m Contours
-  Lot 3, 40 Table Hill Rd
-  Building envelope
-  Proposed dwelling
-  Proposed driveway
-  Proposed water tanks

- ### Vegetation Management Zones
-  'DTS' BAL-29 Outer Northwestern Zone
  -  Modelled BAL-40 Outer Northwestern Zone
  -  Outer Eastern Zone
  -  10m Inner Zone

Tree No 4 (Tree on the left)

This tree is 31.8 ms in Height

It is located 39 ms from the hou  
outside the boundary of the proj  
council land.

Tree No 5 (Tree in the middle g

This tree is 26 ms in Height

It is located 35 ms from the hou  
outside the boundary of the proj  
council land.

Tree No 6 (Tree on far right)

This tree is 34 ms in Height

This tree is outside the defenda  
It is located 57 ms from the hou

Photo 2: The three trees are outside the property boundary



Photo 3: Location of trees in relation to property boundary

DATE 14 July 2013

**HEPBURN SHIRE COUNCIL  
VINCENT ST DAYLESFORD  
Risk and Property Manager**

**Mr Grant Schuster**

**RE: SALE OF COUNCIL LAND, DAYLESFORD  
REAR OF LOT3, 40 TABLEHILL RD. DAYLESFORD**

This letter is for Council to consider **Sale or Lease** of a portion of a Council land at the rear of Mr John Browns property. The rear boundary of Lot 3 which adjoins the reserve involves an area approximating 55 metres in length and 12 –15 metres wide or 700 – 800 square metres in area.

Mr Browns lot was created by Certified plan Feb 2009 and a recent permit to construct a dwelling on Lot 3 of the subdivision has highlighted issues related to bushfire and Country Fire Authority concerns with construction of dwellings in Bushfire Management Overlay area.

The Owner desires to purchase or lease council land on his western boundary so as to manage weeds on the land, predominately Cape Broom, so as to reduce the risks associated with excessive ground fuel. Discussions with Planning Manager Justin Fiddes conveys that a lease and Sec173 agreements are not the preferred avenue and that sale may be a solution.

The Owner has a pending VCAT case next month with the CFA and certainty of vegetation management would be required to possibly mitigate CFA concerns towards Objection to any planning permit for a dwelling on his property.

As Council does not have a management plan in place for this area then the opportunity for Mr Brown to obtain a permit to build is mitigated in order to meet required vegetation management and necessary setbacks.

On behalf of the owner I respectfully ask council consider this request.  
Futher information or enquiry please contact my office 0427 481077 or a/h 5348 1077

Could you please treat this request as urgent due to the VCAT impending timeframe. A letter indicating a sale option pending VCAT outcome would be satisfactory in the short term.

Yours sincerely,

*Jan Esmore*

DATE 29 OCT 2010

**HEPBURN SHIRE COUNCIL  
VINCENT ST DAYLESFORD  
CHIEF EXECUTIVE OFFICER**

**Ms KAYLENE CONRICK**

**RE: LEASE OF COUNCIL LAND, DAYLESFORD  
REAR OF LOT3, 40 TABLEHILL RD. DAYLESFORD**

This letter is for Council to consider lease of a portion of a Council land at the rear of Mr John Browns property. The rear boundary of Lot 3 which adjoins the reserve involves an area approximating 55 metres in length and 12 –15 metres wide or 700 – 800 square metres in aera.

The lot was created by Certified plan Feb 2009 and a recent permit to construct a dwelling on Lot 2 of the subdivision has highlighted issues related to bushfire and Country Fire Authority concerns with construction of dwellings in Wildfire Management Overlay areas.

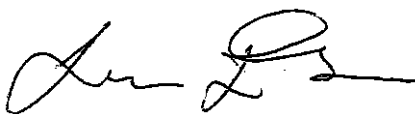
The Owner desires to lease council land on his western boundary so as to manage weeds on the reserve, predominately Cape Broom, so as to reduce the risks associated with excessive ground fuel.

The area has not been highlighted in Councils Municipal Fire Prevention Plan and therefore does not mitigate CFA concerns towards Objection to any planning permit for a dwelling on his property.

If Council does not intend to have a management plan in place for this area then the opportunity for Mr Brown to obtain a permit to build is mitigated. It is essential for a plan to be in place or that he has some agreement or lease option available.

On behalf of the owner I respectfully ask council consider this request.  
Futher information or enquiry please contact my office or 5348 1077

Yours sincerely,

*Van Esmore* 

File # 201891R

10 February 2011

Mr Ian Esmore  
Daylesford Design Studio  
PO Box 335  
Daylesford Vic 3460

Dear Ian

**FLORENCE DENBIGH PRATT RESERVE – MR JOHN BROWN**

Further to earlier correspondence a Briefing Report was prepared for the Council and considered at a meeting earlier this week.

Before it makes any decision on granting any occupancy arrangement to Mr Brown, the Council wants to meet with Country Fire Authority representatives to explore further the CFA's concern with building in this and similar areas.

I appreciate that this may intrude on plans your client has to build, but in the longer term a better outcome may be achieved. We will be in touch again.

Yours sincerely



Richard Pekin  
RESOURCE OFFICER

**Eric Wright COMMENTS**

**OCCUPANCY OF PART OF FLORENCE DENBIGH PRATT RESERVE**

- **Paragraph 4** – Specifically mentioning this 13 meter wide reserve area in Council's MFPP would have no bearing on CFA's assessment of a planning permit application under Section 55 of the Planning Scheme, particularly given the volume and nature of vegetation on Crown Land in the surrounding area.

The BAL construction level is determined based on an assessment of predominant vegetation within 100 meters from the applicants property in all directions.

- **Paragraph 5** – There is no requirement for Council to have a specific fire management plan in place for this reserve as firstly it is fairly insignificant given the surrounding area in question and has not rated a mention in the current Victorian Fire Risk registry process (VFRR), but more importantly would have little or no effect on Mr Brown's ability to gain a planning permit.

Council have a general responsibility under the CFA Act 1958 to manage fire risks on land that they are responsible for and this is captured within the MFPP as an assessment process on an annual basis without having the need to specifically mention, and have a plan for, every piece of Council owned land.

- **Paragraph 8** – The MFPP should not specifically address this reserve
- **Key Issues** - Inclusion of this specific reserve into the MFPP is not appropriate.
- A license or lease over the area in question could not hurt however, it would have little effect on the property owner with their planning or building situation.

**Source of information - Council MFPO and CFA Community Safety Officer (land use planning)**

**Request to address Council in relation to Agenda Item 10.6 – B-Double Permit – EveTrans Kyneton – Stanbridge Street, Daylesford from Mr David Marshall, on behalf of the Stanbridge Street Residents' Association.**

**I would like to request permission to speak to item 10.6 - B-Double Permit – EveTrans Kyneton – Stanbridge Street, Daylesford at the Council meeting tonight.**

**I would also like to lodge an objection to the application on behalf of the Stanbridge Street Residents' Association, which is attached.**

Mr David Marshall addressed Council in relation to Agenda Item 10.6 – B Double Permit – EveTrans Kyneton – Stanbridge Street, Daylesford.



## Objection to item 10.6 Request for B-Double Permit. EveTrans Kyneton. Stanbridge St Daylesford

We, members of the *Stanbridge Street Neighbourhood Residents' Association*, would like to lodge a formal objection to the proposal to offer a permit to EveTrans to operate B-Doubles on Stanbridge Street for the following reasons:

1. We greatly appreciate the efforts of Council to resolve the problem of heavy vehicles using Stanbridge Street and the measures taken so far, including the 'no trucks' signs at either end and the proposed roadworks. While these seem to have reduced (but not eliminated) casual use of the street as a truck bypass, the problem of regular users remains. To take just one random sample, in one hour on Tuesday 6 August there were three heavy vehicles passing through (9.21 am; 9.34; 10.18), as well as those passing in the early hours of the morning. One of these regular users has been EveTrans.
2. The rules for 'no-trucks' signs are that trucks can access streets so marked if they have business there. (General Manager Infrastructure's (GMI) Report: *'signage treatment has recently been installed which aims to restrict large vehicle access without a specific need to access this area'*.) But since 'no-trucks' signs are at **both ends** of Stanbridge street (on Ballan Road and East Street) this means that such '**access**' **applies to access to Stanbridge street itself or its side streets, NOT to East Street.** Council needs to make it clear to operators that **THE NO-TRUCKS SIGN APPLIES TO TRUCKS ON BALLAN ROAD WISHING TO ACCESS EAST STREET.** Such vehicles can use the A300 route via the Farmer's Arms corner.
3. The only argument for using Stanbridge St is that vehicles cannot get under the Railway Bridge. ***No evidence has been presented that Eve-Trans' existing vehicles, or for that matter B-doubles, cannot fit under the railway bridge and cannot therefore take the proper freight route.***
4. In other words the *only* criterion for permitting (temporary) access to Stanbridge Street is *height*: that the vehicle cannot get under the East Street Bridge.
5. The GMI report states that *'The use of semi trailers is permitted under the permit issued to Daylesford and Hepburn Mineral Springs Co as the use of semi trailers is legal on Council controlled roads and therefore does not require a permit from VicRoads.'* This misses the point. **The 'no-trucks' signs applies to semi-trailers, which are by definition trucks.** Therefore semi-trailers, such as those currently used by EveTrans, have no place on Stanbridge Street. **If specific vehicles cannot fit under the railway bridge EveTrans ought to be required to request permission for those vehicles specifically, and only those vehicles, as distinct from B-doubles.**
6. Daylesford and Hepburn Mineral Springs Co already has a B-double permit for Stanbridge Street. **This was supposed to be highly infrequent, but now another 2 B-doubles a day are requested for the same business.** Why is a second permit needed? Was the initial application not in good faith, and based on the assumption that semitrailers by EveTrans could slip through unnoticed? Was it merely the thin end of the wedge? **When will this stop?**
7. **It seems likely that this request for a B-double permit is in fact a device to legitimise the continued use of Stanbridge Street by heavy vehicles that are perfectly capable of taking the proper route.**
8. The GMI Report claims that because B-doubles are larger than semis there will be fewer freight movements, and by implication will have greater amenity for residents. **This fails to mention that B-doubles are noisier and slower, and, with a gross mass of over 70 tonnes, are more dangerous when something goes wrong, which is**

**probable on a road as steep as Stanbridge Street.** (The steepness of the Central Springs road hill is cited as a reason for not using that street, so this is clearly acknowledged as an issue.)

Moreover, as residents, we are entitled to take the claim that this will reduce the number of vehicle movements with a very large pinch of salt (already one B-double has become three, and the semis are apparently set to continue at the operator's discretion). **If a B-double permit is awarded there will be large semis AND B-doubles: in other words, a freight free-for-all.**

9. The permit application specifies certain hours. However, **these hours are unlikely to be enforced.** While EveTrans may well be an honourable operator that abides by the rules, the fact is that the terms of such permit have been ignored by operators in the past, and **we still have heavy vehicles, apparently without permits of any kind, going past at 3, 4 or 5 in the morning, all days of the week.**

10. Under 'environmental/social/economic implications' the **GMI report** states that Stanbridge St is the 'most economical route' for the operator (actually a difference of 0.5 km or 1 minute over the A300 route), and dismisses Central Springs Road (which is not classified as a Residential Street as is Stanbridge St) because it is harder for trucks. **It does *not* take into account the negative economic impact of trucks on holiday accommodation businesses** (I know of one proposal for such that was abandoned because of the trucks issue).

At the same time the report treats in a cursory way the 'amenity' of Stanbridge St residents, and **fails to mention the issue of child safety** for a street with a playground and a school, or **adult safety** in a street without footpaths of even pedestrian routes in parts. **Consequently if Council were to accept this report and approve the permit it would be privileging a tiny economic benefit (in fact no more than a minor convenience) of truck operators over issue of safety and the right to peace and quiet for inhabitants of a residential zone.**

11. Since the Freight Strategy report made it *unequivocally clear that Stanbridge Street should not under any circumstances be a truck route* **the supposed economic benefit to the operator should be struck out as a factor in regard to this permit application.**

## **The Railway Bridge**

12. We acknowledge the problem of the height limit under the East Street railway bridge, but **this is in fact being used as an excuse by operators to turn Stanbridge Street into a *de facto* freight route.** After this permit application there will be another, and another, and another... **This must stop NOW!** For this reason the permit should be refused.

13. The core issue here is very simple: if Council wants to develop Daylesford into an industrial site (in spite of the fact that its biggest employer and by far the greatest part of its economy is tourism, which is incompatible with industry) **it must properly address the question of zoning.**

In practice this boils down to **LOWERING THE ROAD UNDER THE RAILWAY BRIDGE NOW and isolating traffic servicing this zone from the residential areas to the west.** Not in some vague time in the future, but **NOW.** *How can any Council possibly countenance the kind of development that is currently taking place in the industrial zone without first having addressed the fact that the main A300 highway, which is a mere 100 metres away, is (we are told) inaccessible businesses in the industrial zone?*

14. We are sure that this is what the truck operators want as well. They are no doubt as frustrated by being subjected to complaints from residents as we residents are upset by having our neighbourhood turned into truck-route-central. **We are sure**

that operators would all support the works to the East Street Railway Bridge as a matter of urgency. *So get on with it!*

## Summary

**We oppose the awarding of this permit:**

A. Because Stanbridge Street is a **no-trucks zone** and if trucks need to access East Street they need to find another way.

B. Because the **safety issues** of children's playgrounds and schools, and children and adult pedestrians having to use the sealed part of Stanbridge street are not addressed.

C. Because the **Freight Strategy** has concluded that **under no circumstances should Stanbridge Street be used regularly by heavy freight vehicles** so that **economic arguments** (i.e. that it makes a convenient shortcut) **have been improperly brought into consideration in the council officer's recommendation.**

D. Because the **argument that larger trucks means fewer movement is spurious**, and the permit application is a **strategy to legitimise a truck free-for-all** on Stanbridge St.

E. Because **conditions of such permits, specially numbers of vehicles and times of day, are not enforced** and the awarding of permits is effectively a rubber-stamping of open access by trucks to Stanbridge Street.

F. Because **objections by residents to the award of such permits have been dismissed in the past with the claim that the Railway Bridge issue will be fixed 'one day', but this day never comes.**

*By refusing the permit the operators may discover that they don't really need to use Stanbridge Street, and the industrial zone landlords and Council will be motivated to get together to fixed the problem of creating proper direct access from the industrial zone access to the A300 a few metres away.*



David R. Marshall

For the Stanbridge Street Neighbourhood Residents' Association, including

Lisa Beaven  
Graham Bamford  
Ivan Carter  
Geoff Clark  
Sarah Corfe  
Lisa Hohenfels  
Sandy Jones  
Edward Nason  
Claire Nason  
Paul Nason  
Tony Olthof  
Paulina Olthof  
Jason Shorter  
Gael Shannon  
Danny Spooner  
John Smith  
(17)

## **10. OFFICERS' REPORTS**

### **10.1. PARKING - VINCENT STREET, DAYLESFORD GENERAL MANAGER INFRASTRUCTURE**

*In providing this advice to Council as the General Manager Infrastructure, I Bruce Lucas have no interests to disclose in this report.*

#### **PURPOSE**

The purpose of this report is for Council to consider extending current parking restrictions in Vincent Street, Daylesford between Central Springs Road and Albert Street.

#### **BACKGROUND**

Vincent Street, between Central Springs Road and Albert Street, Daylesford currently provides for kerbside parallel parking and centre of road parking.

The standard parking areas within this zone have the following restrictions:

- Kerbside Parallel Parking - 1 hour 9.00-5.30pm Monday to Saturday
- Centre of Road Parking - 2 hour 9.00-5.30pm Monday to Saturday

Outside of this area, standard kerbside parking bays are generally restricted to 2 hours, also 9.00am-5.30pm Monday to Saturday.

#### **ISSUE / DISCUSSION**

Concerns have been raised with Council regarding all day or extended parking in Vincent Street on Sundays which is impacting the number of available parking spaces for shoppers. Whilst this is permitted under the current restrictions, concerns are that it minimises vehicle turnover which in turn may be having a detrimental impact on a vibrant and dynamic retail precinct.

The practice of all day parking has also been observed by Council's compliance team. Informal discussions with traders and the compliance team also suggests the demand for parking on Sundays is typically as high if not higher than other days of the week.

Ideally, all day parking would be catered for outside of the high demand precinct to maximise parking turnover where it is most required to support local business and cater for the community needs.

In order to address this concern and maximise parking turnover for the benefit of local business and our community, it is recommended that the current time

restricted parking be extended to include Sundays in Vincent Street between Central Springs Road and Albert Street.

It should be noted that it is not proposed to change any of the parking restrictions that currently exist Monday through Saturday.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

*Council Plan 2013-2017 – Key Strategic Activity:*

Key Strategic Activity 12 supports the review of parking to address concerns raised in Vincent Street.

12. Support and develop the existing businesses within Hepburn Shire and continue to explore opportunities to diversify Hepburn Shires Economic base.

The *Local Government Act 1989* provides Council with the power to fix, rescind or vary the days, hours and periods of time for which vehicles may stand in a parking area. This authority is not delegated to any officer. Council needs to approve any changes to current parking restrictions.

## **FINANCIAL IMPLICATIONS**

There are minor cost implications associated with the purchase and erection of new parking signage to reflect any changed restrictions which can be accommodated within current operational budgets.

## **RISK IMPLICATIONS**

The introduction of parking restrictions on Sunday will address the concerns raised. Should parking restrictions not be extended to include Sundays, there is an ongoing risk of increased occurrences of all day parking in this area, which may have an impact on the vibrancy of the retail precinct.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

It is undesirable to have 'all day' or long term parking in the high activity retail areas. For strong economic activity to be supported, it is best practice to encourage regular parking turnover and encourage longer parking periods on the fringe of the activity centre. This approach supports strong economic activity.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

There has not been any specific stakeholder consultation regarding this item; however any changes to the parking restrictions will be published prior to any enforcement action being taken in the new restrictions period.

## CONCLUSION

Concerns have been raised with Council about vehicles parking in Vincent Street for extended periods on Sundays. Whilst this is permitted under the current restrictions, it minimises vehicle turnover which in turn may be having a detrimental impact on a vibrant and dynamic retail precinct.

To address this concern it is recommended that the current time restrictions be extended to include Sundays between the hours of 9.00am - 5.30pm, which is consistent with the current restrictions for Monday through Saturday.

## OFFICER'S RECOMMENDATION

10.1.1 That Council approves the extension of current timed based parking restrictions to include Sundays between the hours of 9.00am - 5.30pm in Vincent Street, Daylesford between Central Springs Road and Albert Street.

## MOTION

*10.1.1. That Council approves the extension of current timed based parking restrictions to include Sundays between the hours of 9.00am - 5.30pm in Vincent Street, Daylesford between Central Springs Road and Albert Street.*

**Moved:** Councillor Kate Redwood

**Seconded:** Councillor Don Henderson

**Carried.**

**Councillor Kate Redwood left the meeting at 7:03 pm due to an indirect Conflict of Interest and returned to the meeting at 7:43 pm.**

## **10.2. PROPOSED RATES FOR HEPBURN WIND GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is for Council to determine the method to be used to formulate the payment required by Hepburn Wind for their Wind Energy Facility. In formulating this decision, reference should be given to Council's *Wind Energy Facility Guidelines* last amended 20 October 2009, the *Local Government Act 1989* and the *Electricity Industry Act 2000*.

### **BACKGROUND**

In 2011 Council resolved at its Ordinary Meeting of Council held on the 19 July that it was satisfied that Hepburn Wind had demonstrated that it is a community owned enterprise focused on renewable energy. Therefore Council declared that it would charge Hepburn Wind a prescribed amount in lieu of rates. The prescribed charge was determined to be a fixed yearly charge of \$10,000 and a yearly capacity charge of \$900 per Mega Watt (MW), indexed to the Melbourne CPI. The charge in lieu of rates would be reviewed every two years by Council.

### **ISSUE / DISCUSSION**

In accordance with the *Wind Energy Facility Guidelines*, the *Local Government Act 1989* and the *Electricity Industry Act 2000* Council has three options for charging Hepburn Wind:

- 1. Rate the property according to the Capital Improved Value:** the property would have a CIV of approximately \$6,000,000. Based on the Commercial rate for 2013-14, if Hepburn Wind were to pay rates under the *Local Government Act 1989* they would pay approximately \$29,610.
- 2. Electricity Industry Act 2000:** Elect to charge Hepburn Wind in accordance with the prescribed formula contained in the *Electricity Industry Act 2000*. Payments in lieu of rates to be based on \$40,000 fixed yearly payment plus an annual fee of \$900 per MW of rated capacity –

both in June 2005 values, and to be indexed annually to the Melbourne CPI. If Hepburn Wind were to pay in accordance to the prescribed formula the 2013-14 charge would be approximately \$49,623 (Fixed) + \$4,577.68 (Variable) = \$54,200.29

- 3. Wind Energy Facility Guidelines:** As per Council's resolution in 2011, Council could reduce the fixed yearly payment in recognition of Hepburn Wind's demonstrated community enterprise ownership. If Hepburn Wind were to pay in accordance with Council's 2011 resolution, the 2013-14 charge would be approximately \$10,373 (Fixed) + \$4,577.68 (Variable) = \$14,950.68. Council can determine to vary the fixed component within the range of \$0 to \$49,623.

It is proposed that the method of charging Hepburn Wind be reviewed every four years in the first twelve months of a new Council. This is consistent with the review period for Council policies and provides a newly elected Council the opportunity to set the charging method for their term of office.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

In making this decision, Council is guided by the *Local Government Act 1989*, the *Electricity Industry Act 2000* and Council's *Wind Energy Facility Guidelines*.

*Council Plan 2013-2017 - Key Strategic Activity:*

16. Develop opportunities for increased renewable energy generation and minimisation of energy consumption within the Hepburn Shire Council in order to reduce our reliance on non renewable energy generation supports Hepburn Wind's Wind Energy Facility.

### **FINANCIAL IMPLICATIONS**

Hepburn Shire Council income generated from Hepburn Wind will vary depending on the method selected to calculate Hepburn Wind's rates. The 2013-14 Budget includes income consistent with the current method adopted by Council.

### **RISK IMPLICATIONS**

None anticipated

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The support of Hepburn Wind through alternate charge mechanisms will benefit the environment, community and encourage other renewable energy sources.



## COMMUNITY AND STAKEHOLDER ENGAGEMENT

None anticipated

## CONCLUSION

Council has three options for either rating or charging Hepburn Wind for their Wind Energy Facility. The options are:

1. Rate the property according to the Capital Improved Value;
2. Charge Hepburn Wind in accordance with the *Electricity Industry Act 2000*;
3. Charge Hepburn Wind in accordance with the *Electricity Industry Act 2000* with a reduction in the fixed component as allowed by the *Wind Energy Facility Guidelines*.

## OFFICER'S RECOMMENDATION

10.2.1 That Council determines the method to be used to formulate the payment required by Hepburn Wind for their Wind Energy Facility.

## MOTION

*That Council:*

- 10.2.1. *Charges Hepburn Wind in lieu of rates a fixed yearly charge and a variable charge per mega watt of rated capacity in accordance with the Electricity Industry Act 2000; and*
- 10.2.2. *Agrees that Hepburn Wind has demonstrated it is a community owned enterprise focused on renewable energy and therefore Council declares that the charge in lieu rates be assessed in accordance with the Wind Energy Facility Guidelines;*
- 10.2.3. *Sets the payment in lieu of rates at \$10,373 plus \$1,116.51 per mega watt of rated capacity both indexed annually to the Melbourne Consumer Price Index; and*
- 10.2.4. *Reviews the charge in lieu of rates in 4 years.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Neil Newitt

**Lost.**

## MOTION

*That Council:*

*10.2.1. Rates Hepburn Wind using the capital improved value in accordance with the Local Government Act 1989; and*

*10.2.2. Reviews the charge in lieu of rates in 4 years.*

**Moved:** Councillor Don Henderson

**Seconded:** Councillor Sebastian Klein

**Carried.**

### **10.3. PROTECTED DISCLOSURE POLICY & PROCEDURE GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.*

#### **PURPOSE**

The purpose of this report is for Council to adopt the Protected Disclosure Policy & Procedure.

#### **BACKGROUND**

As of 11 February 2013, new legislation implementing recent integrity reforms in Victoria came into effect; in particular, the replacement of the *Whistleblowers Protection Act 2001* with the *Protected Disclosure Act 2012* (the Act).

The reform includes the creation of the Independent Broad-based Anti-corruption Commission (IBAC), a body established to promote integrity and accountability across the Victorian public sector, the Victorian Inspectorate, whose role is to oversee both the IBAC and the Ombudsman, and the new Accountability and Oversight Parliamentary Committee which has oversight over the Ombudsman.

#### **ISSUE / DISCUSSION**

The *Protected Disclosure Act 2012* enables people to make disclosures about improper conduct within the public sector without fear of reprisal. The Act aims to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

In accordance with Section 58 of the Act, Hepburn Shire Council is required to have procedures to facilitate the making of disclosures, the handling of disclosures and, where appropriate, the notification of those disclosures to IBAC.

The proposed Protected Disclosure Policy and Procedure provides a full explanation of how Hepburn Shire Council will respond to 'Protected Disclosures'. It also provides definitions of what constitutes corrupt or improper conduct, and outlines the different roles of the various people involved in dealing with Protected Disclosures.

#### **Protected Disclosure Policy**

The Protected Disclosure Policy provides guidance on the following:

- Who the policy relates to

- The purpose of the policy
- Key definitions
- Council's policy statement
- Contact details for Council's Protected Disclosure Coordinator
- Alternate contact details
- Reference to the procedures

### **Protected Disclosure Procedure**

The Protected Disclosure Procedure provides guidance on the following:

- Reporting system
  - Key contacts
- Roles & Responsibilities
  - Employees
  - Protected Disclosure Coordinator
  - Investigator
  - Welfare Manager
- Confidentiality
- Collating and publishing statistics
- Receiving and assessing disclosures
- Investigations
- Action taken after investigation
- Managing the welfare of the whistleblower
- Management of the person against whom a disclosure has been made
- Criminal Offences

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Section 58 of the *Protected Disclosure Act 2012* requires an entity that may receive disclosures to establish procedures that facilitate the making of disclosures, the handling of those disclosures and, where appropriate, the notification of those disclosures to IBAC.

### **FINANCIAL IMPLICATIONS**

There are no additional costs associated with the development of a Protected Disclosure Policy and Procedure.

### **RISK IMPLICATIONS**

The existence and communication of a Protected Disclosure Policy and Procedure provides guidance to Council and the community on the operation of the *Protected Disclosure Act 2012*.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

No Environmental/Social/Economic Implications to note

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Protected Disclosure Policy and Procedure will be made available on Council's website.

## **CONCLUSION**

In accordance with section 58 of the *Protected Disclosure Act 2012*, Hepburn Shire Council has developed a Protected Disclosure Policy and Procedure. The policy and procedure provides a full explanation of how Hepburn Shire Council will respond to Protected Disclosures.

## **OFFICER'S RECOMMENDATION**

- 10.3.1 Adopts the Protected Disclosure Policy and Procedure August 2013.
- 10.3.2 Makes the Protected Disclosure Policy and Procedure August 2013 available for public inspection on the Council's website.

## **MOTION**

*That Council:*

- 10.3.1. Adopts the Protected Disclosure Policy and Procedure August 2013.*
- 10.3.2. Makes the Protected Disclosure Policy and Procedure August 2013 available for public inspection on the Council's website.*

**Moved:** Councillor Neil Newitt  
**Seconded:** Councillor Kate Redwood  
**Carried.**

**ATTACHMENT 1 - PROTECTED DISCLOSURE POLICY**



**POLICY NUMBER 74 (C)**

**PROTECTED DISCLOSURE POLICY**

**DATE AMENDED:** August 2013

**DATE OF NEXT REVIEW:** August 2017

**DATE ADOPTED:**

**RESPONSIBLE OFFICER:** General Manager Corporate Services

**REFERENCES:**

*Protected Disclosures Act 2012*

*Independent Broad-based Anti-corruption Commission Act 2011*

*Local Government Act 1989*

### **Best Value Principles**

Hepburn Shire Council has the responsibility to provide its ratepayers with best value, with all services provided by Council meeting the expectations in terms of quality and cost. In providing this, all services need to be accessible, responsive to the needs of the community, considerate of the natural environment and subject to continuous improvement.

To achieve the best over life outcome for Council's expenditures, which meets quality and service expectations, there will be periodic review of services against best on offer in both the public and private sectors.

All Council staff members are responsible for supporting best value principles in their normal day to day actions to ensure services are recognised by the community as delivering best value.

## **Introduction**

The Whistleblower Act 2001 has been replaced by the Protected Disclosure Act 2012. The Protected Disclosure Act 2012 enables people to make disclosures about improper conduct within the public sector without fear of reprisal.

## **Scope**

This policy applies to all Councillors and Council staff (permanent, temporary, casual and volunteers).

## **Purpose**

The purpose of this policy is to ensure openness and accountability by encouraging people to make disclosures and protecting them when they do.

## **Definitions**

**Independent Broad-Based Anti-Corruption Commission** - Victoria's first anti-corruption body with responsibility for identifying and preventing serious corrupt conduct across the whole public sector, including members of Parliament, the judiciary and state and local government.

**Victorian Ombudsman** - Responsible for receiving certain types of disclosures' notifying IBAC where appropriate, determining whether disclosures warrant investigation and the investigation complaints.

**Investigator** - The investigator will be responsible for carrying out an internal investigation into a disclosure where the Ombudsman has referred a matter to Council.

**Protected Disclosure Coordinator** - Recommended first point of contact for any enquiries and investigating any disclosures to determine if a protected disclosure has been made.

**Welfare Manager** - Responsible for looking after the general welfare of the whistleblower.

**The Act** - *Protected Disclosures Act (Vic) 2012*

## **Policy**

### **Policy Statement**

The Hepburn Shire Council is committed to the aims and objectives of the *Protected Disclosure Act 2012* (the Act). It does not tolerate improper conduct by its employees, officers or Councillors, nor the taking of reprisals against those who come forward to disclose such conduct.

The Hepburn Shire Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of



disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

The Hepburn Shire Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

### **Contact Persons within the Hepburn Shire Council**

An initial contact for disclosures of corrupt conduct, improper conduct or detrimental action by Hepburn Shire Council or its employees, may be made to the following officer:

Protected Disclosure Coordinator  
General Manager Corporate Services  
PO Box 21  
Daylesford, Vic 3460  
Phone : 03 5321 6450  
Email : [eking@hepburn.vic.gov.au](mailto:eking@hepburn.vic.gov.au)

A disclosure relating to a Councillor must be made to the Victorian Ombudsman or to the Independent Broad-based Anti-Corruption Commission (IBAC), refer to contact details below.

A disclosure relating to a staff member should be made to the Protected Disclosure Coordinator - General Manager Corporate Services.

Investigations must be made by the Protected Disclosure Coordinator into any matter divulged to him/her.

All disclosures and findings relating to the matter must be reported to IBAC or the Ombudsman, and relevant whistleblower.

All dealings relating to a protected disclosure must be kept confidential.

A Welfare Manager will be appointed by the Protected Disclosure Coordinator to assist any person making a protected disclosure and also any person who is the subject of the protected disclosure.

Formal procedures have been developed by Council for the reporting, assessment and investigation of disclosures made under the Act. These procedures facilitate the making of disclosures, their investigation and the protection of any person making a disclosure from reprisals.

### **Contact Details – Victorian Ombudsman**

Victorian Ombudsman  
Level 9 North Tower  
459 Collins Street  
Melbourne VIC 3000  
Website [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)  
Telephone 0396136222 or 1800806314  
Email [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

### **Contact Details – Independent Broad-based Anti-corruption Commission**

Independent Broad-based Anti-corruption Commission  
GPO Box 24234  
MELBOURNE VICTORIA 3000  
Website: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)  
Telephone: 1300 735 135

### **Supporting Procedures / Guidelines**

Protected Disclosure Procedure supports the Protected Disclosure Policy and establishes a system for reporting disclosures of improper conduct or detrimental action by Hepburn Shire Council or its employees.

### **Implementation**

The policy is available to the public via Council's web site and at all Service Centres.

### **Review**

The Protected Disclosure Policy will be reviewed every 4 years or as required by legislation.

## **ATTACHMENT 2 - PROTECTED DISCLOSURE PROCEDURE**



## Protected Disclosure Procedure

**DATE AMENDED:** August 2013

**DATE OF NEXT REVIEW:** August 2017

**DATE ADOPTED:**

**RESPONSIBLE OFFICER:** General Manager Corporate Services

**REFERENCES:** *Protected Disclosures Act 2012*  
*Independent Broad-based Anti-corruption Commission Act 2011*  
*Local Government Act 1989*

### Best Value Principles

Hepburn Shire Council has the responsibility to provide its ratepayers with best value, with all services provided by Council meeting the expectations in terms of quality and cost. In providing this, all services need to be accessible, responsive to the needs of the community, considerate of the natural environment and subject to continuous improvement.

To achieve the best over life outcome for Council's expenditures, which meets quality and service expectations, there will be periodic review of services against best on offer in both the public and private sectors.

All Council staff members are responsible for supporting best value principles in their normal day to day actions to ensure services are recognised by the community as delivering best value.

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## **1 INTRODUCTION / BACKGROUND**

1. The *Protected Disclosures Act 2012* (the Act) commenced operation on 10 February 2013. The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies.
2. The Act provides protection from detrimental action to any person affected by a protected disclosure; including the person making the disclosure, witnesses and persons the subject of an investigation.

## **2 SCOPE / PURPOSE**

1. Hepburn Shire Council is committed to the purposes of the *Protected Disclosures Act 2012*.
2. Hepburn Shire Council does not tolerate improper conduct by its employees, or members, nor the taking of reprisals against those who come forward to disclose such conduct.

Hepburn Shire Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

The Hepburn Shire Council will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. It will also afford natural justice to the person who is the subject of the disclosure.

3. These procedures support the Protected Disclosure Policy and establish a system for reporting disclosures of improper conduct or detrimental action by Hepburn Shire Council or its employees. The system enables such disclosures to be made to the Protected Disclosure Coordinator or delegate.

Disclosures may be made by employees or by members of the public.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors. As an alternative, employees may make a disclosure of improper conduct or detrimental action under the Act in accordance with these procedures.

4. The three key concepts of the reporting system are improper conduct, corrupt conduct and detrimental action. Definitions for these terms may be found in Section 3.

### 3 DEFINITIONS AND ABBREVIATIONS

Word/Term	Definition
Improper Conduct	<p>(1) Improper conduct means:</p> <ul style="list-style-type: none"> <li>(a) corrupt conduct; or</li> <li>(b) conduct specified in subsection (2) that is not corrupt conduct but that, if proved, would constitute— <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of the officer who was, or is, engaged in that conduct.</li> </ul> </li> </ul> <p>(2) For the purposes of subsection (1)(b), <b>specified conduct</b> is conduct —</p> <ul style="list-style-type: none"> <li>(a) of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body; or</li> <li>(b) of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body; or</li> <li>(c) of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or</li> <li>(d) of a public officer or public body that involves the misuse of information or material acquired in the course of the performance of his or her or its functions as a public officer or public body, whether or not for the benefit of the public officer or public body or any other person; or</li> <li>(e) that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraph (a), (b), (c) or (d); or</li> <li>(f) of a public officer or public body in his or her capacity as a public officer or its capacity as a public body that— <ul style="list-style-type: none"> <li>(i) involves substantial mismanagement of public resources; or</li> <li>(ii) involves substantial risk to public health or safety; or</li> <li>(iii) involves substantial risk to the environment.</li> </ul> </li> </ul>
Corrupt conduct	<p>Corrupt conduct means:</p> <ul style="list-style-type: none"> <li>(a) of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body; or</li> <li>(b) of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body; or</li> <li>(c) of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or</li> <li>(d) of a public officer or a public body that involves the misuse of information or material acquired in the course of the performance of his or her or its functions as a public officer or public body, whether or not for the benefit of the public officer or public body or any other person; or</li> <li>(e) that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraph (a), (b), (c) or (d)— being conduct that would, if the facts were found proved beyond reasonable doubt at a trial, constitute a relevant offence.</li> </ul>

Detrimental action	The Act makes it a criminal offence for a person to take detrimental action against a person in reprisal for a protected disclosure. Detrimental action includes: (a) action causing injury, loss or damage; (b) intimidation or harassment; and (c) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.
Whistleblower	Person making allegation of improper conduct

## 4 REPORTING SYSTEM

### 4.1 Contact persons within the Hepburn Shire Council

An initial contact for disclosures of corrupt conduct, improper conduct or detrimental action by Hepburn Shire Council or its employees, may be made to any of the following officers:

Protected Disclosure Coordinator  
 General Manager Corporate Services  
 PO Box 21,  
 Daylesford, Victoria 3875  
 Phone : 03 5321 6450  
 Email : [eking@hepburn.vic.gov.au](mailto:eking@hepburn.vic.gov.au)

All correspondence, phone calls and emails from internal or external whistleblowers will be referred to the Protected Disclosure Coordinator.

Where a person is contemplating making a disclosure and is concerned about approaching the Protected Disclosure Coordinator in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.



## 4.2 Alternative contacts

A disclosure about improper conduct, corrupt conduct or detrimental action by Hepburn Shire Council or its employees, may also be made directly to the Independent Broad-Based Anti-Corruption Commission Victoria (IBAC).

A disclosure about improper conduct, corrupt conduct or detrimental action by an Hepburn Shire Councillor must be made to IBAC or the Victorian Ombudsman:

IBAC  
GPO Box 24234  
MELBOURNE VICTORIA 3000  
Internet: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)  
Telephone: 1300 735 135

VICTORIAN OMBUDSMAN  
Level 9 North Tower  
459 Collins Street  
MELBOURNE VIC 3000  
Website [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)  
Telephone 0396136222 or 1800806314  
Email [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

## 5 ROLES AND RESPONSIBILITIES

### 5.1 Employees

Employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All employees of Hepburn Shire Council have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

### 5.2 Protected Disclosure Coordinator

The Protected Disclosure Coordinator will:

- be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- make arrangements for a disclosure to be made privately and discreetly and if necessary, away from the workplace;
- receive any disclosure made orally or in writing (from internal and external whistleblowers);
- commit to writing any disclosure made orally;
- impartially assess the allegation and determine whether it is a disclosure made in accordance with Part 2 of the Act (that is, 'a protected disclosure');

- take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential; and
- receive all phone calls, emails and letters from members of the public or employees seeking to make a disclosure;
- impartially assess each disclosure to determine whether it is a public interest disclosure;
- refer all public interest disclosures to IBAC;
- be responsible for carrying out, or appointing an investigator to carry out, an investigation referred to Hepburn Shire Council by IBAC or the Victorian Ombudsman;
- be responsible for overseeing and coordinating an investigation where an investigator has been appointed;
- appoint a welfare manager to support the whistleblower and to protect him or her from any reprisals;
- advise the whistleblower of the progress of an investigation into the disclosed matter;
- establish and manage a confidential filing system;
- collate and publish statistics on disclosures made;
- take all necessary steps to ensure the identity of the whistleblower and the identity of the person who is the subject of the disclosure are kept confidential; and

### **5.3 Investigator**

The investigator will be responsible for carrying out an internal investigation into a disclosure where IBAC or the Ombudsman Victoria has referred a matter to Hepburn Shire Council.

An investigator may be a person from within an organisation or a consultant engaged for that purpose. Hepburn Shire Council must ensure that any investigator is aware of the provisions of the Act, including the criminal penalties that apply for breaches of the Act. Hepburn Shire Council should ensure a contracted investigator signs a form confirming their understanding of the Act prior to the commencement of an investigation.

### **5.4 Welfare Manager**

The Welfare Manager is responsible for looking after the general welfare of the whistleblower. The Welfare Manager will:

- examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and seek to foster a supportive work environment;
- advise the whistleblower of the legislative and administrative protections available to him or her;
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure; and
- ensure the expectations of the whistleblower are realistic.

The Welfare Manager is to be appointed by the Protected Disclosure Coordinator and will usually be the Manager of Human Resources.:

## **6 CONFIDENTIALITY**

Hepburn Shire Council will take all reasonable steps to protect the identity of the whistleblower. Maintaining confidentiality is crucial in ensuring reprisals are not made against a whistleblower.

The Act requires any person who receives information, due to the handling or investigation of a protected disclosure, not disclose that information except in certain limited circumstances.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in criminal proceedings for certain offences in the Act.

However, the Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the whistleblower. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report.

Hepburn Shire Council will ensure all files, whether paper or electronic, are kept secure and can only be accessed by the Protected Disclosure Coordinator, the investigator or welfare manager (in relation to welfare matters).

All printed material will be kept in files that are clearly marked as a *Protected Disclosure Act* matter, and warn of the criminal penalties that apply to any unauthorised divulging of information concerning a protected disclosure.

All electronic files produced will be imported into an electronic document management system (Trim) and be given a confidential classification and be password protected to restrict access. All materials relevant to an investigation, such as tapes from interviews, will also be stored securely with the whistleblower files.

Hepburn Shire Council will not email documents, without encryption and password protection, relevant to a whistleblower matter and will ensure all phone calls and meetings are conducted in private.

## **7 COLLATING AND PUBLISHING STATISTICS**

The Protected Disclosure Coordinator will record the information required to be published in the annual report. The report will not record any information that may identify the whistleblower to ensure confidentiality.

The report will contain the following information:

- Information on how to access the Protected Disclosures guidelines
- the number and types of disclosures made to IBAC ;
- the number and types of protected disclosures complaints referred to Hepburn Shire Council by IBAC

- the number and types of protected disclosure complaints investigated by Hepburn Shire Council
- the number and types of protected disclosures complaints dismissed by Hepburn Shire Council
- The number of applications for an injunction made by Hepburn Shire Council .

## **8 RECEIVING AND ASSESSING DISCLOSURES**

### **8.1 Has the disclosure been made in accordance with Part 2 of the Act?**

Where a disclosure has been received by the Protected Disclosure Coordinator, he or she will assess whether the disclosure has been made in accordance with Part 2 of the Act and therefore, is a protected disclosure.

### **8.2 Has the disclosure been made to the appropriate person?**

For the disclosure to be responded to by Hepburn Shire Council, it must concern an employee of Hepburn Shire Council. If the disclosure concerns an employee, officer or member of another public body, the person who has made the disclosure must be advised of the correct person or body to whom the disclosure should be directed. (Refer to Item 6.2).

### **8.3 Does the disclosure contain the essential elements of a protected disclosure?**

To be a protected disclosure, a disclosure must satisfy the following criteria:

- Did a natural person (that is, an individual person rather than a corporation) make the disclosure?
- Does the disclosure relate to conduct of a public body or public officer acting in their official capacity?
- Is the alleged conduct either improper conduct or detrimental action taken against a person in reprisal for making a protected disclosure?
- Does the person making a disclosure have reasonable grounds for believing the alleged conduct has occurred?

Where a disclosure is assessed to be a protected disclosure, the Protected Disclosure Coordinator will notify IBAC within 28 days of the disclosure being made.

Where a disclosure is assessed not to be a protected disclosure, the matter does not need to be dealt with under the Act and can be considered under other internal complaint handling processes.

The Protected Disclosure Coordinator will decide how the matter should be responded to.

In either case, the Protected Disclosure Coordinator will notify the whistleblower within 14 days of the assessment. Notification to the whistleblower is not necessary where the disclosure has been made anonymously.

## **9 INVESTIGATIONS**

### **9.1 Introduction**

Where IBAC or the Ombudsman Victoria refers a public interest disclosure to Hepburn Shire Council for investigation, the Protected Disclosure Coordinator will appoint an investigator to carry out the investigation.

The objectives of an investigation will be:

- to collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
- to consider the information collected and to draw conclusions objectively and impartially;
- to maintain procedural fairness in the treatment of witnesses and the person who is the subject of the disclosure; and
- to make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

### **9.2 Terms of reference**

Before commencing an investigation, the Protected Disclosure Coordinator will draw up terms of reference.

The terms of reference will set a date by which the investigation report is to be concluded, and will describe the resources available to the investigator to complete the investigation within the time set. The Protected Disclosure Coordinator may approve, if reasonable, an extension of time requested by the investigator.

The terms of reference will require the investigator to make regular reports to the Protected Disclosure Coordinator who, in turn, is to keep IBAC or the Ombudsman Victoria informed of general progress.

### **9.3 Investigation plan**

The investigator will prepare an investigation plan for approval by the Protected Disclosure Coordinator. The plan will list the issues to be substantiated and describe the avenue of inquiry. It will address the following issues:

- What is being alleged?
- What are the possible findings or offences?
- What are the facts in issue?
- How is the inquiry to be conducted?
- What resources are required?

At the commencement of the investigation, the whistleblower should be:

- notified by the investigator that he or she has been appointed to conduct the investigation;
- asked to clarify any matters; and
- provide any additional material he or she might have.

The investigator will be sensitive to the whistleblower's possible fear of reprisals and will be aware of the statutory protections provided to the whistleblower.

#### **9.4 Natural justice**

The principles of natural justice will be followed in any investigation of a public interest disclosure. The principles of natural justice concern procedural fairness and ensure a fair decision is reached by an objective decision maker. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

Hepburn Shire Council will have regard to the following issues in ensuring procedural fairness:

- the person who is the subject of the disclosure is entitled to know the allegations made against him or her and must be given the right to respond. (This does not mean the person must be advised of the allegation as soon as the disclosure is received or the investigation has commenced);
- if the investigator is contemplating making a report adverse to the interests of any person, that person should be given the opportunity to put forward further material that may influence the outcome of the report and that person's defence should be fairly set out in the report;
- all relevant parties to a matter should be heard and all submissions should be considered;
- a decision should not be made until all reasonable inquiries have been made;
- the investigator or any decision maker should not have a personal or direct interest in the matter being investigated;
- all proceedings must be carried out fairly and without bias. Care should be taken to exclude perceived bias from the process; and
- the investigator must be impartial in assessing the credibility of the whistleblowers and any witnesses. Where appropriate, conclusions as to credibility should be included in the investigation report.

#### **9.5 Conduct of the investigation**

The investigator will make notes of all discussions and phone calls while they are occurring and all interviews with witnesses will be taped.

All information gathered in an investigation will be stored securely.

Interviews will be conducted in private and the investigator will take all reasonable steps to protect the identity of the whistleblower.

Where disclosure of the identity of the whistleblower cannot be avoided due to the nature of the allegations, the investigator will warn the whistleblower and his or her welfare manager of this probability.

It is at the discretion of the investigator to allow any witness to have legal or other representation or support during an interview. If a witness has a special need for legal representation or support, permission should be granted.

#### **9.6 Referral of an investigation to IBAC or the Ombudsman**

The Protected Disclosure Coordinator will make a decision regarding the referral of an investigation to IBAC or the Ombudsman Victoria where, on the advice of the investigator:

- the investigation is being obstructed by, for example, the non-cooperation of key witnesses; or

- the investigation has revealed conduct that may constitute a criminal offence.

## **9.7 Reporting requirements**

The Protected Disclosure Coordinator will ensure the whistleblower is kept regularly informed concerning the handling of an investigation.

The Protected Disclosure Coordinator will report to IBAC or the Ombudsman Victoria about the progress of an investigation.

Where IBAC or the Ombudsman Victoria or the whistleblower requests information about the progress of an investigation, that information will be provided within 28 days of the date of the request.

## **10 ACTION TAKEN AFTER AN INVESTIGATION**

### **10.1 Investigator's final report**

At the conclusion of the investigation, the investigator will submit a written report of his or her findings to the Protected Disclosure Coordinator. The report will contain:

- the allegation/s;
- an account of all relevant information received and, if the investigator has rejected evidence as being unreliable, the reasons for this opinion being formed;
- the conclusions reached and the basis for them; and
- any recommendations arising from the conclusions.

Where the investigator has found that the conduct disclosed by the whistleblower has occurred, recommendations made by the investigator will include:

- the steps that need to be taken by Hepburn Shire Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by Hepburn Shire Council to remedy any harm or loss arising from the conduct. This action may include bringing disciplinary proceedings against the person responsible for the conduct, and referring the matter to an appropriate authority for further consideration.

The report will be accompanied by:

- the transcript or other record of any oral evidence taken, including tape recordings; and
- all documents, statements or other exhibits received by the officer and accepted as evidence during the course of the investigation.

Where the investigator's report is to include an adverse comment against any person that person will be given the opportunity to respond and his or her defence will be fairly included in the report.

The report will not disclose particulars likely to lead to the identification of the whistleblower.

## **10.2 Action to be taken**

If the Protected Disclosure Coordinator is satisfied that the investigation has found that the disclosed conduct has occurred, he or she will recommend to the Chief Executive Officer the action that must be taken to prevent the conduct from continuing or occurring in the future. The Protected Disclosure Coordinator may also recommend that action be taken to remedy any harm or loss arising from the conduct.

The Protected Disclosure Coordinator will provide a written confidential report to Hepburn Shire Council, IBAC, the Ombudsman Victoria and the whistleblower, setting out the findings of the investigation and any remedial steps taken.

Where the investigation concludes that the disclosed conduct did not occur, the Protected Disclosure Coordinator will report these findings to IBAC or the Ombudsman Victoria and to the whistleblower.

## **11 MANAGING THE WELFARE OF THE WHISTLEBLOWER**

### **11.1 Commitment to protecting whistleblowers**

Hepburn Shire Council is committed to the protection of whistleblowers against detrimental action taken in reprisal for the making of protected disclosures. The Protected Disclosure Coordinator is responsible for ensuring whistleblowers are protected from direct and indirect detrimental action, and that the culture of the workplace is supportive of protected disclosures being made.

The Protected Disclosure Coordinator will appoint a Welfare Manager to all whistleblowers who have made a protected disclosure. The welfare manager will:

- examine the immediate welfare and protection needs of a whistleblower who has made a disclosure and, where the whistleblower is an employee, seek to foster a supportive work environment;
- advise the whistleblower of the legislative and administrative protections available to him or her;
- listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure;
- keep a constantly updated record of all aspects of the case management of the whistleblower including all contact and follow-up action; and
- ensure the expectations of the whistleblower are realistic.

All employees will be advised that it is an offence for a person to take detrimental action in reprisal for a protected disclosure. The taking of detrimental action in breach of this provision can also be grounds for making a disclosure under the Act and can result in an investigation.

Detrimental action includes:

- causing injury, loss or damage;
- intimidation or harassment; and
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business (including the taking of disciplinary action).



## **11.2 Keeping the whistleblower informed**

The Protected Disclosure Coordinator will ensure the whistleblower is kept informed of action taken in relation to his or her disclosure, and the timeframes that apply. The whistleblower will be informed of the objectives of an investigation, the findings of an investigation, and the steps taken by Hepburn Shire Council to address any improper conduct or detrimental action that has been found to have occurred. All communication with the whistleblower will be in plain English.

## **11.3 Occurrence of detrimental action**

If a whistleblower reports an incident of harassment, discrimination or adverse treatment that would amount to detrimental action taken in reprisal for the making of the disclosure, the Welfare Manager will:

- record details of the incident;
- advise the whistleblower of his or her rights under the Act; and
- advise the Protected Disclosure Coordinator of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence against the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Protected Disclosure Coordinator will assess the report as a new disclosure under the Act. Where the Protected Disclosure Coordinator is satisfied that the disclosure is a protected disclosure, he or she will refer it to IBAC or the Ombudsman Victoria. If IBAC or the Ombudsman Victoria subsequently determines the matter to be a protected disclosure, IBAC or the Ombudsman may investigate the matter or refer it to Hepburn Shire Council for investigation as outlined in the Act.

## **11.4 Whistleblowers implicated in improper conduct**

Where a person who makes a disclosure is implicated in misconduct, Hepburn Shire Council will handle the disclosure and protect the whistleblower from reprisals in accordance with the Act and these procedures.

Hepburn Shire Council acknowledges that the act of whistleblowing should not shield whistleblowers from the reasonable consequences flowing from any involvement in improper conduct

The Chief Executive Officer will make the final decision on the advice of the Protected Disclosure Coordinator as to whether disciplinary or other action will be taken against a whistleblower. Where disciplinary or other action relates to conduct that is the subject of the whistleblower's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Chief Executive Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not causally connected to the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are sufficient grounds that would fully justify action against any non-whistleblower in the same circumstances; and
- there are sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Protected Disclosure Coordinator will thoroughly document the process including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure.

The Protected Disclosure Coordinator will clearly advise the whistleblower of the proposed action to be taken and of any mitigating factors that have been taken into account.

## **12 MANAGEMENT OF THE PERSON AGAINST WHOM A DISCLOSURE HAS BEEN MADE**

Hepburn Shire Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures.

Hepburn Shire Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where investigations do not substantiate disclosures, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Protected Disclosure Coordinator will ensure the person who is the subject of any disclosure investigated by or on behalf of Hepburn Shire Council:

- is informed as to the substance of the allegations;
- is given the opportunity to answer the allegations before a final decision is made;
- is informed as to the substance of any adverse comment that may be included in any report arising from the investigation; and
- has his or her defence set out fairly in any report.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations, or the fact of the investigation, the Protected Disclosure Coordinator will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Hepburn Shire Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Chief Executive Officer of Hepburn Shire Council will consider any request by that person to issue a statement of support setting out that the allegations were clearly wrong or unsubstantiated.

## **13 CRIMINAL OFFENCES**

Hepburn Shire Council will ensure officers appointed to handle protected disclosures and all other employees are aware of the following offences created by the Act:

1. It is an offence for a person to take detrimental action against a person in reprisal for a protected disclosure being made. The Act provides a maximum penalty of a fine of 240 penalty units or two years imprisonment or both.
2. It is an offence for a person to divulge information obtained as a result of the handling or investigation of a protected disclosure without legislative authority. The Act provides a maximum penalty of 60 penalty units or six months imprisonment or both.
3. It is an offence for a person to knowingly provide false information under the Act with the intention that it is acted on as a disclosed matter. The Act provides a maximum penalty of 240 penalty units or two years imprisonment or both.

## **14 REVIEW**

This procedure will be reviewed every four years to ensure it meets the objectives of the Act and is reflective of the Ombudsman Victoria's guidelines.

#### **10.4. SPECIAL COMMITTEE REVIEWS - DELEGATIONS AND MEMBERS GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the Manager Risk and Property, I Grant Schuster have no interests to disclose in this report.*

##### **PURPOSE**

The purpose of this report is to review three instruments of delegation to special committees, appoint new members to the Clunes Community Centre committee and to adopt a new instrument of delegation for the Clunes Community and Interpretive Centre.

##### **BACKGROUND**

The following committee's delegation expired on 31 July 2013:

- Clunes Community Centre

The following committees have delegations which expire on 30 September 2013:

- Lee Medlyn Home of Bottles
- Drummond Hall

##### **ISSUE / DISCUSSION**

Each special committee is considered separately on the following pages.

## **Clunes Community Centre**

The delegation for this committee expired on 31 July 2013.

The Clunes Community Centre has the following user groups:

- Clunes Football and Netball Club
- Basketball
- Badminton
- Wesley College
- Clunes Primary School
- Indoor Netball

## **Delegation**

The previous committee's delegation states that the committee is comprised of at least seven community members. The proposed new delegation has a minimum of five members.

In reviewing the Clunes Community Centre facility, it is important to consider the similarities between it and the Doug Lindsay facility. It is proposed that the arrangements at the Clunes Community Centre be reviewed in more detail after the operating arrangements at the Doug Lindsay facility are finalised. As such, it is proposed to set the term of the instrument of delegation for the Clunes Community Centre at approximately one year (until 31 August 2014).

A revised instrument of delegation until 31 August 2014 has been prepared and is attached.

This centre has a number of different regular user groups with an interest in it. It is important that one group doesn't dominate the committee and all user groups are fairly represented. In the past, there has been no requirement for the members to represent the user groups, although a few members have been appointed in recognition of their involvement with the user groups.

To maintain some balance in perspectives, it is proposed to add the Cameron Ward Councillor as an ex officio member and Chairperson, and Council's Recreation Officer as a voting member and Secretary of the committee.

Most special committees of Council are responsible for up to \$3,000 of minor maintenance each year, and Council manages the rest either within annual budgets or as part of budget bid submissions. This amount has been set to balance the revenue generating capacity of the committees with the need to maintain these facilities. It is noted that the Clunes Community Centre had a significant solar PV system installed in 2010 using external grant funding. This has significantly reduced its power bill and in effect given it an additional income stream (approximately \$3,000-\$4,000 per year). Based on this, it is

recommended that the amount of minor maintenance that the committee should undertake is increased to \$6,000 per year.

### Current Members

We note that two members were appointed in 2012 with a term ending 31 July 2014. We recently reviewed attendance records to determine whether these members should continue on the committee. The minutes of meetings showed that Tanya Eldridge has attended only one of the last seven meetings and been an apology at two other meetings. On this basis, it is proposed to remove Tanya Eldridge from the committee.

### New Members

As per the instrument of delegation, a minimum of four community or club representative members are required.

Council advertised for new members to be appointed to this committee.

Based on nominations from user groups and the applications received, the following members are recommended to be appointed for one year:

Name	User Group / Role
Council's Recreation Officer (current incumbent: Laura Campbell)	Council officer
Cr Neil Newitt	Cameron Ward Councillor – ex-officio Chair
Norah Campbell	Community member
Gary Hoare	Community member
Steve Schneider	Wesley College representative
Elizabeth Garth	Clunes Primary School and Indoor Netball representative
Andrea Hill	Basketball representative

Council has requested an alternate nomination from the Clunes Football Netball Club. At the time of preparing this report an alternate nomination had not been received. A further report will be brought to Council for consideration when the nomination is received.

### Drummond Hall

Delegation expiry	Number of members	Member expiry dates
30/09/2013	6	3 community members on 29/08/2014 3 community members on 28/08/2015

No major changes to the instrument of delegation have been requested by members or identified by Council officers.

### Lee Medlyn Home of Bottles

Delegation expiry	Number of members	Member expiry dates
30/09/2013	8	3 community members on 6/08/2014 3 community members on 5/08/2015 1 representative of CDTA - no expiry The Ward Councillor - October 2017

Given that the Clunes Neighbourhood House Inc is now an occupant in the Lee Medlyn Home of Bottles by way of a licence, the Clunes Neighbourhood House was asked if it wanted to be represented on the special committee. The Clunes Neighbourhood House nominated Ms Anna Phillips, President, to be appointed to the Lee Medlyn Home of Bottles Special Committee.

Given that the Clunes Neighbourhood House is to pay the Lee Medlyn Home of Bottles Special Committee \$4,433 in the first year, the maintenance responsibility for the committee has been increased in the revised delegation to \$6,000 per year.

### **Clunes Community and Interpretive Centre (CCIC)**

It is proposed to establish a special committee under section 86 of the *Local Government Act 1989* for the purpose of:

*Exercising Council's functions and powers to perform Council's duties in relation to the management, administration and operation of the Clunes Community and Interpretive Centre located at 36 Fraser Street, Clunes.*

The special committee is proposed to comprise the following members (between 9 and 11 in total):

- Ward Councillor - President
- Council's CCIC Team Leader - Secretary
- Council's Coordinator Libraries (current staff member)
- Council's Coordinator Records and Customer Service (current staff member)
- Council's Coordinator Visitor Services (current staff member)
- 1 representative of the William Barkell Memorial Arts & Historic Centre Inc (Clunes Museum)
- 2 representatives of the volunteers in the CCIC
- Up to 3 representatives of the community (e.g. user groups, interested individuals, etc)

The proposed instrument of delegation is attached.

It will not be possible for council to appoint the volunteer representatives until volunteers exist. As such, these will be appointed early in 2014.

Council will consider appointing representatives of the public and user groups to the three community positions on the committee at the September 2013 Council meeting.



## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Under the *Local Government Act 1989*, Council is required to review all delegations to special committees within 12 months of a general election (i.e. by 27 October 2013).

## **FINANCIAL IMPLICATIONS**

It is proposed that the Clunes Community Centre takes an increased responsibility for maintenance due to the reduced cost of electricity at that site.

It is proposed that the Lee Medlyn Home of Bottles also takes an increased responsibility for maintenance due to the new revenue it is receiving from the Clunes Neighbourhood House.

No other financial obligations will change.

## **RISK IMPLICATIONS**

Regularly reviewing and updating instruments of delegation is a regulatory requirement and enables Council to manage any changing risks associated with the facilities or special committees.

It is important that committees for facilities with a number of user groups are balanced. This allows all user groups to be fairly heard and represented.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

No change to current arrangements.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The draft instruments of delegation have been provided to the existing committees to seek feedback. Minor requested changes have been incorporated.

## **CONCLUSION**

The adoption of these revised instruments of delegation and appointment of members will contribute to meeting Council's regulatory requirements for special committees and update the arrangements in place for managing these facilities.

## **OFFICER'S RECOMMENDATION**

That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), resolves that:

### **Clunes Community Centre Special Committee**

- 10.4.1 From the date of this resolution, the special committee formerly known as Clunes Community Centre Committee of Management, be henceforth known as Clunes Community Centre Special Committee.
- 10.4.2 The following community members are appointed as members from 20 August 2013 until 31 August 2014:
- Norah Campbell as a general community representative
  - Gary Hoare as a general community representative
  - Steve Schneider as representative of Wesley College
  - Elizabeth Garth as representative for the Clunes Primary School and Indoor Netball
  - Andrea Hill as representative of the Basketball Club.
- 10.4.3 The Cameron Ward Councillor is appointed as an ex-officio member and president of the Committee commencing 20 August 2013.
- 10.4.4 Council's Recreation Officer is appointed as a member and secretary of the Committee commencing 20 August 2013.
- 10.4.5 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 10.4.6 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).
- 10.4.7 The Instrument:
- 10.4.7.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
- 10.4.7.2 remains in force until Council determines to vary or revoke it, or until 31 August 2014.
- 10.4.8 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.
- 10.4.9 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

### **Drummond Hall Special Committee**

- 10.4.10 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 10.4.11 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).
- 10.4.12 The Instrument:
  - 10.4.12.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
  - 10.4.12.2 remains in force until Council determines to vary or revoke it, or until 30 September 2017.
- 10.4.13 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.
- 10.4.14 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

### **Lee Medlyn Home of Bottles Special Committee**

- 10.4.15 Anna Phillips, as representative of the Clunes Neighbourhood House Inc, is appointed as a member for the period 20 August 2013 until 5 August 2015:
- 10.4.16 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.
- 10.4.17 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).
- 10.4.18 The Instrument:
  - 10.4.18.1 comes into force immediately the common seal of Council is affixed to the Instrument; and
  - 10.4.18.2 remains in force until Council determines to vary or revoke it, or until 30 September 2017.
- 10.4.19 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.

10.4.20 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

**Clunes Community and Interpretive Centre Special Committee**

10.4.21 The following Council staff members are appointed as members of the Committee commencing 20 August 2013:

- Coordinator Libraries
- Coordinator Visitor Services
- Coordinator Records and Customer Service
- Clunes Community and Interpretive Centre Team Leader (appointed as Secretary).

10.4.22 The Cameron Ward Councillor is appointed as a member and President of the Committee commencing 20 August 2013.

10.4.23 The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.

10.4.24 There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).

10.4.25 The Instrument:

10.4.25.1 comes into force immediately the common seal of Council is affixed to the Instrument; and

10.4.25.2 remains in force until Council determines to vary or revoke it, or until 30 September 2017.

10.4.26 The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.

10.4.27 Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.

## MOTION

*That Council, in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 (the Act), resolves that:*

### ***Clunes Community Centre Special Committee***

- 10.4.1. From the date of this resolution, the special committee formerly known as Clunes Community Centre Committee of Management, be henceforth known as Clunes Community Centre Special Committee.*
- 10.4.2. The following community members are appointed as members from 20 August 2013 until 31 August 2014:*
  - Norah Campbell as a general community representative*
  - Gary Hoare as a general community representative*
  - Steve Schneider as representative of Wesley College*
  - Elizabeth Garth as representative for the Clunes Primary School and Indoor Netball*
  - Andrea Hill as representative of the Basketball Club*
- 10.4.3. The Cameron Ward Councillor is appointed as an ex-officio member and president of the Committee commencing 20 August 2013.*
- 10.4.4. Council's Recreation Officer is appointed as a member and secretary of the Committee commencing 20 August 2013.*
- 10.4.5. The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*
- 10.4.6. There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*
- 10.4.7. The Instrument:*
  - 10.4.7.1. comes into force immediately the common seal of Council is affixed to the Instrument; and*
  - 10.4.7.2. remains in force until Council determines to vary or revoke it, or until 31 August 2014.*
- 10.4.8. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*
- 10.4.9. Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

**Drummond Hall Special Committee**

- 10.4.10. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*
- 10.4.11. *There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*
- 10.4.12. *The Instrument:*
- 10.4.12.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*
  - 10.4.12.2. *remains in force until Council determines to vary or revoke it, or until 30 September 2017.*
- 10.4.13. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*
- 10.4.14. *Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

**Lee Medlyn Home of Bottles Special Committee**

- 10.4.15. *Anna Phillips, as representative of the Clunes Neighbourhood House Inc, is appointed as a member for the period 20 August 2013 until 5 August 2015:*
- 10.4.16. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*
- 10.4.17. *There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*
- 10.4.18. *The Instrument:*
- 10.4.18.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*
  - 10.4.18.2. *remains in force until Council determines to vary or revoke it, or until 30 September 2017.*
- 10.4.19. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*

10.4.20. *Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

**Clunes Community and Interpretive Centre Special Committee**

10.4.21. *The following Council staff members are appointed as members of the Committee commencing 20 August 2013:*

- *Coordinator Libraries*
- *Coordinator Visitor Services*
- *Coordinator Records and Customer Service*
- *Clunes Community and Interpretive Centre Team Leader (appointed as Secretary)*

10.4.22. *The Cameron Ward Councillor is appointed as a member and President of the Committee commencing 20 August 2013.*

10.4.23. *The members of the Committee who are not Councillors are pursuant to section 81(2A) of the Act, exempted from being required to submit a primary return or ordinary return.*

10.4.24. *There be delegated to the Committee the powers, duties and functions set out in the attached instrument of delegation (the Instrument).*

10.4.25. *The Instrument:*

10.4.25.1. *comes into force immediately the common seal of Council is affixed to the Instrument; and*

10.4.25.2. *remains in force until Council determines to vary or revoke it, or until 30 September 2017.*

10.4.26. *The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with the Instrument and any guidelines or policies Council may from time to time adopt.*

10.4.27. *Authorises the Chief Executive Officer and the Mayor to sign and seal the instrument.*

**Moved:** Councillor Neil Newitt  
**Seconded:** Councillor Sebastian Klein  
**Carried.**

**ATTACHMENT 3 - INSTRUMENT OF DELEGATION  
CLUNES COMMUNITY CENTRE SPECIAL COMMITTEE**



**Hepburn Shire Council**  
**Instrument of Delegation**  
**Clunes Community Centre Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on ##[#date#] and known as the "Clunes Community Centre Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on ##[#insert date#];
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until 31 August 2014; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL**  
**of the HEPBURN SHIRE COUNCIL**  
**was affixed in the presence of**

..... : **Mayor**

..... : **Chief Executive Officer**

**This .....day of.....2013.**

## SCHEDULE

### Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Clunes Community Centre located on Victoria Park Recreation Reserve, 22A Angus Street, Clunes, but excluding the Clunes Swimming Pool, Sports Oval and immediate surrounds (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property;
6. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

### Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.
4. Apply for, or authorise a user group or third party to apply for, a liquor licence at the Stated Property.

### Membership of the Committee

1. The Committee shall be comprised of at least five voting members, comprising:
  - 1.1 One representative of each of the following user groups (provided a nomination is received and endorsed at a Council meeting):
    - (a) Clunes Football and Netball Club
    - (b) Basketball
    - (c) Badminton
    - (d) Wesley College
    - (e) Clunes Primary School
    - (f) Indoor Netball; and
  - 1.2 One or two additional community representatives that are neither employees nor committee members of the above listed user groups; and
  - 1.3 Hepburn Shire Council's Recreation Officer who will be the Secretary for the committee.
2. In addition, the Ward councillor, will be a member of the committee in an ex officio capacity.

3. Representatives of user groups and members of the community are to be appointed by Council upon receiving a written application or nomination.
4. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
5. All members shall be appointed by Council for a maximum duration of three years.

### **Indemnity**

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

### **Rescinded Delegations**

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committees:

1. Clunes Community Centre Committee of Management
2. Clunes Community Centre Committee
3. Clunes Community Centre Special Committee

### **Winding Up**

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

## **Responsibilities**

### **Procedural Responsibilities**

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

### **Council's Responsibilities**

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
5. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
6. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four

weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.

7. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
8. Arrange to publicly advertise meeting and other notices when requested by the Committee.
9. Insure the Stated Property against loss or damage.
10. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
11. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
12. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
13. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

### **Office Bearers**

Council's Recreation Officer will be the Secretary for the committee.

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Vice President
- Treasurer

### **Duties of Chairperson**

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

In the event that the Chairperson is absent, the Vice President will perform the role of Chairperson.

### **Duties of Secretary**

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk and Property within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.

8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

### **Duties of Treasurer**

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. In conjunction with other committee members, organise and arrange payment of suppliers and contractors performing work at the Premises, as approved by the Committee.
3. Keep correct accounts and books showing the financial affairs of the Committee.
4. Prepare statements of receipts and expenditure.
5. Provide a financial report to each regular meeting.
6. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
7. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
8. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 6 and 7) and associated records for audit as requested by 31 July each year.
9. Receive and manage bequests and trust funds made to the Committee.

### **Meetings**

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (8) and (9) are followed.

11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk and Property a copy of such minutes within fourteen days of each meeting.

### **Conflicts of Interest**

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

### **Finance**

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management, control, improvement and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

*"This contact/agreement/licence/lease is executed by Clunes Community Centre Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"*

Signed \_\_\_\_\_

*Committee member #1*

Signed \_\_\_\_\_

*Committee member #2*

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

### **Maintenance and Other Outgoings**

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
  - Electricity
  - Water
  - Cleaning
  - Security
  - Minor Maintenance
  - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
  - Major Maintenance (subject to priorities and budgets)
  - Electrical equipment testing
  - Annual audit fees

3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$2,000 or where the Committee has reached the amount of \$6,000 for the financial year in expenditure on maintenance.
4. Report to Council on other items of maintenance, either with a total cost exceeding \$2,000 for an individual activity or when \$6,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Risk and Property by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

**END SCHEDULE**

**ATTACHMENT 4 - INSTRUMENT OF DELEGATION  
DRUMMOND HALL SPECIAL COMMITTEE**



**Hepburn Shire Council  
Instrument of Delegation  
Drummond Hall Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on ##[**date#**] and known as the "Drummond Hall Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on ##[**insert date#**];
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until 30 September 2017; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL  
of the HEPBURN SHIRE COUNCIL  
was affixed in the presence of**

..... : **Mayor**  
**Cr Bill McClenaghan**

..... : **Chief Executive Officer**  
**Mr Aaron van Egmond**

**This .....day of.....2013.**

## SCHEDULE

### **Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the administration, management and control of the Drummond Hall, Lauriston Road, Drummond, including timber building, brick toilet block and tennis court (Council Property Number 200194; Volume 4588 Folio 593; Crown Allotment Part 8, Section 3 in the Parish of Burke) (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (1) & (2) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for hire or use of the Stated Property; and
6. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

### **Membership of the Committee**

1. The Committee shall be comprised of at least five (5) members, comprising community representatives.
2. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
3. All members shall be appointed by Council for a maximum duration of three years.

### **Indemnity**

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

### **Rescinded Delegations**

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committee:

1. Drummond Hall Committee of Management
2. Drummond Hall Special Committee

### **Winding Up**

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets

will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

## **Responsibilities**

### **Procedural Responsibilities**

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

### **Council's Responsibilities**

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
5. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
6. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.
7. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
8. Arrange to publicly advertise meeting and other notices when requested by the Committee.
9. Insure the Stated Property against loss or damage.
10. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
11. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
12. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
13. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

### **Office Bearers**

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Secretary

- Treasurer

### **Duties of Chairperson**

The Chairperson shall:

1. Seek to operate the Committee in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee of any changes (via email or post), no later than 14 days prior to the date of the meetings.
3. Chair the meetings of the Committee.

### **Duties of Secretary**

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk and Property within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.

### **Duties of Treasurer**

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. Keep correct accounts and books showing the financial affairs of the Committee.
3. Prepare statements of receipts and expenditure.
4. Provide a financial report to each regular meeting.
5. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
6. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
7. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 5 and 6) and associated records for audit as requested by 31 July each year.
8. Receive and manage bequests and trust funds made to the Committee.

### **Meetings**

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an

item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).

3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (7) and (8) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk and Property a copy of such minutes within fourteen (14) days of each meeting.

### **Conflicts of Interest**

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

### **Finance**

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management of and minor maintenance of the Stated Property.
4. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
5. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.

6. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

*"This contact/agreement/licence/lease is executed by the Drummond Hall Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"*

Signed \_\_\_\_\_

*Committee member #1*

Signed \_\_\_\_\_

*Committee member #2*

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

### **Maintenance and Other Outgoings**

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
  - Electricity
  - Cleaning
  - Minor Maintenance
  - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
  - Major Maintenance (subject to priorities and budgets)
  - Electrical equipment testing
  - Annual audit fees
  - Water
3. Carry out all minor items of maintenance at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance refers to any activity which has a total cost of \$1,000 or where the Committee has reached the amount of \$3,000 for the financial year in expenditure on maintenance.
4. Report to Council on other items of maintenance, either with a total cost exceeding \$1,000 for an individual activity or when \$3,000 has been expended by the Committee on maintenance activities for the financial year.
5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
6. Return the end of the year inspection to Council's Manager Risk and Property by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

### **END SCHEDULE**

**ATTACHMENT 5 - INSTRUMENT OF DELEGATION  
LEE MEDLYN HOME OF BOTTLES SPECIAL COMMITTEE**

**Hepburn Shire Council**  
**Instrument of Delegation**  
**Lee Medlyn Home of Bottles Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on ##[**date#**] and known as the "Lee Medlyn Home of Bottles Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on ##[**insert date#**];
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until 30 September 2017; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL**  
**of the HEPBURN SHIRE COUNCIL**  
**was affixed in the presence of**

..... : **Mayor**  
**Cr Bill McClenaghan**

..... : **Chief Executive Officer**  
**Mr Aaron van Egmond**

**This .....day of.....2013.**



## SCHEDULE

### Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the administration, management and control of the following property (**the Stated Property**):

1. the Lee Medlyn Home of Bottles (Former School Building, Factory and Public Toilet Block at 70 Bailey Street, Clunes; Council Property Number 13338; CA 1-5, Section 31, TCL); and the
2. the Lee Medlyn Home of Bottles Collection including, but not limited to, the following:
  - 2.1 Lee Medlyn Bottle Collection;
  - 2.2 Eberhard Factory (soft drink display); and
  - 2.3 other collectables and displays currently at the Home of Bottles, and as the committee obtains;

and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to only borrow money, obtain a bank overdraft or exceed the limits specified in the preceding clauses (2) & (3) upon receiving written approval from Council;
5. to set and approve conditions, fees and charges for visiting, hiring or using the Stated Property, for the sale of merchandise, and for legitimate research of the Lee Medlyn Home of Bottles Collection;
6. to set the times and days the Lee Medlyn Home of Bottles will be open to the public;
7. to set the times and days when the Committee will undertake research and/or assist persons research the Lee Medlyn Home of Bottles' Collection; and
8. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

### Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

### Membership of the Committee

1. The Committee shall be comprised of at least seven members, comprising:
  - the Cameron Ward Councillor;
  - a nominated representative from the Clunes Tourism and Development Association;
  - a nominated representative from the Clunes Neighbourhood House Inc; and
  - community representatives.
2. Representatives of user groups and members of the community are to be appointed by Council upon receiving a written application or nomination.

3. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
4. All members shall be appointed by Council for a maximum duration of three years.

### **Indemnity**

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

### **Rescinded Delegations**

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committees:

1. The Lee Medlyn Home of Bottles Special Committee
2. The Lee Medlyn Home of Bottles Committee of Management
3. The Clunes Historic Medlyn Complex Committee of Management
4. The Clunes Historic Medlyn Complex Special Committee

### **Winding Up**

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

## **Responsibilities**

### **Procedural Responsibilities**

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

### **Council's Responsibilities**

Council shall:

4. Be responsible for all major maintenance of the property.
5. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
6. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
7. Provide and be responsible for payment of a person to perform the annual audit of the Committee's financial records.
8. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
9. Appoint a primary Council Contact Officer for the Special Committee. Any changes to the Council Contact Officer, including for periods where the contact shall be absent for four weeks or more, shall be communicated to the Secretary of the Special Committee within 14 days, along with changes in contact details.

10. Inform the Special Committee of the contact details for other Council Officers responsible for specific areas (e.g. finance, maintenance requests) within 14 days of any change to those officers.
11. Arrange to publicly advertise meeting and other notices when requested by the Committee.
12. Insure the Stated Property against loss or damage.
13. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
14. Advise the Special Committee of the requirements for the annual financial audit 14 days prior to the end of each financial year.
15. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
16. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

### **Office Bearers**

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- President, Chairperson of the Committee
- Vice-President
- Secretary
- Treasurer

### **Duties of Chairperson**

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

### **Duties of Secretary**

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Have the custody of all documents belonging to the Committee
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings and ensure a copy of the Financial statements, tabled at the Annual Meeting, are forwarded to Council's Manager Risk and Property within fourteen (14) days of each respective meeting.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Provide the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting, to the Council Contact Officer, via the Annual Meeting minutes, to enable Council to publicly advertise the dates of meetings on the Committee's behalf.
9. Prepare and maintain a roster for staffing the Lee Medlyn Home of Bottles, which aims to evenly distribute the effort amongst Committee members and other volunteers.

## **Duties of Treasurer**

The Treasurer shall:

1. Pay into the Bank all monies received by the Committee within seven (7) days of receipt.
2. In conjunction with other committee members, organise and arrange payment of suppliers and contractors performing work at the Premises, as approved by the Committee.
3. Keep correct accounts and books showing the financial affairs of the Committee.
4. Prepare statements of receipts and expenditure.
5. Provide a financial report to each regular meeting.
6. Provide a full statement of all monies received and expended by the Committee for the year ending 30 June each year, to the Annual Meeting.
7. Provide a statement of assets and liabilities for the year ending 30 June each year, to the Annual Meeting.
8. Based on the advice received from Council (Clause 12 under Council's Responsibilities), provide the Committee's annual financial statements (Clauses 6 and 7) and associated records for audit as requested by 31 July each year.
9. Receive and manage bequests and trust funds made to the Lee Medlyn Home of Bottles.

## **Duties of Committee Members**

All Committee members shall:

1. Make themselves available to staff the Lee Medlyn Home of Bottles during opening hours for at least one day a month or equivalent, as agreed with the Secretary, while allowing for periods of absence for personal reasons.

## **Meetings**

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.
7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.

10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (8) and (9) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Manager Risk and Property a copy of such minutes within fourteen days of each meeting.

**Conflicts of Interest**

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

**Finance**

The Committee shall:

1. Maintain an open bank account and advise Council of the name of the bank.
2. Authorise the manager of its bank to supply Council with a copy of the Committee's bank account on the written request of the Chief Executive Officer.
3. Ensure that all funds raised by the Committee are only expended on management, control, improvement and minor maintenance of the Stated Property.
4. Receive rent from the Clunes Neighbourhood House Inc and spend that rent in accordance with clause (3) above.
5. Authorise all expenditure, which shall be paid by cheque signed by any two (2) of three (3) signatories.
6. Make the annual financial reports for the year ending 30 June, to be presented at the Annual Meeting, available to Councils' auditor no later than 31 July.
7. Execute and attest to all legal instruments, being contracts, leases, agreements, or licences above the sum of two hundred (\$200) in the following manner:

*"This contact/agreement/licence/lease is executed by Lee Medlyn Home of Bottles Special Committee for and on behalf of the Hepburn Shire Council in accordance with the terms of its Instrument of Delegation"*

Signed \_\_\_\_\_  
 Committee member #1

Signed \_\_\_\_\_  
 Committee member #2

The Committee may apply to Council for an advance or contribution of monies for the purpose of improvements on the Stated Property. For an advance/contribution received, the Committee shall:

1. Carry out all conditions imposed by Council in making the advance/contribution.
2. Repay out of funds received by it the amount of such advance/contribution in the manner prescribed by Council when making the advance/contribution.

**Maintenance and Other Outgoings**

The Committee shall:

1. The Committee will pay the following outgoings as appropriate:
  - Electricity
  - Wood for Heating
  - Cleaning
  - Minor Maintenance
  - Six monthly fire equipment inspection and maintenance
2. Council will pay the following outgoings as appropriate:
  - Major Maintenance (subject to priorities and budgets)

- Water
  - Electrical equipment testing
  - Security
  - Fire Alarm Monitoring
  - Annual audit fees
3. Carry out all minor items of maintenance of the Stated Property and conservation of the Lee Medlyn Home of Bottles' Collection at the Committee's expense. Maintenance has its ordinary meaning and includes cleaning, repairing, replacing, painting, polishing or similar activities. Minor maintenance and conservation refers to any activity which has a total cost of \$2,000 or where the Committee has reached the amount of \$6,000 for the financial year in expenditure on maintenance.
  4. Report to Council on other items of maintenance, either with a total cost exceeding \$2,000 for an individual activity or when \$6,000 has been expended by the Committee on maintenance activities for the financial year.
  5. Complete and maintain records of a quarterly building and property inspection to identify any property, insurance or health and safety risks, and to take actions to resolve issues identified through maintenance or requests to Council.
  6. Return the end of the year inspection to Council's Manager Risk and Property by 31 December each year, identifying major maintenance items proposed to be included in the budget for the following financial year commencing 1 July.

#### **Lee Medlyn Home of Bottles and Collection**

The Committee shall:

1. Manage the Stated Property for the enjoyment and education of the public.
2. Encourage participation in the Stated Property and include educational activities involving the buildings and the Lee Medlyn Home of Bottles Collection.
3. Ensure the displays are open to the public for a minimum period of 18 hours each week of the year, except during periods of major maintenance or renovation works.
4. Assist persons conducting research during the times set by the Committee for assisting with research of the Lee Medlyn Home of Bottles' Collection, subject to receiving fees as set by the Committee for such assistance.
5. Maintain and conserve the Lee Medlyn Home of Bottles' Collection.
6. Manage the expansion and development of the Lee Medlyn Home of Bottles' Collection, while being mindful of the impact any expansion and development will have on the future maintenance and conservation requirements of the Lee Medlyn Home of Bottles' Collection.
7. Ensure all monies, grants or bequests specifically received for the preservation, security and upkeep of the collections are utilised for the purposes for which they were given.
8. Ensure the security of the collections is of a high standard to minimise the risk of loss.
9. Maintain a catalogue of all items within the Lee Medlyn Home of Bottles' Collection.
10. Keep a record of any items made available or loaned to the Lee Medlyn Home of Bottles' Collection.
11. Obtain a written receipt when receiving or returning items on loan or made available to the Lee Medlyn Home of Bottles' Collection.
12. Approve the moving of any item, collection or part of the Lee Medlyn Home of Bottles' Collection outside the Lee Medlyn Home of Bottles or for the purposes of display or loan to another organisation for them to display.
13. Maintain a record of items, collections or part of the Lee Medlyn Home of Bottles' Collection moved to another location, including items provided to another organisation.

14. Comply with all Statutes, Regulations and Laws and will follow any reasonable guidelines in relation to the Lee Medlyn Home of Bottles' Collection, as issued by relevant authorities such as Museums of Australia or the Public Records Office.
15. Assess any items donated or bequeathed to the Lee Medlyn Home of Bottles to determine whether they are considered suitable for the collection. Items considered suitable shall be accepted and added to the catalogue.
16. Obtain written Council approval prior to disposing of any item or part of the Lee Medlyn Home of Bottles' Collection.
17. Donated or bequeathed items considered unsuitable and items from the Lee Medlyn Home of Bottles' Collection approved for disposal shall be either:
  - moved to another Council location, if directed to do so by the Council;
  - offered to another similar organisation (e.g. not for profit museum or gallery);
  - returned to the donor; or
  - sold via public auction or tender without a reserve, with all proceeds paid into the Committee's bank account.

No items are to be sold or given to a Committee member or another person, unless through a public auction or tender.

### **Use of Volunteers**

Council encourages the Committee to use the services of additional volunteers, while also recognising that there is valuable property involved and a need for people within the Lee Medlyn Home of Bottles to ensure that visitors receive a welcoming, interesting and pleasant experience that will promote the Lee Medlyn Home of Bottles and Hepburn Shire. As such, the Committee shall:

1. During times the Lee Medlyn Home of Bottles is open to the public, ensure that there is always a member of the Committee or a person authorised by the Committee present, as well as any additional volunteers rostered to staff the Lee Medlyn Home of Bottles.
2. Interview perspective volunteers to assess their suitability prior to them being taken on, including that they have people skills, friendly attitude to visitors and the ability to promote the Lee Medlyn Home of Bottles, the Region and Hepburn Shire with enthusiasm.
3. Approve all volunteers, in addition to Committee members, that are able to staff the Lee Medlyn Home of Bottles, after the proceeding clause (2) has been satisfactorily completed.
4. Keep an up-to-date list of volunteers, in addition to the Committee members, for the Lee Medlyn Home of Bottles.
5. Provide adequate training to volunteers as identified by the Committee from time to time.

### **END SCHEDULE**

**ATTACHMENT 6 - INSTRUMENT OF DELEGATION  
CLUNES COMMUNITY AND INTERPRETIVE CENTRE SPECIAL  
COMMITTEE**



**Hepburn Shire Council**  
**Instrument of Delegation**  
**Clunes Community and Interpretive Centre Special Committee**

Hepburn Shire Council (**Council**) delegates to the special committee, in accordance with section 86 of the Local Government Act 1989, established by resolution of Council passed on ##[**date#**] and known as the "Clunes Community and Interpretive Centre Special Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of council passed on ##[**insert date#**];
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it, or until 30 September 2017; and
  - 2.3 is to be exercised in accordance with the attached schedule and the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

**The COMMON SEAL**  
**of the HEPBURN SHIRE COUNCIL**  
**was affixed in the presence of**

..... : **Mayor**  
**Cr Bill McClenaghan**

..... : **Chief Executive Officer**  
**Mr Aaron van Egmond**

**This .....day of.....2013.**

## SCHEDULE

### Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management, administration and operation of the Clunes Community and Interpretive Centre located at 36 Fraser Street, Clunes (**the Stated Property**), and for those purposes:

1. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
2. to enter into any contract for an amount up to five thousand dollars (\$5,000);
3. to incur expenditure on any one matter up to ten thousand dollars (\$10,000);
4. to consider and recommend (but not set) to council the conditions, fees and charges for hire or use of the Stated Property;
5. every person of the Committee shall be a person authorised to enforce the provisions of Council's Local laws and regulations (so far as they are applicable to the Stated Property only) relating to the control and management of municipal places.

### Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. Enter into contracts, or incur expenditure, for an amount which exceeds the approved amounts, without written approval from Council.
2. Exercise the powers which, by force of section 86 of the *Local Government Act 1989*, cannot be delegated.
3. Delegate any of its powers or functions.

### Membership of the Committee

1. The Committee shall be comprised of at least nine voting members, comprising:
  - 1.1 The Cameron Ward Councillor as President and Chairperson for the committee.
  - 1.2 One representative of the William Barkell Memorial Arts & Historic Centre Inc (Clunes Museum)
  - 1.3 Two representatives of the volunteers in the Clunes Community and Interpretive Centre
  - 1.4 Up to three additional community and/or user group representatives;
  - 1.5 Hepburn Shire Council's Coordinator Libraries
  - 1.6 Hepburn Shire Council's Coordinator Records and Customer Service
  - 1.7 Hepburn Shire Council's Coordinator Visitor Services; and
  - 1.8 Hepburn Shire Council's Clunes Community and Interpretive Centre Team Leader who will be the Secretary for the committee.
2. Representatives of user groups and members of the community are to be appointed by Council upon receiving a written application or nomination.
3. Council may at any time, remove a member from the Committee, appoint a member to the Committee or disband the Committee.
4. All members, other than councillors and Council staff, shall be appointed by Council for a maximum duration of three years.

### Indemnity

Council indemnifies members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee, provided they are acting in

accordance with this Instrument of Delegation in an honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee hereunder.

### **Rescinded Delegations**

This Instrument of Delegation replaces and rescinds all previous delegations to special committees appointed by Council to manage the Stated Property, including but not limited to the following special committees:

1. Clunes Museum Special Committee
2. Clunes Museum Committee of Management

### **Winding Up**

In the event of the Committee being wound up or dissolved for any reason, all monies, after the satisfaction of all debts and liabilities, all property held or held in trust, all records and any other assets will be paid or transferred to Council. No monies or property shall be distributed to or amongst members of the Committee.

### **Responsibilities**

#### **Procedural Responsibilities**

The Committee shall:

1. Ensure that all members, including new members in future, have an understanding of the Instrument of Delegation, sections 76-79, 86-93 and other relevant sections of the *Local Government Act 1989* and Local Laws of Council, as they apply to the Committee.
2. Ensure that all procedures and guidelines applicable to the Committee, as issued by Council, are followed.
3. Seek assistance and/or clarification from Council, where necessary, to understand its responsibilities under this section.

#### **Council's Responsibilities**

Council shall:

1. Be responsible for all major maintenance of the property.
2. Consider requests for major maintenance at the Stated Property as part of the annual budget process and in line with priorities across all assets.
3. Consult with the special committee on the timing of any such maintenance that may impact on the use of the Stated Property so that clashes with planned uses shall be minimised or avoided.
4. Provide assistance to the Committee to enable it to understand and undertake its responsibilities under this Instrument.
5. Arrange to publicly advertise meeting and other notices when requested by the Committee.
6. Insure the Stated Property against loss or damage.
7. Maintain public liability insurance cover for the Committee and its volunteers when it is performing its duties under this Instrument of Delegation.
8. Advise the Special Committee of changes to the Hall Hire insurance administration fee for uninsured hirers within 14 days of it being approved in the annual budget.
9. Publicly advertise the dates and location of the special committee meetings each year as per the dates set out in the Annual Meeting minutes.

#### **Office Bearers**

Council's Clunes Community and Interpretive Centre Team Leader will be the Secretary for the committee.

The Cameron Ward Councillor will be the President and Chairperson of the committee.

The Coordinator Libraries will effectively perform the role of 'Treasurer' and will have financial responsibility for the Clunes Community and Interpretive Centre's operational budget within Council's financial management system.

The Committee shall at its commencement and then at its Annual Meeting each year elect from its members at a minimum the following office bearers:

- Vice President

### **Duties of Chairperson**

The Chairperson shall:

1. Ensure the Committee operates in accordance with the *Local Government Act 1989*, Council's Meeting Procedures Local Law, this delegation and any other relevant laws.
2. Provide the required notice of meetings in accordance with the *Local Government Act 1989*. This is to be achieved by informing all members of the Committee (via email or post), no later than 14 days prior to the date of the meetings
3. Chair the meetings of the Committee.

In the event that the Chairperson is absent, the Vice President will perform the role of Chairperson.

### **Duties of Secretary**

The Secretary shall:

1. Conduct the correspondence of the Committee
2. Save all documents belonging to the Committee to Council's record management system (TRIM)
3. Keep correct minutes of all proceedings and records of the Committee
4. Accurately record all written motions/resolutions in the minutes.
5. Carry out the directions of the Committee (under motion/resolution)
6. Forward a copy of the minutes of all meetings to Council's Corporate Services Governance / Admin Officer within fourteen (14) days of each respective meeting for provision to Councillors.
7. Immediately call a Special Meeting upon receiving the requisition to do so.
8. Arrange for the public advertisement of the proposed dates of all Committee meetings, including regular meetings and the Annual Meeting.

### **Meetings**

1. The Committee shall at its Annual Meeting each year appoint a time and place for regular meetings. Such meetings shall be held at intervals of not more than three (3) months. Should it be necessary to alter the times or place of a regular appointed meeting all members of the Committee shall be given at least forty eight (48) hours notice in writing of the new time or place.
2. All meetings of the Committee must be advertised to the public by Council and be conducted as open meetings. A meeting may be closed by resolution of the Committee to deal with an item of business of a sensitive or confidential nature (refer to provisions of the *Local Government Act 1989*).
3. The quorum of the Committee shall be an absolute majority of the members.
4. Each member shall be entitled to one vote and in the event of equality of votes the Chairperson shall have a casting vote as well as a deliberative vote.
5. The Committee shall hold an Annual Meeting during the month of August each year. The Annual meeting shall be advertised by Council in the local newspaper at least fourteen (14) days prior to the meeting date.
6. The Secretary of the Committee shall, on receipt of a requisition signed by the Chairperson, or three (3) members, stating the object of such meeting, within fourteen (14) days call a

Special Meeting. Written notice of such meeting shall be given to each member of the Committee specifying the object of the meeting and the time and place where the meeting shall be held.

7. No business, apart from that which is described in the object of a Special Meeting, can be conducted or acted upon by the Committee at a Special Meeting.
8. All motions/resolutions of the Committee, apart from usual, day to day meeting motions/resolutions; shall be reduced to writing before being voted upon.
9. No motion/resolution has any standing if made at a meeting where a quorum was not present.
10. Any contracts or other such instruments that the Committee enters into will have no legal effect upon Council unless preceding clauses (8) and (9) are followed.
11. The Committee shall cause minutes to be kept of all meetings and shall forward to Council's Corporate Services Governance / Admin Officer a copy of such minutes within fourteen (14) days of each meeting.

### **Conflicts of Interest**

Committee members must observe the provisions of sections 76-79 of the *Local Government Act 1989* as they relate to a conflict of interest in matters of business handled by the Committee.

### **Finance**

The Committee shall:

1. Ensure that all funds raised by the Committee are only expended on management, control, operation and improvement of the Stated Property.

### **Maintenance and Other Outgoings**

The Coordinator Libraries shall be responsible for operating expenses in accordance with Council's internal budget. Council staff shall be responsible for managing maintenance activities using Council's Customer Request Management System in TechOne.

### **END SCHEDULE**

**10.5. APPLICATION TO RENEW B-DOUBLE PERMIT – CLEARWATER LOGGING & TRANSPORT – TELEGRAPH ROAD, BELLS REEF ROAD, CEMETERY ROAD, BASALT ROAD AND WERONA ROAD  
GENERAL MANAGER INFRASTRUCTURE**

*In providing this advice to Council as the Manager Assets and Engineering Services, I Richard Russell have no interests to disclose in this report.*

**PURPOSE**

The purpose of this report is for Council to consider the renewal of a permit for Clearwater Logging & Transport Pty Ltd to use Telegraph Road, Bells Reef Road, Cemetery Road, Basalt Road and Werona Road for the transportation of timber from HVP (Hancock's) plantations.

**BACKGROUND**

Council issued a permit in 2012 for Clearwater Logging & Transport Pty Ltd to operate heavy vehicles and B-Doubles to transport timber from HVP Plantation.

The timber plantations are progressively being harvested and this application by Clearwater Logging & Transport is to allow them to continue to cart timber logs for Hancock's Plantations.

**ISSUE / DISCUSSION**

Clearwater Logging & Transport Pty Ltd has applied for permission to use 25 metre B-Doubles at Higher Mass Limits (HML) for a number of roads as follows:

- Werona Road and Basalt Road Eganstown to access the Midland Highway;
- Telegraph Road, Bells Reef Road Sailors Falls to access the Ballan Daylesford Road and the Midland Highway; and
- Cemetery Road, Eganstown to access the Midland Highway

As listed in Council's Road Register. Werona and Bells Reef Roads are not maintained by Council however, Council still has the care and jurisdiction of the road reserve. Therefore a Council permit is still required for these two roads to enable VicRoads to issue a B-Double permit to Clearwater Logging. Cemetery Road, Telegraph Road and Basalt Road are maintained by Council as local access roads.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council's Freight Strategy 2012 provides a framework for the consideration of issues relating to heavy vehicle movements around the Shire. This Strategy includes the Shire's commitment to improve economic prosperity and this request is considered under this commitment.

*Council Plan 2013-2017 – Key Strategic Activity:*

9. Improve sealed and unsealed local roads through the delivery of maintenance and improvement works.

*Action:*

Review B-Double movements on local roads to minimise routes through residential areas in accordance with the Freight Strategy

## **FINANCIAL IMPLICATIONS**

The main financial implications arising from this request for a permit renewal relates to wear and tear on the Council managed roads. Due to the minimal duration and traffic volumes expected on these roads as described by Clearwater Logging & Transport Pty Ltd of 4 loads per day over 6 to 8 weeks per year, the additional traffic from the plantation should have minimal impact on the road. Clearwater Logging has been undertaking logging operations on these roads for a number of years and no materiel damage has been reported from these activities. Clearwater Logging & Transport Pty Ltd is allowed by State Law to use standard semi trailers to cart logs but by using B-Doubles the number of truck movements is reduced by approximately 40% (information provided by Clearwater Logging).

## **RISK IMPLICATIONS**

The alignment of the roads is such that trucks should use these roads with due regard for local traffic. Trucks and semi trailers can legally use these roads and the use of B-Doubles would reduce the traffic volume from logging activities.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

It is economically beneficial for the logging company to be able to use this route. The load of a B-Double truck is similar in volume and mass to the loads of 1.7 semi trailers resulting in considerable saving in fuel and reduction in emissions as a result of use of B-Doubles.

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

The request is to effectively continue the current arrangement and is not expected to have any significant implications for the community, as cartage of logs can legally be undertaken by semi trailers at general mass limits.

## CONCLUSION

That Council consents to Clearwater Logging & Transport being able to operate B-Doubles to access Hancock's Plantations to transport timber via

- Werona Road and Basalt Road Eganstown to access the Midland Highway;
- Telegraph Road, Bells Reef Road Sailors Falls to access the Ballan Daylesford Road and the Midland Highway; and
- Cemetery Road, Eganstown to access the Midland Highway

It is recommended that the permit be renewed for one year from 21 August 2013.

## OFFICER'S RECOMMENDATION

10.5.1 That Council consents to the issue of a permit to Clearwater Logging & Transport Pty Ltd to operate B-Doubles at Higher Mass Limits in

- Werona Road and Basalt Road, Eganstown to access the Midland Highway;
- Telegraph Road, Bells Reef Road, Sailors Falls to access the Ballan Daylesford Road and the Midland Highway; and
- Cemetery Road, Eganstown to access the Midland Highway

For 12 months from 21 August 2013 for the truck Registration Numbers:

CWLT-01	CWLT-09	RND-710	SJH-023
ZML-070,	TKL-294	TNP-291	TOU-485,
TOU-487	TYG-834	UCP-452	ZIJ-524
UUW-685	UYM-224	UYM-248	WBI-725
WKW-933	CWL-408	XEQ-233	XEQ-234



XIK-277	XIK-278	WEX-366	WEX-373
WEX-365	UGY-046	ULT-729	WUW-601
WRX-559	WSU-163	UEO-847	ZIZ-107
WII-152	SVU-810	UPR-424	ZTJ-753
YMJ-798			

**MOTION**

*That Council:*

*10.5.1. Consents to the issue of a permit to Clearwater Logging & Transport Pty Ltd to operate B-Doubles at Higher Mass Limits in*

- Werona Road and Basalt Road, Eganstown to access the Midland Highway;*
- Telegraph Road, Bells Reef Road, Sailors Falls to access the Ballan Daylesford Road and the Midland Highway; and*
- Cemetery Road, Eganstown to access the Midland Highway*

*for 12 months from 21 August 2013 for the truck Registration Numbers:*

CWLT-01	CWLT-09	RND-710	SJH-023
ZML-070,	TKL-294	TNP-291	TOU-485,
TOU-487	TYG-834	UCP-452	ZIJ-524
UUW-685	UYM-224	UYM-248	WBI-725
WKW-933	CWL-408	XEQ-233	XEQ-234
XIK-277	XIK-278	WEX-366	WEX-373
WEX-365	UGY-046	ULT-729	WUW-601
WRX-559	WSU-163	UEO-847	ZIZ-107
WII-152	SVU-810	UPR-424	ZTJ-753
YMJ-798			

*10.5.2. Consent is conditional on Clearwater Logging & Transport Pty Ltd accepting responsibility for maintenance of the roads under Council supervision.*

**Moved:** Councillor Don Henderson  
**Seconded:** Councillor Sebastian Klein.  
**Carried.**

## **10.6. B-DOUBLE PERMIT – EVETRANS KYNETON – STANBRIDGE STREET, DAYLESFORD**

### **GENERAL MANAGER INFRASTRUCTURE**

*In providing this advice to Council as the Manager Assets and Engineering Services, I Richard Russell have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is for Council to provide consent for the issuing of a permit to Evetrans Kyneton to use Stanbridge Street and East Street, Daylesford for B-Double and commercial trucks (heavy vehicles) to access the East Street, Daylesford industrial precinct.

### **BACKGROUND**

At its Ordinary Meeting on 19 March 2013, Council issued a permit to Daylesford and Hepburn Mineral Springs Co for the use of Stanbridge Street, Daylesford for B-Double and commercial vehicles. This permit does not apply to subcontractors who use a B-Double truck. The trucking company Evetrans Kyneton are contracted by Daylesford and Hepburn Mineral Springs Co to transport goods on their behalf to and from the East Street industrial area and need a permit to operate a B-Double in Stanbridge and East Streets.

### **ISSUE / DISCUSSION**

Evetrans has sought a permit to operate a B-Double between the time periods of 8am to 6pm Monday to Friday with a maximum of up to 2 movements per day in the summer peak period. Currently Evetrans are using semi trailers to transport goods to and from the East Street industrial precinct. The use of semi trailers is permitted under the permit issued to Daylesford and Hepburn Mineral Springs Co as the use of semi trailers is legal on Council controlled roads and therefore does not require a permit from VicRoads. The use of B-Double trucks will reduce the number of truck movements in Stanbridge Street compared to semi trailers by approximately 40%.

The use of B-Double and Higher Mass Limit (HML) vehicles requires a permit from VicRoads to operate on local roads under Council's control as these vehicles exceed the limits of the Victorian Traffic Regulations. To obtain a VicRoads permit Council must first give approval to operate a B-Double on a local road.

Access to the East Street industrial precinct is restricted by the East Street railway bridge which has a height limit of 3.7 metres. This height restriction prevents trucks that operate at the legal height of up to 4.6 metres from using

East Street to access the industrial precinct. The alternative route for trucks over 3.7 metres in height to access East Street is Central Springs Road or Stanbridge Street. Of these two streets, Stanbridge Street has lower grades and is an easier truck route alignment.

There is concern from residents regarding the use of Stanbridge Street as a heavy vehicle access route to the industrial precinct; however, currently there is no available alternative route. An investigation into improving height clearance of the railway bridge and installation of measures to discourage trucks using Stanbridge Street are high priorities in Council's recently adopted Freight Strategy.

To discourage unnecessary heavy vehicle movements along Stanbridge Street, a low cost signage treatment has recently been installed which aims to restrict large vehicle access without a specific need to access this area. Other works, including a reconfigured intersection alignment forms part of Council's 2013-2014 capital works program.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Council's Freight Strategy 2012 provides a framework for the consideration of issues relating to heavy vehicle movements around the Shire. The Strategy has recommendations relating specifically to this location and a plan of action for Council to improve outcomes for residents and businesses around the East Street industrial precinct.

*Council Plan 2013-2017 – Key Strategic Activity:*

9. Improve sealed and unsealed local roads through the delivery of maintenance and improvement works.

*Action:*

Review B-Double movements on local roads to minimise routes through residential areas in accordance with the Freight Strategy.

### **FINANCIAL IMPLICATIONS**

The main financial implications arising from this request for a permit relate to wear and tear on the road. Due to the minimal expected B-Double movements, this consent is not expected to have significant detrimental impact on the road. Evidence gathered through the Council's road asset management system indicates there is no significant or unanticipated deterioration of the road during the time of previous permits for Stanbridge Street.

## **RISK IMPLICATIONS**

No specific risks are believed to be associated with granting consent for the issuing of this permit to use Stanbridge and East Streets. The lawful use of this road which is a 50 kph speed zone, by B-Doubles is not expected to increase risks that may already exist.

The Daylesford Skate Park is located on Stanbridge Street but is some distance from the road and has been operating during the operation of the other B-Double permits for Stanbridge Street. The new playground located beside Stanbridge Street, is accessed from Duke Street where parking is provided for users of the park.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Council is obliged to provide an acceptable access route for industries located in East Street but also respect the wishes of residents in Stanbridge Street. Stanbridge Street is the most economical route for Evetrans to transport goods to and from the factory of Daylesford and Hepburn Mineral Springs Co in East Street in comparison to Central Springs Road. The granting of a conditional permit is an endeavour to balance the needs of Evetrans as a subcontractor to Daylesford and Hepburn Mineral Springs Co and the amenity of the Stanbridge Street residents until a suitable alternative route is available.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

During the Freight Strategy public consultations, it was acknowledged that Stanbridge Street is not the preferred route to access the industrial precinct. Until the East Street bridge provides high clearance or an alternative route is available, the use of Stanbridge Street remains the only practical option in the short term.

## **CONCLUSION**

Evetrans Kyneton Pty Ltd seeks to obtain a permit to use Stanbridge and East Street in Daylesford for B-Double to access the depot of Daylesford and Hepburn Mineral Springs Co in the East Street industrial precinct. It is recommended that the permit be issued for one year from 21 August 2013 for the use of B-Double vehicles operating at Higher Mass Limits in Stanbridge and East Streets, Daylesford to access the East Street industrial precinct.

## OFFICER'S RECOMMENDATION

10.6.1 That Council consents to the issue of a permit to Evetrans Pty Ltd to operate B-Double, truck Registration Number XHR 847, at Higher Mass Limits in Stanbridge and East Streets, Daylesford for 12 months from 21 August 2013 subject to the following conditions:

- Hours of operation 9.00 am to 5.00 pm excluding signed school crossing times.
- The use of compression brakes to be avoided.
- Whenever possible, vehicles should use the East Street/Midland Highway route with the hours of operation from 9.00am to 5.00pm and the use of compression brakes to be avoided.

## MOTION

*That Council:*

10.6.1. *Consents to the issue of a permit to Evetrans Pty Ltd to operate B-Double, truck Registration Number XHR 847, at Higher Mass Limits in Stanbridge and East Streets, Daylesford for 12 months from 21 August 2013 subject to the following conditions:*

- *Hours of operation 9.00 am to 5.00 pm excluding signed school crossing times.*
- *The use of compression brakes to be avoided.*
- *Whenever possible, vehicles should use the East Street/Midland Highway route with the hours of operation from 9.00am to 5.00pm and the use of compression brakes to be avoided.*

10.6.2. *Withdraws the previous consent issued to the Daylesford and Hepburn Mineral Springs Co to operate B-Doubles in Stanbridge Street, Daylesford.*

**Moved:** Councillor Kate Redwood  
**Seconded:** Councillor Sebastian Klein  
**Carried.**

## **10.7. HEPBURN SHIRE'S RESTRUCTURE PLAN PROJECT - AMENDMENT C61 CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Manager Planning, I Justin Fiddes have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is to present the findings of the Hepburn Shire's bushfire planning/restructure overlay project to the Council and seek Council resolution to adopt the Hepburn Shire's Restructure Plan Project Report. This report also seeks Council's consideration of the draft Restructure Plans for Sailors Falls and Drummond and requests approval from the Minister for Planning to prepare and exhibit a planning scheme amendment accordingly.

### **BACKGROUND**

Hepburn Shire is considered as one of the high fire risk areas in Victoria, containing 4 of 50 of Victoria's high fire risk towns. Council received funding from the Department of Community Planning and Development (DPCD) to undertake a Restructure Plan project for three settlements, including Wheatsheaf, Sailors Falls and Drummond. The settlements were identified by Council and the Country Fire Authority (CFA) as in need of strategic bush fire and environmental investigations.

### **ISSUE / DISCUSSION**

A consultant was engaged in June 2012, to undertake technical investigation on bush fire and land capability in order to gain greater understanding of the issues that needs to be considered prior to the preparation of a restructure plan for each of the areas. This study resulted in a strategic report relating to future development of Sailors Falls, Drummond and Wheatsheaf (refer Attachment 7 – Hepburn Shire's Restructure Plan Final Report – March 2013).

The investigation found that in respect of Sailors Falls and Drummond, the subdivisions present significant settlement, fire, and environmental issues due to:

- isolated position and proximity to high fuel loads (heavily vegetated public land to the north & west).
- several lots already built upon and evidence of informal consolidation.

- limited access opportunities caused by the location, lot orientation around cul de sac, and poorly maintained access tracks.
- limited opportunity for waste treatment and confined largely to larger parcels. Coliban Water has advised that the areas are unlikely to be sewered in the short to medium term. Significant investment would be required and due to the size, this highly unlikely to eventuate.
- the unlikelihood of small lots being able to satisfy the Bushfire Attack Level (BAL) requirements of the Bushfire Management Overlay (BMO).
- No reticulated gas or water supply. Water supply is limited to domestic tanks. No evidence of dams within the vicinity of the settlement.
- Presence of watercourses and drainage lines, (part of the settlement is affected by Land Subject to Inundation Overlay).
- Lack of Emergency Management Plan for the area.
- The above issues also pose significant issues for the CFA in the event of a bushfire.
- Buffer zones are considered to be of little benefit and would also present significant management issue. Department of Environment and Primary Industries (DEPI) has indicated that it would not take responsibility for management of any off-site defensible space.

As a result of the above, the following recommendations were made in respect of Sailors Falls and Drummond subdivisions:

- Development should continue to be restricted; hence the existing Restructure Overlay should continue to apply.
- Efforts should be placed on measures to minimise environmental and bush fire risks and improve safety for existing residents.
- A restructure plan to create larger parcels could be prepared to provide certainty and guidance on how consolidation is to be achieved.
- Improvements to road and access track should be undertaken in order to enhance access and movement particularly during an emergency. A concept for such work is included in the report.



Draft restructure plans have been prepared for Sailors Falls and Drummond. The plan will enable undeveloped lots to be consolidated with lots already built upon. The draft restructure plan emphasises the current limitations on development in the two settlement areas, but provides opportunity for the existing dwellings to be retained and encourage consolidation to create larger parcels (refer Attachment 8 – Draft Amendment C61 documentation).

With respect to the Wheatsheaf subdivision, the investigation found that while there is significant settlement, fire and environmental issues, the subdivision contains lots averaging 2ha in area, many of the lots have been developed and current planning controls, in particular the application of the Bushfire Management Overlay over the entire Wheatsheaf area, will ensure that any development is appropriately assessed against the risk of bushfire. Further, the development and implementation of a Domestic Wastewater Management Plan (DWMP) is the best tool to address any environmental concerns in relation to the monitoring of septic systems in this area.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

One of the key implementation strategies of the Council's fire risk management plan includes regulatory controls to reduce risk and impact of bushfire, create and maintain effective linkage between planning functions to better inform proposed residential developments. It is considered that the project aligns with this strategic objective of the Council as it enables an assessment of the fire risks at a landscape level so that appropriate action could be taken to mitigate such risk through land use planning.

The project also aligns with the overarching strategic objectives of the state and local planning framework of Clause 13, which states:

*'Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards.*

*'Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.'*

Clause 13.05 of the state framework requires prioritisation of the protection of life over other policy considerations in planning and decision-making in areas at risk from bushfire and further requires Council to apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

This report has therefore been prepared in accordance with the strategic objectives contained within the Hepburn Planning Scheme, the Municipal Fire

Management Plan 2011–2014 (Hepburn Shire) and the *Planning and Environment Act 1987*.

### **FINANCIAL IMPLICATIONS**

The project was funded by DPCD, however, the costs for the preparation and exhibition of the amendment are provided for as part of the Planning Department's 2013-14 budget.

### **RISK IMPLICATIONS**

The project aims to further reduce exposure to bushfire hazards and increase community resilience through the application of appropriate planning controls over the settlement areas.

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The proposal will not have a negative environmental outcome. However, land owners with vacant lots will not be able to develop the land thus may be an undesirable outcome for some landowners.

Any approved Restructure Plans would provide certainty for landowners in the areas of Sailors Falls and Drummond.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Council had previously engaged with land owners in these areas over the years in developing Restructure Plans. Further consultation will occur as part of the amendment process. A one month public exhibition period will be undertaken in accordance with the *Planning and Environment Act 1987*. Public exhibition will include notices to all the prescribed Ministers, relevant service authorities and a notice of the amendment in the local newspapers circulating in the shire, as well as a notice in the *Victorian Government Gazette*.

### **CONCLUSION**

The attached report identifies the potential course of actions that Council could undertake to reduce bush fire risks in the identified settlement areas. The preparation of a Restructure Plan for incorporation in the Hepburn Planning Scheme is consistent with the state and local planning framework, as it seeks to limit further development in an area of unacceptable fire risk and poor access to physical and social infrastructure.

The areas of Sailors Falls and Drummond have a Restructure Overlay over their properties. It is an obligation of Council to provide those landowners with a Restructure Plan so there is certainty on what they may do or may not do

with the land they own. The approval of a Restructure Plan will achieve this outcome.

### **OFFICER'S RECOMMENDATION**

That Council:

- 10.7.1 Receives and notes the report entitled, 'Hepburn Shire's Restructure Plan Project Final Report' – March 2013.
- 10.7.2 Seeks approval from the Minister for Planning to prepare an amendment to the Hepburn Planning Scheme to introduce Restructure Plans for Sailors Falls and Drummond (Amendment C61) which are currently within a Restructure Overlay.
- 10.7.3 Seeks approval from the Minister for Planning to place Amendment C61 on exhibition for a period of 30 days.

### **MOTION**

*That Council:*

- 10.7.1. Receives and notes the report entitled, 'Hepburn Shire's Restructure Plan Project Final Report' – March 2013.*
- 10.7.2. Seeks approval from the Minister for Planning to prepare an amendment to the Hepburn Planning Scheme to introduce Restructure Plans for Sailors Falls and Drummond (Amendment C61) which are currently within a Restructure Overlay.*
- 10.7.3. Seeks approval from the Minister for Planning to place Amendment C61 on exhibition for a period of 30 days.*

**Moved:** Councillor Kate Redwood

**Seconded:** Councillor Neil Newitt

**Carried.**

**ATTACHMENT 7 - HEPBURN SHIRE'S RESTRUCTURE PLAN FINAL  
REPORT – MARCH 2013  
(Issued Under Separate Cover)**

**ATTACHMENT 8 - DRAFT SAILORS FALLS RESTRUCTURE PLAN  
– PLANNING MAP**

# SAILORS FALLS RESTRUCTURE PLAN

TELEGRAPH ROAD



- LEGEND**
- Restructure Lots
  - Lots to be consolidated with adjoining parcels
  - Restructure boundary
  - Restructure Overlay Area
  - Existing Dwelling

**DRAFT ONLY**

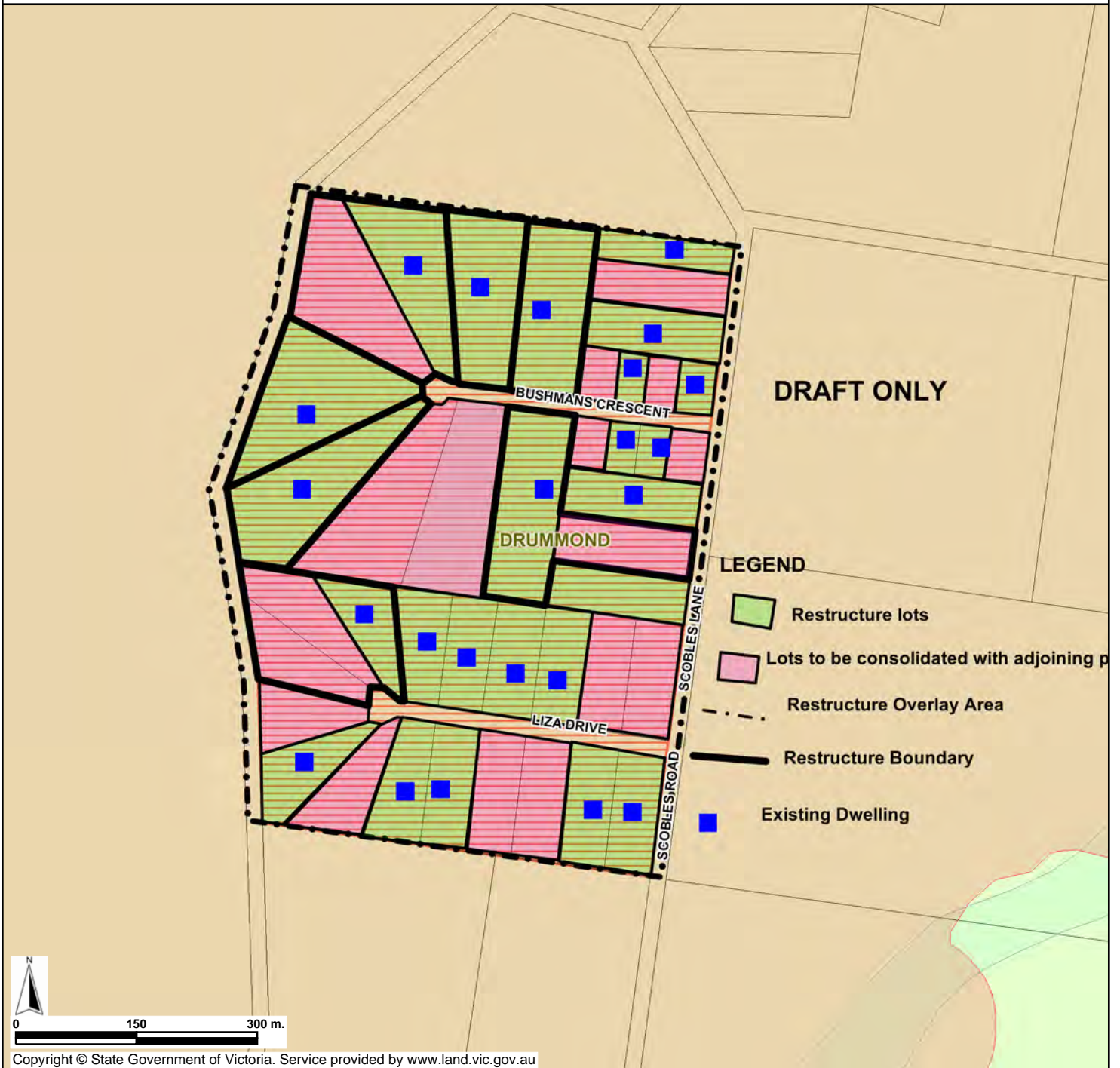


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**ATTACHMENT 9 - DRAFT DRUMMOND RESTRUCTURE PLAN –  
PLANNING MAP**



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Legend		ZONES		OVERLAYS	
	Major Town		ACZ - Activity Centre		Airport Environs
	Major Road, Road		B1Z - Business 1		City Link Project
	Road name		B2Z - Business 2		Development Contributions Plan
	Railway, Tramway		B3Z - Business 3		Design & Development
	Property/Parcel, Selected		B4Z - Business 4		Design & Development Part
	Address, Lot, Crown allotment		B5Z - Business 5		Development Plan
	River, Stream, Coastline		CA - Commonwealth Land (not in scheme)		Environmental Audit
	Locality		CCZ - Capital City		Erosion Management
	Locality Name		CDZ - Comprehensive Development		Environmental Significance
	Local Government Area		DZ - Dockland		Floodway
	Local Government Name		ERZ - Environmental Rural		Heritage
	Urban Growth Boundary (UGB)		FZ - Farming		Incorporated Plan
	Area outside the UGB		GWAZ - Green Wedge A		Land Subject to Inundation
	Investigation Area		GWZ - Green Wedge		Melbourne Airport Environs 1
	Land added to UGB since 2005		IN1Z - Industrial 1		Melbourne Airport Environs 2
	Boundary of Searched Suburb		IN2Z - Industrial 2		Neighbourhood Character
			IN3Z - Industrial 3		Public Acquisition
			LDRZ - Low Density Residential		Restructure
			MUZ - Mixed Use		Road Closure
			PCRZ - Public Conservation & Resource		Special Building
			PDZ - Priority Development		Significant Landscape
			PPRZ - Public Park & Recreation		Salinity Management
			PUZ1 - Public Use - Service & Utility		State Resource
			PUZ2 - Public Use - Education		Vegetation Protection
			PUZ3 - Public Use - Health Community		Wildfire Management
			PUZ4 - Public Use - Transport		
			PUZ5 - Public Use - Cemetery/Crematorium		
			PUZ6 - Public Use - Local Government		
			PUZ7 - Public Use - Other Public Use		
			R1Z - Residential 1		
			R2Z - Residential 2		
			R3Z - Residential 3		
			RAZ - Rural Activity		
			RCZ - Rural Conservation		
			RDZ1 - Road - Category 1		
			RDZ2 - Road - Category 2		
			RLZ - Rural Living		
			RUZ - Rural		
			SUZ - Special Use		
			TZ - Township		
			UFZ - Urban Floodway		
			UGZ - Urban Growth		

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**10.8. HEPBURN PLANNING SCHEME – AMENDMENT C62 – COMBINED PLANNING SCHEME AMENDMENT TO AMEND CLAUSE 52.03 (SPECIFIC SITES AND EXCLUSIONS) AND PLANNING PERMIT APPLICATION TO SUBDIVIDE LAND INTO THREE (3) RESIDENTIAL LOTS – 96 LAKE ROAD, DAYLESFORD.**

**CHIEF EXECUTIVE OFFICER**

*In providing this advice to Council as the Manager Planning, I Justin Fiddes have no interests to disclose in this report.*

**PURPOSE**

A request has been received from PS Planning on behalf of Mr Justin Thomson (ATF Thomson Trust) for a combined planning scheme amendment and permit pursuant to Section 96A of the *Planning & Environment Act 1987* (the Act) to amend the Clause 52.03 (Specific Sites and Exclusions) to allow the subdivision of an existing residential building into three lots in the Low Density Residential Zone (LDRZ). A concurrent planning permit application is also lodged for subdivision of the lot into three in the LDRZ. This would normally be prohibited in the LDRZ.

This report seeks Council's resolution to seek authorisation from the Minister for Planning to prepare the amendment and place the amendment on exhibition (refer to attached location map and proposed subdivision).

**BACKGROUND**

The subject site is located on the west side of Lake Road, approximately 4km south of Daylesford, within the southern end of the LDRZ.

The site contains three existing single storey dwellings.

Access to the site is obtained directly from Lake Road which connects an existing gravel road that leads to the driveways of the dwellings. The existing building is well setback from the main frontage. Except for the building, the remainder of the site contains grass and scattered trees. The proponent submits that the existing dwelling may have been constructed in the 1960s.

The surrounding area consists of land in Public Park & Recreation Zone, Public Conservation & Resource Zone and Low Density Residential Zone.

The land parcels abutting the subject site to the north are developed and contain single storey residential dwellings. Many of these lots are less than the minimum 0.4ha in size.

The majority of the lots on the southern side of the subject site are largely undeveloped and have larger lot sizes, averaging 0.7ha.

There are no other lots in the immediate area or in the LDRZ that contain multiple dwellings on one lot.

Land located on either side of the site (rear and opposite side of Lake Road) are Crown lands under Department of Environment and Primary Industries (DEPI) and Council's management.

### **ISSUE / DISCUSSION**

The proposal seeks Council's support to prepare an amendment to the Hepburn Planning Scheme under Section 96A of the Act.

Clause 32.03-3 of the Low Density Residential Zone states that the minimum lot size must be at least 0.4 hectares and that any area specified in the schedule must be at least 0.4 hectare. Because it is proposed to subdivide the land into lots less than 0.4 hectares, an amendment to the Hepburn Planning Scheme, Clause 52.03 is required. No other changes are proposed other than to allow for the creation of a title for each dwelling on the lot.

Whilst the site is within the Daylesford urban growth boundary, the area is unlikely to be considered for a rezoning to a Residential Zone in the short to medium term.

The purpose of the Clause 52.03 of the Hepburn Planning Scheme states:

- *To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.*
- *To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.*

The relevant purpose is the specific controls designed to achieve a particular land use and development outcome. Clause 52.03 states:

*Land identified in the schedule to this clause may be used or developed in accordance with the specific controls contained in the incorporated document corresponding to that land.*

The specific controls may:

- allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;
- prohibit or restrict the use or development of the land beyond the controls that may otherwise apply;
- exclude any other control in this scheme.

At present there is no other way to subdivide the subject site other than to seek an amendment to the Hepburn Planning Scheme through Clause 52.03

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

This report has been prepared in accordance with Part 3 & 4 (amendments) of the *Planning and Environment Act 1987*.

Pursuant to Section 12(2) of the Act, a planning authority must have regard to the Ministerial Directions and the Victorian Planning Provisions. The proposed amendment is considered to be consistent with the above provisions.

## **FINANCIAL IMPLICATIONS**

Should Council decide to support the proposal, all associated costs of the amendment shall be borne by the proponent.

## **RISK IMPLICATIONS**

It is not envisaged that the proposed amendment will present any risks to Council.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The amendment will allow the future subdivision of the subject land which contains three dwellings. Upon approval of the subdivision the septic tanks will be replaced with a new pipe to be connected to the reticulated sewer system. This will ensure any potential contamination of groundwater is addressed.

There are no significant economic or social effects arising from the amendment.

The amendment will not result in an increase of bushfire risk because there is no expansion of floor areas or people able to be accommodated in the existing dwellings on site.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

As part of any amendment process, a one month public exhibition period will be undertaken in accordance with the *Planning and Environment Act 1987*. Such public exhibition will include notices to all the prescribed Ministers, relevant service authorities and a notice of the amendment in the local newspapers circulating in the shire, as well as a notice in the *Victorian Government Gazette*.

## **CONCLUSION**

It is considered that the request for a planning scheme amendment to the Hepburn Planning Scheme can be supported based on the analysis above. The amendment seeks to formally grant titles to the three existing dwellings

on the lot. Any approved planning permit should include conditions that the dwellings must be connected to reticulated sewer prior to the issue of a new title for each dwelling.

### **OFFICER'S RECOMMENDATION**

That Council:

- 10.8.1 Seeks approval from the Minister for Planning to prepare an amendment (Amendment C62) to the Hepburn Planning Scheme for a combined planning scheme amendment and permit pursuant to Section 96A of the *Planning & Environment Act 1987* to amend Clause 52.03 (Specific Sites and Exclusions) to allow the subdivision of an existing lot into three lots each containing a dwelling on the lot in the Low Density Residential Zone.
- 10.8.2 Seeks approval from the Minister for Planning to place Amendment C62 on exhibition for a period of 30 days.

### **MOTION**

*That Council:*

- 10.8.1. *Seeks approval from the Minister for Planning to prepare an amendment (Amendment C62) to the Hepburn Planning Scheme for a combined planning scheme amendment and permit pursuant to Section 96A of the Planning & Environment Act 1987 to amend Clause 52.03 (Specific Sites and Exclusions) to allow the subdivision of an existing lot into three lots each containing a dwelling on the lot in the Low Density Residential Zone.*
- 10.8.2. *Seeks approval from the Minister for Planning to place Amendment C62 on exhibition for a period of 30 days.*

**Moved:** Councillor Kate Redwood  
**Seconded:** Councillor Sebastian Klein  
**Carried.**

**ATTACHMENT 10 - LOCATION MAP – 96 LAKE ROAD, DAYLESFORD**

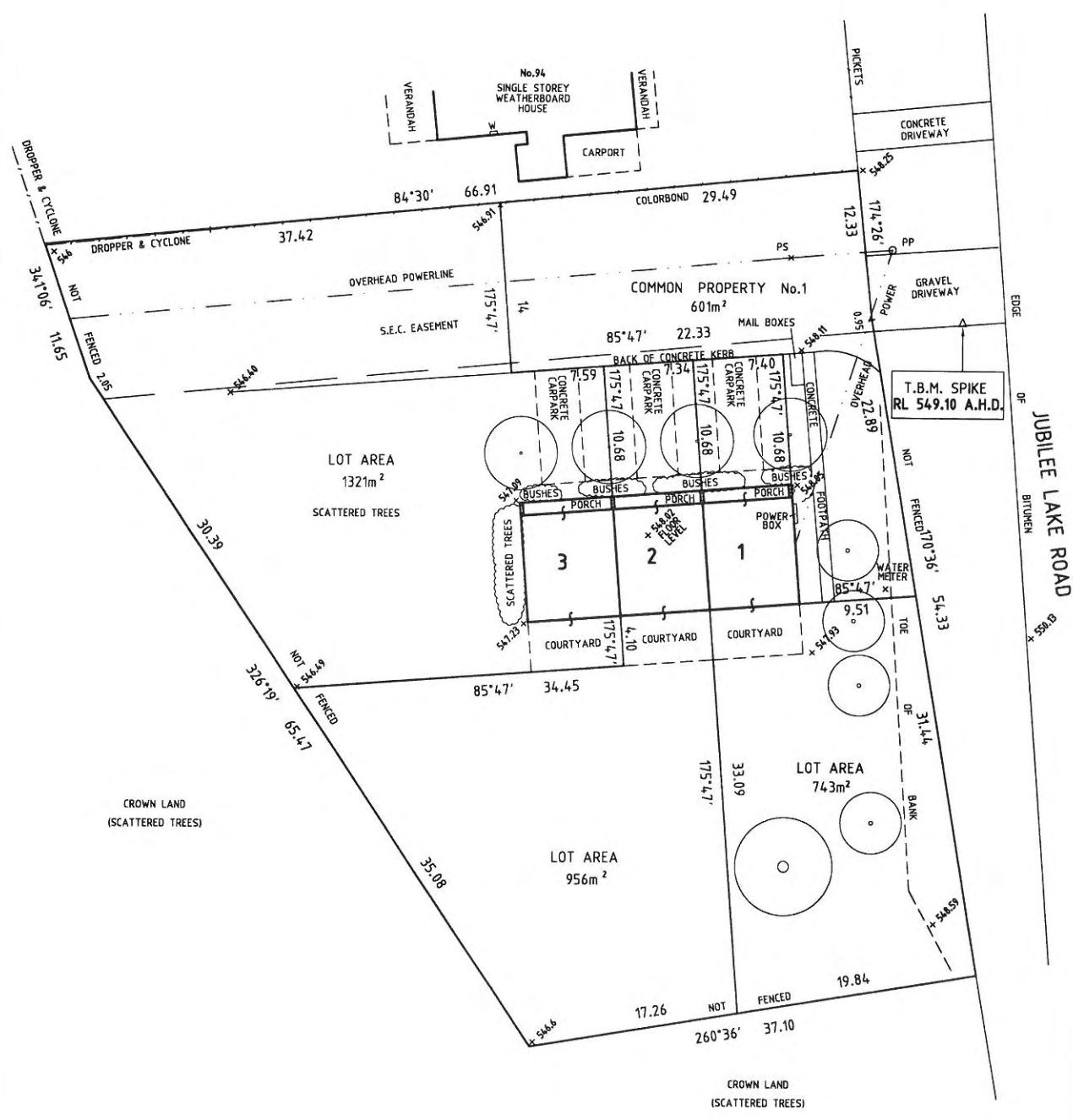
## Location Map



Subject Site – 96 Lake Road, Daylesford

**ATTACHMENT 11 - PROPOSED SUBDIVISION PLAN – 96 LAKE ROAD,  
DAYLESFORD**

APPROXIMATE TRUE NORTH



NOTE:  
(TOTAL SITE AREA)  
3622m<sup>2</sup>

THE POSITION AND LEVELS OF ADJOINING AND NEIGHBOURING PROPERTIES ARE APPROXIMATE ONLY AS DIRECT MEASUREMENT WAS NOT POSSIBLE DUE TO LIMITED ACCESS.  
W - DENOTES HABITABLE WINDOW  
PP - POWER POLE  
PS - POLE STAY

CERTIFICATE BY LICENSED SURVEYOR FOR PLAN  
I, RUSSELL JOHN DICKSON of 3/92 Bridge Mall, Ballarat, certify that this plan has been prepared from a survey made under my immediate direction and supervision in accordance with the Surveying Act 2004 and completed on 05/02/13, that this plan is accurate and correctly represents the adopted boundaries and the survey accuracy accords with that required for level land as defined in regulation 7 (2) of the Surveying (Cadastral Surveys) Regulations 2005.  
Date:  
Licensed Surveyor, Surveying Act 2004.

**DICKSON HEARN PTY LTD**  
A.C.N. 006 978 294  
3/92 BRIDGE MALL,  
BALLARAT, 3350.  
Phone (03) 5333 2225 Fax (03) 5333 3220  
email: ball@dicksonhearn.com.au

DATE	REV' No	COMMENTS
26/02/13	B	AMEND LOTS
05/02/13	A	ORIGINAL

**PLAN OF SURVEY**  
**96 JUBILEE LAKE ROAD**  
**DAYLESFORD**  
C/T VOL.9294 FOL.750

DRAWN BY	M.D.	REF.No
DATE	05/02/13	<b>6040-01</b>
CHECKED	D.J.H	
SCALE	1:250	<b>SHEET SIZE</b>
DATUM	A.H.D.	<b>A2</b>



PLAN OF SUBDIVISION

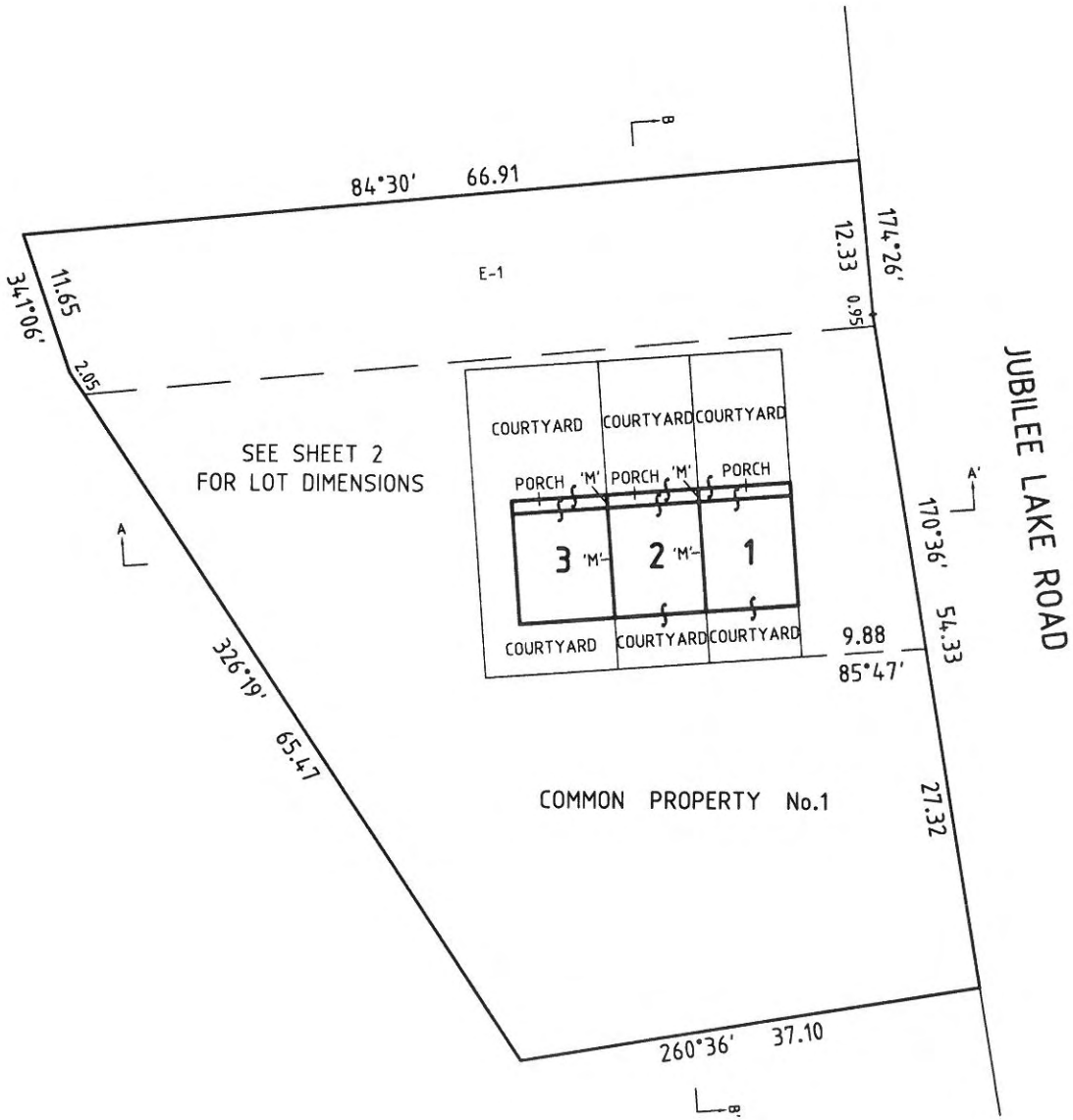
Stage No. /

Plan Number

PS 716207 L

DIAGRAM 1

APPROXIMATE TRUE NORTH



JUBILEE LAKE ROAD



**DICKSON HEARN PTY LTD**  
 A.C.N. 006 978 294  
 3/92 BRIDGE MALL,  
 BALLARAT, 3350.  
 Phone (03) 5333 2225 Fax (03) 5333 3220  
 Email: ball@dicksonhearn.com.au

SCALE



LENGTHS ARE IN METRES

ORIGINAL

SCALE

1:400

SHEET SIZE  
A3

LICENSED SURVEYOR (PRINT) RUSSELL JOHN DICKSON

SIGNATURE

DATE / /

REF. 6040

VERSION 01

Sheet 2 of 5 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

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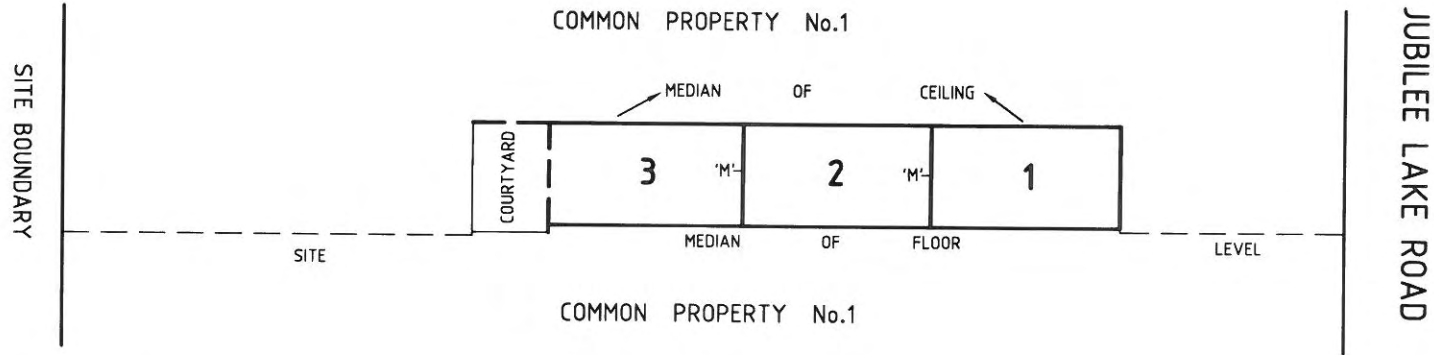
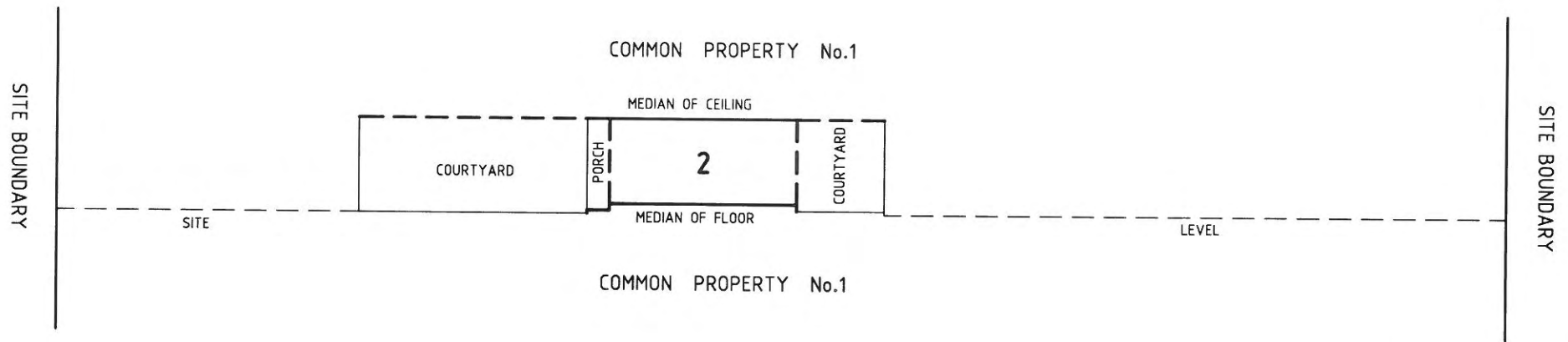


DIAGRAM 4: CROSS-SECTION B-B'



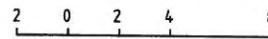
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**Councillor Bill McClenaghan left the meeting at 8:25 pm due to an indirect Conflict of Interest (conflicting duty) and returned at 8:34 pm.**

**Deputy Mayor Councillor Don Henderson assumed the Chair.**

## **10.9. CROSSING BORDERS TRACKS AND TRAILS GENERAL MANAGER COMMUNITY SERVICES**

*In providing this advice to Council as the Manager Community Development, I Adam McSwain have no interests to disclose in this report.*

### **PURPOSE**

The purpose of this report is to seek Council endorsement of the Crossing Borders Tracks and Trails reports for the Creswick Trails, Daylesford to Macedon Ranges Rail Trail and the Maryborough-Ballarat Heritage Trail.

### **BACKGROUND**

Crossing Borders Tracks and Trail is a strategic planning project that investigated four walking and cycling projects across City of Ballarat, Hepburn, Macedon Ranges and Central Goldfields Shire Councils. Within Hepburn Shire the project investigated the concepts of Creswick Trails, the Daylesford to Macedon Ranges Rail Trail and the Cobb and Co Trail (now re-named in the reports as Ballarat-Maryborough Heritage Trail).

The aim of the project was to establish a strategic and clearly defined action plan and feasibility for the delivery of the four identified projects.

At the project commencement, reference groups were established for each project and a steering committee was established to oversee the project. The project reference groups included representatives from community groups, Council, State Government and key stakeholders. The project steering committee was made up of Council officers and State Government representatives. Throughout the project each reference group met a number of times to provide input into the project development and to provide feedback on the reports.

The overall timeline for development of the project has been:

- Project commencement - September 2012
- Situation analysis and issues and opportunities analysis - completed January 2013

- Development of draft report including feedback on draft report from Councils, reference groups and the project steering committee - completed May 2013
- Draft reports finalised - completed July 2013

## **ISSUE / DISCUSSION**

The three projects within Hepburn Shire have been separated into individual projects below:

### **Creswick Trails**

**Vision** - The project vision is for a network of multi-use trails, catering for walkers, runners and cyclists (primarily mountain bikers). The trails will be based in the forest areas surrounding Creswick with links from Creswick itself and links to nearby regional centres. The vision is for a sustainably designed trail network, exhibiting world's best practice, which respects and enhances the diverse forest values - environmental, cultural and historical.

**Project components** - The total distance of the trails recommended for development is 82kms. In line with work previously completed by the 'Creswick Trails' group, these trails are recommended to be spread across four themes. These themes are community connections - 10kms of trail, event central - 20kms of multiple and single use trail, sustaining trails - 2kms and forest epics - 50kms of multiple and single use trail. The trails would be spread across a variety of difficulties and ensure the trails are suitable for all users.

In addition to developing trails, it is also recommended that a central trailhead be developed for the project. A trailhead serves a number of purposes including being the starting and finishing point for riders, it is the key information point about the trails, it should provide additional infrastructure such as shelter, seating, bins, water and toilets and is a safe place to leave a vehicle while riding. Hammon Park in Creswick has been recommended for this purpose. The advantages of Hammon Park are its proximity to the centre of town, Melbourne University and forested areas proposed for the trail development. Additionally it already has existing clubrooms/change room facilities which could be utilised by riders.

**Land ownership** - The Creswick Trails network is likely to cross over a number of different land tenures. This includes land managed by Parks Victoria, Department of Environment and Primary Industries (previously Department of Sustainability and Environment), Central Highlands Water, Hancock Victorian Plantations and Hepburn Shire Council. Ongoing maintenance and management of the trails would be shared across some of these land managers.

**Tourism demand and economic impact** - The trails are expected to generate between \$0.5 million and \$1 million per annum in direct and indirect expenditure. This would support between 6 and 12 new jobs in the economy. It is estimated between 8,000 to 15,400 visitors and 1,000 to 1,500 local residents would utilise the trails per annum.

**Estimated costs** - Overall trail construction estimate is \$2,757,800 with a further \$190,000 for additional facilities e.g. trailhead facilities. Total indicative capital cost of \$2,947,880 (ex GST). It is recommended that this project be implemented through five stages. These estimated costs of each stage are: stage 1 - \$965,000, stage 2 - \$615,000, stage 3 - \$605,000, stage 4 - \$403,000 and stage 5 - \$359,800.

On-going annual maintenance costs based on 1-3% of the total capital cost is between \$29,478 - \$88,434 per annum.

### **Daylesford to Macedon Ranges Rail Trail**

**Vision** - The project vision is for a family friendly, outdoor experience of cycling through the bushland, hills and pastoral land between Woodend and Daylesford (or vice versa) preferably utilising the designated rail corridors. The trail will take around 3-3.5 hours to ride from Woodend Station to Daylesford and is roughly 44kms in length.

**Project components** - The overall project is spread across Hepburn and Macedon Ranges Shire. 62% of the trail is within Hepburn Shire and 38% is within Macedon Ranges Shire.

The trail is made up of five sections:

- Section 1 - Daylesford to Bullarto is 9.4kms long
- Section 2 - Bullarto to Lyonville is 3.7kms long
- Section 3 - Lyonville to Trentham is 6.3kms long
- Section 4 - Trentham to Karlsruhe Station is 17.4kms long
- Section 5 - Karlsruhe Station to Woodend is 7.0kms long

The report recommends a staged implementation of the trail. The recommended order of staging is:

Stage 1 – Section 3, Lyonville to Trentham - With this section already open and only requiring some minor resurfacing works, bridge works and signage, it provides the *easiest* section to implement. Minimal approvals or permissions will be required to commence on this section and it should also comprise one of the lower cost stages.

Stage 2 – Section 2, Bullarto to Lyonville - At just over 3km in length, this section is the shortest and should be fairly straight-forward to implement.

There will be no leasing issues to be resolved other than possible inadvertent fencing issues where adjacent landholders have fenced across the railway corridor.

Stage 3 – Section 4, Trentham to Carlsruhe Station - Section 4 is the longest section and will require a significant construction project. As most of the actual railway corridor in this section appears to be vacant, gaining access to the land should not be a major impediment. However discussions may be required with adjacent landholders who may have inadvertently fenced across the railway corridor.

Stage 4 – Section 1, Daylesford to Bullarto - This stage has been deliberately scheduled towards the end of the implementation program in order to provide more time to work through the complex operational issues and further detailed design investigations required. Approvals to construct a rail trail within the rail corridor will require substantial planning and consultation with VicTrack and Daylesford Spa Country Railway. This remains one of the most important sections of the entire proposed Daylesford Macedon Ranges Rail Trail, as it provides the critical linkage to Daylesford. If the preferred route within the railway corridor cannot be achieved, then the next preferred option (on-road) can be pursued for implementation.

Stage 5 – Section 5, Carlsruhe Station to Woodend - Similar to the above, Section 5 has been scheduled towards the end of the implementation period as it is believed to be the most complex in terms of the planning and approval requirements needed.

**Tourism demand and economic impact** - The trail is expected to generate between \$2 million and \$4.1 million per annum in direct and indirect expenditure. This would support between 25 and 51 new jobs in the local economy. It is estimated between 31,300 to 62,580 visitors and 4,460 to 6,690 local residents would utilise the trail per annum.

**Estimated development costs** - Overall trail construction estimate (across both Hepburn and Macedon Ranges Shire's) is \$4,270,000 with a further \$283,500 for additional items e.g. signage. The total indicative capital cost is \$4,553,500 (ex GST). This estimate does not include costs for bridge infrastructure and any additional implications from vegetation assessments etc. As this project is spread across both Hepburn and Macedon Ranges Shires the estimated cost to Hepburn Shire is \$2,798,810.

It is recommended that the project be broken down in to five sections. The estimated cost to Hepburn Shire of each section is, section 1 - \$1,034,000, section 2 - \$333,000, section 3 - \$567,000, section 4 - \$689,040 and section 5 - Nil, 100% within Macedon Ranges Shire.

On-going annual maintenance costs based on 1-3% of the total capital cost is between \$42,700 - \$128,100 per annum. As 62% of the trail is within Hepburn Shire the on-going maintenance costs to Council are expected to be between \$26,474 - \$79,422.

### **Ballarat - Maryborough Heritage Trail**

**Vision** - The project vision is for the establishment of a cycle touring route connecting the major townships of Maryborough and Ballarat via a collection of smaller townships including Creswick and Clunes, settlement and points of interest along the route.

**Project components** - The proposed route for this trail is 115kms long and links Maryborough through Talbot, Clunes, Creswick and then in to Ballarat. The project spans across Hepburn Shire, Central Goldfields Shire and City of Ballarat. Of the whole trail 31.3kms or 27% fall within Hepburn Shire, 49.8kms or 43% falls within Central Goldfields and 34.1kms or 30% falls within City of Ballarat.

The proposed trail runs along currently constructed sections of road and trail. This project would link the trail via signage, promotion and mapping. The strength for this trail is the appeal of riding through the small townships of Talbot, Clunes and Creswick while taking in the countryside. The project also has the potential to attract riders to catch a train from Melbourne to Ballarat or Maryborough and then utilise the trail.

**Tourism demand and economic impact** - The trail is expected to generate between \$70,000 and \$130,000 per annum in direct and indirect expenditure, this would support between .5 to 1.5 new jobs in the local economy. It is estimated between 1,023 to 2,046 visitors and 343 to 514 local residents would utilise the trail per annum.

**Estimated development costs** - The core trail infrastructure already exists through the existing road networks and visitor facilities in each township. Therefore establishment of the trail primarily relates to installing signage and promotional material. Indicative implementation costs are estimated at \$24,750 (ex GST) made up of \$18,750 for signage and \$6,000 for promotion.

These costs could be apportioned across Councils according to the percentage of trail within each area. 27% of the trail falls within Hepburn Shire and as such the cost expected would be \$6,682.5.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

*Council Plan 2013-2017 – Key Strategic Activity:*

4. Implement a proactive and planned approach to the maintenance, renewal and upgrade of recreation assets.

*Action:*

Walking and Cycling Strategy priority projects and initiatives implemented.

## **FINANCIAL IMPLICATIONS**

### **Creswick Tracks and Trails**

The total construction for each stage including trail construction, development of trailhead facilities and signage is:

Stage 1 - \$965,000 (\$800,000 trails, \$150,000 trailhead and \$15,000 signage)

Stage 2 - \$615,000 (\$600,000 trails, \$10,000 trailhead and \$5,000 signage)

Stage 3 - \$605,000 (\$600,000 trails and \$5,000 signage)

Stage 4 - \$403,000 (\$400,000 trails and \$3,000 signage)

Stage 5 - \$359,800 (\$357,800 trails and \$2,000 signage)

Total - \$2,947,880 (ex GST)

Maintenance costs - between \$29,478 and \$88,434 per annum. This cost would be spread across the various land managers.

### **Daylesford to Macedon Ranges Rail Trail**

Overall trail construction estimate (across both Hepburn and Macedon Ranges Shire's) is \$4,270,000 with a further \$283,500 for additional items e.g. signage. The total indicative capital cost is \$4,553,500 (ex GST). This estimate does not include costs for bridge infrastructure and any additional implications from vegetation assessments etc.

As this project is spread across both Hepburn and Macedon Ranges Shires the estimated cost for Hepburn Shire is \$2,798,810.

It is recommended that the project be broken down in to five sections. The estimated cost to Hepburn Shire of each section is:

Section 1 - \$1,034,000

Section 2 - \$333,000

Section 3 - \$567,000



Section 4 - \$689,040

Section 5 - Nil, 100% within Macedon Ranges Shire

Total - \$2,798,810

On-going annual maintenance costs based on 1-3% of the total capital cost is between \$42,700 - \$128,100 per annum. As 62% of the trail is within Hepburn Shire the on-going maintenance costs to Council are expected to be between \$26,474 - \$79,422.

### **Ballarat-Maryborough Heritage Trail**

The core trail infrastructure already exists and as such the costs primarily relates to installing signage and promotional material. Indicative implementation costs are estimated at \$24,750 (ex GST).

These costs could be apportioned across Councils according to the percentage of trail within each area. 27% of the trail falls within Hepburn Shire and as such the cost expected would be \$6,682.50.

### **RISK IMPLICATIONS**

High level risk plans for each project have been developed. The major risks identified for each project are:

#### **Creswick Tracks and Trails**

- Lack of capital funding to implement recommendations
- Lack of funding to support ongoing maintenance
- Concept not supported by land managers

#### **Daylesford to Macedon ranges Rail Trail**

- Lack of capital funding to implement recommendations
- Lack of funding to support ongoing maintenance
- Unable to address approval requirements or reach agreement to access sections of the active rail trail corridor

#### **Ballarat-Maryborough Heritage Trail**

- Lack of capital funding to implement recommendations
- Lack of funding to support ongoing marketing and promotion
- Lack of cross border Local Government support or collaboration
- Concept not supported by road asset management agencies

There are a number of recommendations within each project action plan that will mitigate these risks.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

### **Environmental**

Each of these projects will have an impact on the local environment if they are developed. Through this project, detailed vegetation assessments were outside the scope. Prior to any project construction, vegetation assessments would be required.

### **Social**

The provision of additional walking and cycling infrastructure within Hepburn Shire has the potential to provide a number of health and social benefits to residents. These include increasing participation in active and passive recreation, improved health and mental health and increased social connectedness.

### **Economic**

Through this project it was found that each of the three projects would provide significant economic benefits within Hepburn Shire.

Creswick Trails - The trails are expected to generate between \$0.5 million and \$1 million per annum in direct and indirect expenditure. This would support between 6 and 12 new jobs. It is estimated between 8,000 to 15,400 visitors and 1,000 to 1,500 local residents would utilise the trails per annum.

Daylesford to Macedon Ranges Rail Trail - The trail is expected to generate between \$2 million and \$4.1 million per annum in direct and indirect expenditure. This would support between 25 and 51 new jobs. It is estimated between 31,300 to 62,580 visitors and 4,460 to 6,690 local residents would utilise the trail per annum.

Ballarat-Maryborough Heritage Trails - The trail is expected to generate between \$70,000 and \$130,000 per annum in direct and indirect expenditure. This would support between .5 to 1.5 new jobs. It is estimated between 1,023 to 2,046 visitors and 343 to 514 local residents would utilise the trail per annum.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

At the project commencement, reference groups were established for each project and a steering committee was established to oversee the project.

The project reference groups included representatives from community groups, Council officers, State Government representatives and key stakeholders including various land managers.

The project steering committee was made up of Council officers and State Government representatives. Throughout the project each reference group met a number of times to provide input in to the project development and to provide feedback on the reports.

## **CONCLUSION**

Through the Crossing Borders project, it has been found that each of the three projects is achievable with varying levels of financial commitment from Council. The provision of action plans provides key next steps, strategic actions and priorities to ensure that these projects are suitably developed if suitable funding becomes available.

## **OFFICER'S RECOMMENDATION**

That Council:

- 10.9.1 Endorses the Crossing Borders Tracks and Trails reports for Creswick Trails, Daylesford to Macedon Ranges Rail Trail and the Ballarat-Maryborough Heritage Trail.
- 10.9.2 Requests that any future progression of the individual Tracks and Trails projects will either form part of the annual budget process or an external funding application.

## **MOTION**

*That Council:*

- 10.9.1. Endorses the Crossing Borders Tracks and Trails reports for Creswick Trails, Daylesford to Macedon Ranges Rail Trail and the Ballarat-Maryborough Heritage Trail.*
- 10.9.2. Requests that any future progression of the individual Tracks and Trails projects will either form part of the annual budget process or an external funding application.*

**Moved:** Councillor Kate Redwood

**Seconded:** Councillor Sebastian Klein

**Carried.**

**ATTACHMENT 12 - CROSSING BORDERS TRACKS AND TRAILS:  
VOLUME 1: SUMMARY REPORT – MAY 2013**



# Crossing Borders Tracks and Trails: Volume 1 Summary Report



Final Report

July 2013

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## 1. Executive Summary

The *Crossing Borders Tracks and Trails* project is a joint initiative of Hepburn Shire Council, Ballarat City Council, Macedon Ranges Shire Council, Central Goldfields Shire Council, Department of Planning and Community Development and Department of Transport.

The four individual projects that are considered in the *Crossing Borders Tracks and Trails* project are:

- The *Ballarat - Maryborough Heritage Trail*<sup>1</sup> which aims to provide an on-road cycling connection utilising back-country roads between Maryborough to Ballarat (via Creswick and other small towns);
- The Daylesford to Macedon Ranges Rail Trail, linking Daylesford to Woodend utilising a combination of rail corridor and (where required) alternative routes;
- The Black Hill Mountain Bike (MTB) Park (e.g. municipal MTB Park); and
- Creswick Trails initiative which includes a combination of mountain bike trails, shared trails and walking paths throughout the Creswick forest.

The table on the following page provides a succinct summary of the significant findings for each project. Each Council will need to consider the findings in light of their own situation and organisational capacity. The first step in the recommended *Action Plan* for all projects is a critical decision point which requires each Council to consider their level of support, commitment and relative priority for individual projects. Each *Action Plan* then outlines the recommended next steps that will be required in order to progress implementation of each project.

It is important to note that the indicative construction costs outlined below are not likely to be the sole responsibility of individual Councils. Opportunities for external grants and funding (i.e. State and Federal) will need to be pursued in order to contribute to implementation of each project.

Implementation of each of the four individual projects will provide a range of tourism, economic, social, recreational and health benefits for respective communities in each LGA. Importantly the projects have the capacity to contribute to the revitalisation and economic sustainability of a number of small townships, including those identified in the *Advancing Country Towns, Clunes Cluster* initiative.

Strategically the projects present an opportunity to reinforce and re-position the region as a cycle friendly tourist destination capable of catering to a wide range of target markets and offering an exciting diversity in experiences.

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<sup>1</sup> NB: Previously referred to as the *Cobb & Co Trail*.

**Executive Summary of Key Findings:**

Project	Estimated Total Construction / Implementation Cost	Ongoing Costs (e.g. maintenance and promotion)	Demand and Economic Benefits <sup>2</sup>	Recommended Lead Management Responsibility
Black Hill MTB <sup>3</sup> Park	<ul style="list-style-type: none"> <li>\$702,000</li> <li>100% City of Ballarat (CoB).</li> </ul>	<ul style="list-style-type: none"> <li>\$21k-\$35k p.a.</li> </ul>	<ul style="list-style-type: none"> <li>850-3,000 visits by local residents per annum.</li> <li>2,500-5,000 visits by non-residents.</li> <li>Generate \$170k-\$360k p.a. in local expenditure.</li> <li>Support between 2-4.5 new jobs in the local economy.</li> </ul>	<ul style="list-style-type: none"> <li>CoB</li> </ul>
Ballarat - Maryborough Heritage Trail	<ul style="list-style-type: none"> <li>\$24,750</li> <li>43% CGSC (\$10,643)</li> <li>27% HSC (\$6,682)</li> <li>30% CoB (\$7,425)</li> </ul>	<ul style="list-style-type: none"> <li>\$6,500</li> <li>43% CGSC (\$2,795)</li> <li>27% HSC (\$1,755)</li> <li>30% CoB (\$1,950)</li> </ul>	<ul style="list-style-type: none"> <li>343-514 visits by local residents per annum.</li> <li>1,024-2,046 visits by non-residents p.a.</li> <li>Generate \$70k-\$130k p.a. in local expenditure.</li> <li>Support between 0.5-1.5 new jobs in the local economy.</li> </ul>	<ul style="list-style-type: none"> <li>CGSC</li> <li>HSC</li> <li>CoB</li> </ul>
Creswick Trails	<ul style="list-style-type: none"> <li>\$2,947,800</li> <li>100% HSC (with possible support funding by State Govt i.e. PV and DSE).</li> </ul>	<ul style="list-style-type: none"> <li>\$88,434 - \$147,390 p.a.</li> </ul>	<ul style="list-style-type: none"> <li>1,000-1,500 visits by local residents per annum.</li> <li>8,000-15,400 visits by non-residents p.a.</li> <li>Generate \$0.5mil - \$1mil p.a. in local expenditure.</li> <li>Support between 6-12 new jobs in the local economy.</li> </ul>	<ul style="list-style-type: none"> <li>HSC</li> </ul>
Daylesford-Macedon Ranges Rail Trail	<ul style="list-style-type: none"> <li>Total \$4,553,500</li> <li>HSC = \$2,798,810</li> <li>MRSC = \$1,754,690</li> </ul>	<ul style="list-style-type: none"> <li>Total between \$42,700 - \$128,100 p.a.</li> <li>62% HSC (\$26,474-\$79,422)</li> <li>38% MRSC (\$16,226-\$48,678).</li> </ul>	<ul style="list-style-type: none"> <li>4,460-6,690 visits by local residents per annum.</li> <li>31,300-62,580 visits by non-residents p.a.</li> <li>Generate \$2mil - \$4.1mil p.a. in local expenditure.</li> <li>Support between 25-51 new jobs in the local economy.</li> </ul>	<ul style="list-style-type: none"> <li>HSC</li> <li>MRSC</li> </ul>

<sup>2</sup> NB: Please refer to Volume 3: Background Reference Material for a detailed explanation of the Demand and Economic Impact Assessment methodology and key assumptions.

<sup>3</sup> MTB = Mountain Bike.



## 2. Introduction and Background

The Crossing Borders Tracks and Trails project is a joint initiative of Hepburn Shire Council, Ballarat City Council, Macedon Ranges Shire Council, Central Goldfields Shire Council, Department of Planning and Community Development and Department of Transport.

Tracks and trails are recognized as important community assets that offer a broad range of physical activity participation opportunities, with a strong focus on recreational walking, bushwalking, running, cycling and mountain bike riding.

Local Governments and relevant State departments have been active in planning and developing trails within the Central Highlands, with strong collaboration between the State Government's Grampians and Loddon Mallee regions. All Councils incorporate pathways in the planning of public open spaces, and a number of Councils have also undertaken trail strategy plans, such as the Hepburn Walking and Cycling Strategy (2011), the Central Goldfields Bicycle Strategy Plan (2007), Ballarat Open Space Strategy 2008, Macedon Ranges Bicycle Strategy 2002 and Macedon Ranges Leisure Strategy Plan 2006-2016. Each Local Government has also been central in supporting additional trail investment and construction throughout their respective communities.

In addition to local municipal trail planning, there have also been efforts to develop long distance trail experiences throughout the region, including linking a number of existing short distance trails and expanding on the Great Dividing Trail / Goldfields Track (connecting Ballarat to Bendigo). However, at present there is no strategic overview or plan that considers each project in a broader strategic context.

The *Crossing Borders Tracks and Trails* project will therefore provide an integrated and coordinate approach to major trail master planning and maximise opportunities for social, recreational and tourism benefits from each of the selected projects.

The four individual projects that are considered in the *Crossing Borders Tracks and Trails* project are:

- The *Ballarat - Maryborough Heritage Trail* which aims to provide an on-road cycling connection utilising back-country roads between Maryborough to Ballarat (via Creswick and other small towns);
- The Daylesford to Macedon Ranges Rail Trail, linking Daylesford to Woodend utilising a combination of rail corridor and (where required) alternative routes;
- The Black Hill Mountain Bike (MTB) Park (e.g. municipal MTB Park); and
- Creswick Trails initiative which includes a combination of mountain bike trails, shared trails and walking paths throughout the Creswick forest.

## 2.1 Project Aim & Objectives

The aim of the project is to establish a strategic action plan for each of the four identified projects in order to guide further implementation of each, including identification of key priorities, indicative costs, benefits and ongoing management options.

Specific objectives for the overall project included (in summary):

- Analysis and review of existing policies and strategies relating to the provision of tracks and trails in the region.
- Research opportunities for the realisation of an integrated network throughout the region, including extension of existing trails and identification of new and upgraded trail opportunities, key strategic links and missing connections.
- Develop design guidelines for each of the four identified projects including indicative costs.
- Identify appropriate trail management and marketing strategies for current and proposed trails.
- Identify an appropriate approach to sustainable trail management and asset renewal.
- Compile a strategic action plan for the development of the four identified projects.
- Establish / confirm achievable route options, infrastructure requirements and associated indicative costs for each of the four designated trails.

## 2.2 Report Format

The project reports have been presented in the following volumes:

- Volume 1: Summary Report
  - Description: Overall synopsis of key findings and summary action plan for each of the four selected projects.
- Volume 2: Selected Project Report (x4)
  - Description: Stand alone overview of key findings and directions for each individual project.
- Volume 3: Background Reference Material
  - Description: Selected support material and reference documents, including design guidelines.

### 3. Summary of each Proposal

The following section provides a summary overview of each project and recommended actions to achieve implementation. Please refer to the Volume 2 individual reports for each project for additional information.

#### 3.1 Black Hill MTB Park

##### Vision and Aspirations:

The vision for the Black Hill MTB Park will be to provide cross-country and downhill MTB trails to meet the needs of regular local riders of the Ballarat-Sebastopol Cycling Club, Club Mud and independent recreational riders in the district. It will provide trails and facilities to support club events, training and rider skill development. The site will remain accessible to the all members of the community for a range of recreational uses, including walking.

It will be the only MTB Park in Ballarat, therefore providing a new attraction to complement the suite of cycling opportunities already available in the City.

As part of the vision, the MTB Park should be incorporated into an overall Master Plan for Black Hill reserve which reinforces opportunities for community access, recreational use, landscape enhancements and reinvigoration of the area. The Master Plan should recognise and value the open space opportunities provided by Black Hill reserve and increase its standing in the City's overall suite of public reserves.

##### Competitive Strengths:

Downhill MTB is a niche within a niche, representing a small portion of the overall MTB market (i.e. less than approx. 5%).

The Black Hill MTB Park will have a local competitive advantage in that it will be the only official MTB facility in Ballarat.

The proximity of the proposed Black Hill MTB Park to Melbourne will also provide a competitive advantage compared to other MTB Park venues around the State. The park will be much closer and easier to access (including public transport options) than larger MTB destinations at Forrest, Mt Buller, Beechworth, Bright, Mt Beauty or Falls Creek. While it will be of similar distance to other trail networks at Lysterfield, You Yangs, Woodend and Healesville, MTB riders are always looking for variety and different places to ride.

Inclusion of specialised Downhill MTB trails within the overall concept will be particularly attractive to a core niche of MTB riders.

For visiting MTB riders coming from interstate, it has good proximity to Melbourne's two airports and is on a major road and rail corridor. The park is conveniently located near to Ballarat train

station ensuring it is easily accessible, as well as strengthening its appeal to the environmentally conscious rider.

There may also be a competitive advantage in its proximity to the proposed Creswick Trails initiative, being only 15 minutes drive between them, as well as the potential for a MTB trail connection utilising the Goldfields Track.

Ballarat's comprehensive suite of complementary tourism attractors and visitor services also provides a competitive advantage compared to some of the other MTB venues in Victoria.

### Estimated Tourism Demand and Economic Impact:

Findings of the estimated demand and economic impact analysis of the Black Hill MTB Park include:

- Local residents are expected to conduct 850 to 3,000 visits to the park per annum.
- In total, between 2,500 and 5,000 visitors are expected to use the trails for MTB cycling per annum.
- The park is expected to generate between \$170,000 and \$360,000 per annum in direct and indirect expenditure, which would support between 2 and 4.5 new jobs in the local economy.

### Estimated Development Costs:

*Total indicative capital costs:*

- |                             |                  |  |
|-----------------------------|------------------|--|
| • New Trail Construction    | \$322,000        |  |
| • Allowance for other items | \$380,000        | (e.g. Trailhead facilities, including car parking and public toilets.) |
| • <b>Total</b>              | <b>\$702,000</b> | (ex GST)   |

Lifecycle maintenance costs should be factored into Council's ongoing operational budgets. An amount of 3%-5% of the initial capital cost is commonly applied to projects of this nature, which based on a total capital cost of \$702,000 equates to between \$21,060 - \$35,100 per year.

### Action Plan Summary:

The following section outlines the key next steps, strategic actions and priorities to implement the Black Hill MTB Park.

Ref #	Action	Priority	Indicative Cost	Responsibility
1	Confirm Council's support, commitment and relative priority for the project (i.e. endorsement by senior management and Councillors).	High	Within existing resources	City of Ballarat (Recreation Dept.)
2	Meet with DSE to outline the concept and confirm in-principle support.	High	Within existing resources	City of Ballarat (Recreation Dept.)
3	Ensure the concept is reflected in the proposed City of <i>Ballarat Cycling Strategy</i> (currently being developed) to help reinforce the City as the ' <i>home of Australian cycling</i> '.	High	Within existing resources	City of Ballarat (Recreation Dept.)
4	Establishment of a Master Plan for Black Hill Reserve, incorporating the MTB Park.	High	\$30,000-\$50,000 (depending on final scope and level of detailed required)	City of Ballarat (Recreation Dept.)
5	Establish the <i>MTB Advisory Committee</i> to help oversee implementation and ongoing operation as per the management model outlined in Section 14.	High	Within existing resources	City of Ballarat (Recreation Dept.)
6	Incorporate the project into Council's forward capital works planning/provisions (consideration to be given to possible staging as outlined).	High	Within existing resources	City of Ballarat (Recreation Dept.)
7	Explore external funding opportunities.	High	Within existing resources	City of Ballarat (Recreation Dept.) & MTB Clubs
8	Ground truthing trail alignments and detailed designs for trail components.	Medium	Allowance \$5,000	City of Ballarat (Recreation Dept.)
9	Detailed designs (including any relevant planning investigations e.g. geotech, site services, engineering etc) for the proposed trailhead zone and associated facilities.	Medium	Allowance \$10,000	City of Ballarat (Recreation Dept.)
10	Establish/refresh MTB Park branding, including logo, style guide, signage design, webpage and promotional material.	Medium	Allowance \$5,000	City of Ballarat (Recreation Dept.)
11	Implement base marketing and promotional activities (once construction is completed).	Low	Within existing resources	City of Ballarat (Recreation Dept.)
12	Ensure adequate operational allowance (financial) and Council Parks staff (or maintenance contractors) are appropriately trained to undertake periodic trail maintenance.	Low	Within existing resources	City of Ballarat (Recreation Dept.)

### Conclusion:

The vision is for the development of a *MTB Park* at Black Hill, which fits well within its urban location and small park size. Bike parks are generally contained facilities that cater to local riders and gravity orientated MTB styles e.g. dirt jumps, pump tracks, skills trails.

Expanding on this, Black Hill also offers some (although limited) vertical relief, opening the opportunity for downhill and flow trails<sup>4</sup>, short course cross country trails and an cross country linkage to join the Creswick Trails initiative via the (upgraded) Goldfields Track.

The proposed MTB Park will cater for a strong level of local demand as well as providing the capacity to generate a valuable daytrip visitor market to Ballarat as well as overnight stays. It will complement Ballarat Tourism's positioning of the City as a cycle tourism destination by extending the cycling options available in the area.

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<sup>4</sup> *Flow tracks are descending trails, easy to intermediate difficulty, suitable for XC or DH bikes, hardtail or fully suspended, with lots of bermed corners and rollable jumps – a growing phenomenon.*

## 3.2 Ballarat - Maryborough Heritage Trail

### Vision and Aspirations:

The vision for the project, as articulated by the CGSC Bicycle Reference Group, is for the establishment of a cycle touring route connecting the major township of Maryborough and Ballarat via a collection of smaller townships, settlements and points of interest along the route. The vision is for a country cycle on quiet, unsealed roads that take in some of the most attractive towns in the Goldfields region including Talbot, Clunes and Creswick. The route progresses through scenic, relatively flat (gentle gradient) country with views of rolling hills and farmland.

Key aspirations for the route include:

- Promote / facilitate tourism and economic benefits for smaller townships.
- Promote / encourage recreational use of the trail by residents and visitors.
- Establish safe cycling connections (i.e. use of relatively quiet back-country roads) between townships to encourage active transport.
- Encourage physical activity participation and health outcomes for residents.
- Raise awareness of the natural beauty and attractions within the region.
- Build on the CGSC existing cycling initiatives (e.g. Cycle Central Goldfields Brochure) to further establish the Shire as a cycle friendly tourism destination.

### Competitive Strengths:

While many Shires in Victoria promote cycling trails along quiet sealed and unsealed roads, the appeal of this trail is the linkage of Maryborough to Talbot, Clunes and Creswick, with the potential to catch a train from Melbourne and Ballarat to Maryborough. The Ballarat - Maryborough Heritage Trail will potentially provide a more interactive way to experience the villages and towns along the route and encourage visitors to stay longer.

### Estimated Tourism Demand and Economic Impact:

Findings of the estimated demand and economic impact analysis of the Ballarat - Maryborough Heritage Trail include:

- Local residents are expected to conduct 343 to 514 visits on the trail per annum.
- Between 1,023 and 2,046 visitors are expected to use the trail per annum.
- The trail is expected to generate between \$70,000 and \$130,000 per annum in direct and indirect expenditure, which would support between ½ and 1 ½ new jobs in the local economy. (These results are comparable to the findings in the *Loddon Mallee Regionally Significant Trails Strategy (2010)*, which estimated the economic benefits at around \$120,000-150,000 p.a., supporting creation of 1.2-1.5 full time jobs).

### Estimated Development Costs:

The core trail infrastructure already exists through the use of existing road networks and visitor facilities in each township. Therefore establishment of the trail primarily relates to installing signage and promotional material.

In summary, indicative implementation costs are estimated at \$24,750 (ex GST)(i.e. Signage \$18,750 + Promotion \$6,000) with ongoing annual costs of \$6,500 (i.e. Promotion \$4,500 + Maintenance \$2,000). It is recommended that these costs be apportioned across the three municipalities in line with the approximate percentage of the trail in each municipality (e.g. CGSC 43%, HSC 27%, CoB 30%).

### Action Plan Summary:

The following section outlines the key next steps, strategic actions and priorities to implement the Ballarat - Maryborough Heritage Trail.

Ref #	Action	Priority	Indicative Cost	Responsibility
1	Each Council to confirm its support, commitment and relative priority for the project, including capital funding (or support for external funding applications), implementation, ongoing maintenance and promotion.	High	Within existing resources	CGSC. HSC. CoB.
2	Clarify which agencies are responsible for the various sections of road along the route and confirm support for the concept (i.e. DSE, PV, Vic Roads, HSC and CoB).	High	Within existing resources	CGSC to lead.
3	Establish a cross organisational working group to oversee implementation and ongoing management. Including establishment of <i>Terms of Reference/MOU</i> to clarify roles, responsibilities and expectations of each agency/group.	High	Within existing resources	CGSC to lead.
4	Confirm the preferred name for the trail (refer to discussion in Section 14).	High	Within existing resources	CGSC to lead.
5	Explore external funding opportunities for signage, promotional material and project launch (e.g. Advancing Country Towns).	High	Within existing resources	CGSC to lead.
6	Establish branding material for the trail (i.e. logo, signage design, etc).	Medium	Allowance \$5,000	CGSC to lead. Costs to be apportioned between each Council (i.e. CGSC 43%, HSC 27% and CoB 30%).
7	Audit the trail to confirm signage requirements (i.e. locations for directional, warning and tourist attraction signs).	Medium	Within existing resources	CGSC to lead.
8	Work with local historians, relevant community groups and indigenous representatives to identify opportunities	Medium	Initial investigations	CGSC to lead.



Ref #	Action	Priority	Indicative Cost	Responsibility
	for interpretive information along the trail route. <i>(NB: Costs for interpretive information are to be determined pending results of the investigations above and confirmation of design/display requirements. External funding may be available to support identified initiatives).</i>		within existing resources. Costs of interpretive information to be determined.	
9	Manufacture and install signage.	Medium	Allowance \$20,250	CGSC to lead. Costs to be apportioned between each Council (i.e. CGSC 43%, HSC 27% and CoB 30%).
10	Establish promotional and marketing material (refer to Section 20).	Medium	Allowance \$4,000	CGSC to lead. Costs to be apportioned between each Council (i.e. CGSC 43%, HSC 27% and CoB 30%).
11	Coordinate project launch and community awareness campaign (including involvement of small townships and businesses along the route).	Medium	Allowance \$2,500	CGSC to lead. Costs to be apportioned between each Council (i.e. CGSC 43%, HSC 27% and CoB 30%).
12	Establish protocols/procedures to monitor levels of use of the trail and community feedback (i.e. impact on small towns).	Low	Within existing resources	CGSC to lead.
13	Ensure signage assets and trail maintenance is incorporated into relevant Council asset management plans and maintenance protocols.	Low	Within existing resources	CGSC, HSC & CoB. Other agencies as required.

### Conclusion:

The Ballarat - Maryborough Heritage Trail is likely to have lower market appeal than the other trail projects forming part of the Crossing Borders Tracks and Trail project due to the on-road nature of the concept. However, the concept still has the capacity to generate a level of tourism and economic return from a relatively modest level of initial investment. Furthermore, ongoing management and operational costs are low.

Therefore, having regard to the relatively low level of investment required, and anticipated tourism, economic, social, recreational and health benefits that could be derived from the project, it is recommended that the concept be implemented and relevant information incorporated into regional tourism promotional material, including as a core component of the Cycle Central Goldfields promotional initiatives.

### 3.3 Creswick Trails initiative

#### Vision and Aspirations:

The *Creswick Trails* initiative seeks to capitalise on the natural features and surrounding environment around Creswick to promote economic development in the town by constructing a network of purpose built mountain biking trails and positioning the town as a major mountain biking tourism destination

The vision for the *Creswick Trails* is for a network of multi-use trails, catering to walkers, runners and cyclists (primarily mountain bikers). The trails will be based in the forest areas surrounding Creswick, with links from Creswick itself and links to nearby regional centres (i.e. Ballarat and Bendigo via the Goldfields Track). The *Creswick Trails* vision is for a sustainably designed trail network, exhibiting world's best practice, which respects and enhances the diverse forest values – environmental, cultural and historical.

#### Competitive Strengths:

For Melbourne-based MTB cyclists, the *Creswick Trails* would be extremely attractive and much closer than other competing destinations (including Forrest, Mt Buller, Beechworth, Bright, Mt Beauty, Falls Creek). Melbourne does have some closer riding opportunities (e.g. Lysterfield, You Yangs, Woodend, Healesville), but these satisfy only a portion of the demand. MTB cyclists like variety and destinations that make an easy day trip from Melbourne would be popular.

For visiting MTB cyclists (interstate, overseas), the concept would have good proximity to Melbourne airports and is located on a major road and rail corridor. There is a growing opportunity to appeal to environmentally conscious Melbourne-based MTB cyclists to have a day or weekend of riding without requiring a car. Also, Creswick has good supporting facilities within easy access of the proposed trails. The proposal also has the capacity to capitalise and build on the positioning of Ballarat as a significant cycle tourism destination.

It is important to keep in mind when considering demand for MTB trails in Creswick that there are no studies available in Victoria (or Australia) that have researched the size of the MTB sector and its rate of growth. New MTB proposals already on the drawing board, some with secured funding, others without, include:

- Mount Buller - a \$3.5 million investment to establish Mt Buller as the first MTB Ride Centres in Australia, including the development of Australia's first *Epic* trail to be opened in 2014. (Some of the trail network is already in place).
- Falls Creek - a new investment in MTB trails is occurring at Falls Creek over the next 3-4 years, with the first stage attracting a \$2 million investment from the Victorian Government.

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<sup>5</sup> There are only 11 Ride Centres in the world that are recognised by IMBA as top quality large-scale mountain bike facilities through compliance to a set of criteria. There are 60 trails in the world (in North America and Europe) that have been recognised by IMBA as *Epic* trails, i.e. offering the best MTB riding in the world. See [www.imba.com/epics](http://www.imba.com/epics).

- Bright - design plans have been prepared for an MTB network in Bright.

Several other locations in Victoria are also interested in developing trails for the MTB sector which will provide additional facilities that potentially compete for the same market.

However, for major MTB events and independent riders, the *Creswick Trails* initiative would be the only MTB facility in Victoria on the doorstep of a 5-star resort within 1.5 hours of Melbourne. The closest similar facility is at Mt Buller, 3 hours from Melbourne and much further than Creswick to Melbourne Airport. This does give it a worthy competitive edge. However, it is clearly a leisure sector that should be closely monitored to ensure supply does not outstrip market demand.

### Estimated Tourism Demand and Economic Impact:

Findings of the estimated demand and economic impact analysis of the *Creswick Trails* initiative, in line with the methodology and assumptions outlined in Volume 3, include:

- Local residents are expected to conduct 1,000-1,500 visits to the trails per annum.
- Between 8,000 and 15,400 visitors are expected to use the trails for MTB cycling per annum.
- The trails are expected to generate between \$0.5 million and \$1 million per annum in direct and indirect expenditure, which would support between 6 and 12 new jobs in the local economy.

### Estimated Development Costs:

*Total indicative capital costs:*

- |                             |                                       |
|-----------------------------|---------------------------------------|
| • Trail Construction        | \$2,757,800                           |
| • Allowance for other items | \$190,000 (e.g. Trailhead facilities) |
| • <b>Total</b>              | <b>\$2,947,800</b> (ex GST)           |

It is acknowledged that the capital costs are significant, however this is reflective of the vision to create a premier mountain bike/trail destination in Victoria. By comparison we are aware that trail construction costs at other venues were in the order of \$1million spread over 4-5 years at Forest, \$3.5million investment over 7 years at Mt Buller and \$2million investment (first stage) has recently commenced at Falls Creek.

Finally, ongoing annual maintenance costs also need to be considered. Based on industry practice, a guide of 1-3% of the initial capital investment can be applied, therefore based on a total construction costs of \$2,947,800, this equates to \$29,478 - \$88,434 per year.

### Action Plan Summary:

The following section outlines the key next steps, strategic actions and priorities to implement the *Creswick Trails* project.

Ref #	Action	Priority	Indicative Cost	Responsibility
1	HSC to consider its support and relative priority for the project, including consideration of HSC role in ongoing implementation, management and maintenance.	High	Within existing resources	HSC
2	Undertake extensive consultation with Creswick residents and community stakeholders (e.g. Committee for Creswick, etc) in order to engender broad support for the project, including <i>rebranding/positioning</i> of the town.	High	Within existing resources	HSC (There may be potential to utilise the <i>Creswick Community Plan</i> planning and consultation process for this purpose).
3	Establishment of a cross-organisational committee led by HSC to oversee implementation (refer to Section 16).	High	Within existing resources	HSC
4	HSC to establish an MOU with relevant land managers accepting responsibility for trail management and maintenance (refer to Section 16).	High	Within existing resources	HSC (PV, DSE, CHW, HVP, Committee for Creswick etc)
5	Development of a detailed <i>Trails Master Plan</i> , ground truthing and construction plan. (Seek support funding from SRV Community Facilities Fund: Planning category).	High	Allowance \$40,000 - \$50,000	HSC
6	Development of a Master Plan for Hammon Park, incorporating trailhead facilities and resolution of ongoing management responsibilities.	Medium	Allowance \$20,000 - \$25,000	DSE HSC
7	Meet with Regional Tourism bodies regarding the project and explore opportunities for promotion and marketing collaborations including <i>rebranding/positioning</i> of the town.	Medium	Within existing resources	HSC
8	Explore external funding opportunities.	Medium	Within existing resources	HSC Implementation committee / land managers.
9	Staged trail construction (to be guided by proposed Trails Master Plan and available funding, initial priorities should be <i>Community Connections</i> and <i>Event Central</i> trails).	Medium	To be determined.	HSC
10	Establishment of trailhead facilities and signage.	Medium	To be determined.	HSC
11	Establishment of an events calendar, including an annual marquee event.	Medium	Within existing resources	HSC MTB Clubs / Stakeholders

## Conclusion:

Although the project does not currently appear as a priority in any existing State tourism strategic plans, Creswick needs to develop tourism products to support local businesses and the general economy. The proposed *Creswick Trails* initiative has the potential to re-brand the town and establish a new sustainable tourism product.

Cycle tourists are recognised as a potentially high yielding tourism segment, including MTB cyclists, and this project has the potential to generate over \$1million per annum in direct and indirect expenditure, which would support between 6-12 new jobs in the local economy.

The project concept is grounded in some existing successful events and use of the area for MTB and other outdoor nature based activities.

The competitive positioning of the location and the involvement in the sector of Novotel Forest Resort Creswick is a key strength, as well as the proximity to major source markets, Melbourne airport and the Ballarat rail service.

Adventure tourism is not an element of the regional tourism positioning of Daylesford Macedon Ranges Tourism however the *Creswick Trails* concept could be fit comfortably as part of the 'health and wellbeing' tourism, which is the region's primary positioning.

*Creswick Trails* could also leverage off Ballarat Regional Tourism / City of Ballarat's positioning of Ballarat as the 'home of cycling' in Victoria. The *Creswick Trails* initiative would provide a complementary cycling product that further enhances and reinforces the region as a cycling destination.

### 3.4 Daylesford to Macedon Ranges Rail Trail

#### Vision and Aspirations:

The tourism vision for the Daylesford Macedon Ranges Rail Trail is for a family friendly, outdoor experience of cycling through the bushland, hills and pastoral land between Woodend and Daylesford (or vice versa) preferably utilising the designated rail corridors<sup>6</sup>. Cyclists will be able to enjoy a variety of local produce outlets, mineral springs, cafes and wineries at Woodend, Daylesford and a number of interesting villages and points of interest dotted in between.

The trail will take around 3-3.5 hours to ride from Woodend Station to Daylesford (around 44 km), cyclists will be able to conduct a return trip in a day from Woodend or Daylesford, or cycle one way, stay overnight at the end of the trail and return the next day. Alternatively, users may choose to ride small sections of the trail and experience more of the natural and cultural attractions along the way and stay at local villages. Finally, users could base themselves at one of the smaller villages and conduct shorter return trips over a two-three day period, e.g. Trentham to Daylesford on one day, and Trentham to Woodend the next (this way luggage and vehicles can remain at the same accommodation property for the duration of the stay).

For Macedon Ranges Shire Council the concept of the rail trail is broader than a connection from Daylesford to Woodend. Whilst this is the primary component under investigation as part of this project, MRSC harbour bigger aspirations for use of the active rail corridor for shared-use pathway construction to provide off-road connections between major settlements within the Shire, i.e. between Clarkefield to Malmsbury, incorporating the section between Woodend to Karlsruhe Station which may form part of the DMRT.

#### Competitive Strengths:

The key elements of the rail trail that will support its success are:

- Woodend is only 1 ¼ hours from Melbourne and accessible by train; Daylesford is only 1 ½ hours from Melbourne.
- The splendid scenery through undulating hills, paddocks and bushland of the Central Highlands which is superior to many other rail trail destinations within 1½ hours of Melbourne.
- Popular tourism townships located at each end of the trail, and interesting, ‘characterful’ villages and small businesses in between that provide unique visitor experiences.
- A ready family market at each end of the trail and a lack of family-oriented activities.

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<sup>6</sup> Subject to formal approval and appropriate lease/licensing with Vic Track and other relevant authorities.

### Estimated Tourism Demand and Economic Impact:

Findings of the estimated demand and economic impact analysis in line with the methodology and assumptions outlined in Volume 3, for the Daylesford Macedon Ranges Rail Trail include:

- Local residents in the Shires of Hepburn and Macedon Ranges are expected to conduct between 4,460 to 6,690 visits on the trail per annum.
- Between 31,300 and 62,580 visitors are expected to use the trail per annum.
- The trail is expected to generate between \$2 million and \$4.1 million per annum in direct and indirect expenditure, which would support between 25 and 51 new jobs in the local economy.

### Estimated Development Costs:

*Total indicative capital costs:*

- Trail Construction \$4,270,000
- Allowance for other items \$283,500
- **Total** **\$4,553,500** (ex GST)

It should be noted that these are indicative cost estimates only, based on approximate industry rates. The estimates do not include GST or any expenses which a contractor would typically charge (e.g. mobilization expenses, accommodation etc.).

NB: Costs for bridge infrastructure as a result of engineering assessments and implications from the *Vegetation Assessments, Risk Assessment and Technical Assessments* are yet to be determined.

The tables below provides an indicative breakdown of likely costs apportioned to each municipality. It should be noted that this does not mean that each LGA will be solely responsible for all capital costs as external grants and funding should be pursued. Experience from other rail trails suggests that external funding (i.e. Federal and State Government) may contribute in the order of 50%-75% of total project costs.

#### Hepburn Shire Council indicative costs:

Section / Item	Estimated Construction Cost	Approx. % HSC	Total Cost HSC
1	\$1,034,000	100%	\$1,034,000
2	\$333,000	100%	\$333,000
3	\$567,000	100%	\$567,000
4	\$1,566,000	44%	\$689,040
5	\$770,000	Nil	Nil
Allowance for other costs (as above)	\$283,500	62%	\$175,770
<b>Total</b>	<b>\$4,553,500</b>		<b>\$2,798,810</b>

**Macedon Ranges Shire Council indicative costs:**

Section / Item	Estimated Construction Cost	Approx. % MRSC	Total Cost MRSC
1	\$1,034,000	Nil	Nil
2	\$333,000	Nil	Nil
3	\$567,000	Nil	Nil
4	\$1,566,000	56%	\$876,960
5	\$770,000	100%	\$770,000
Allowance for other costs (as above)	\$283,500	38%	\$107,730
<b>Total</b>	<b>\$4,553,500</b>		<b>\$1,754,690</b>

**Action Plan Summary:**

The following section outlines the key next steps, strategic actions and priorities to implement the *Daylesford Macedon Ranges Rail Trail* project.

Ref #	Action	Priority	Indicative Cost	Responsibility
<b>Overall Actions</b>				
1	Confirm each Council's support and commitment to implementing the concept, including accepting land management, funding and maintenance responsibilities.	High	Within existing resources	HSC MRSC
2	Confirm Vic Track and relevant rail authority <b>conditional</b> support for the project.	High	Within existing resources	Vic Track HSC MRSC
3	Establish a Committee of Management and relevant sub-committee/s to oversee management and drive implementation of the concept (refer to Section 16).	High	Within existing resources	HSC MRSC Vic Track
4	Establish a <i>Communication and Consultation Plan</i> to guide implementation activities and additional planning requirements.	High	Within existing resources	HSC MRSC Vic Track
5	Once the trail (or sections thereof) is established, develop a <i>Rail Trail Management Manual</i> , incorporating relevant policies, protocols and management procedures for ongoing use, management and maintenance of the trail.	Low	Within existing resources	HSC MRSC Vic Track
<b>Section 2, 3 &amp; 4 of the overall trail:</b>				
6	Consultation with leaseholders. Seek consent to gain access to leased areas for the purpose of assessing the route and scoping construction requirements.	High	Within existing resources	HSC MRSC
7	Assessment of all bridges by structural engineer to determine modification requirements and costs for Rail Trail use (including consideration of alternative options should refurbishment of existing bridges prove uneconomic).	High	Allowance \$10,000	HSC - 6 bridges are known.
8	Undertake a native vegetation assessment for the	High	Allowance	HSC



Ref #	Action	Priority	Indicative Cost	Responsibility
	proposed route.		\$30,000	MRSC (apportion to each LGA based on % of trail in each Shire).
9	Undertake detailed design documentation for construction of each section of the trail.	High	Allowance 3 sections x \$10,000 each = \$30,000	HSC MRSC (apportion to each LGA based on % of trail in each Shire).
10	Subject to Vic Track approval, begin the process to reclaim leasehold areas and establish new leases with each Council.	High	Within existing resources	Vic Track HSC MRSC
11	Explore external funding opportunities.	High	Within existing resources	HSC MRSC
12	Construct each stage as funding becomes available.	Ongoing	To be determined.	HSC / MRSC / Steering Committee
<b>Section 1 - Daylesford to Bullarto</b>				
13	Meet with the Spa Country Rail to discuss in-principle / conditional agreement for pursuing a shared use pathway within the rail corridor.	High	Within existing resources	Vic Track HSC Spa Country Rail
14	Work with Vic Track and Spa Country Rail to commission an appropriate <i>Risk Assessment</i> of the corridor to determine its suitability and options for possible establishment of a shared use trail.	High	Allowance \$5,000	HSC
15	Work with Vic Track and Spa Country Rail to commission an appropriate <i>Technical Assessment</i> of the corridor to determine its suitability and options for possible establishment of a shared use trail.	High	Allowance \$6,000	HSC
16	Work with Spa Country Rail to address any management or operational requirements that may result from the possible establishment of a shared trail within the rail corridor.	Medium	Within existing resources	HSC / Committee of Management
17	Subject to approval of the pathway by the transport businesses, prepare a pathway license between Vic Track and Council covering the Daylesford-Bullarto section.	Medium	Within existing resources	Vic Track HSC Spa Country Rail
18	Undertake detailed designs for construction of the shared use pathway within the rail corridor. <i>(NB: Should the Technical Assessment determine that the trail is not viable in this section, or authority approval not be provided, detailed designs will need to be prepared for the alternative on-road route as described in the body of the report).</i>	Medium	Allowance \$10,000	HSC
19	Construct each stage as funding becomes available.	Ongoing	To be determined.	HSC / Committee of Management

Ref #	Action	Priority	Indicative Cost	Responsibility
<b>Section 5 - Carlsruhe Station to Woodend Station.</b>				
21	MRSC to meet with Vic Track, Vline and Public Transport Victoria to seek <b>conditional</b> support for the establishment of a shared use pathway within the active rail corridor.	High	Within existing resources	MRSC Vic Track Vline PTV
22	Conduct a <i>Risk Assessment</i> by a person suitably qualified and approved by the transport businesses to identify all risks and Vline operational requirements associated with the proposal to establish a shared use pathway within the Vline operational rail corridor.	High	Allowance \$5,000	MRSC
23	Work with Vic Track, Vline and relevant authorities to commission an appropriate <i>Technical Assessment</i> of the corridor to determine its suitability and options for possible establishment of a shared use trail.	High	Allowance \$8,000	MRSC
24	Work with Vic Track, Vline and relevant authorities to address any risk management or operational requirements that may result from establishment of a shared trail within the rail corridor.	Medium	Within existing resources	MRSC / Committee of Management
25	Subject to approval of the pathway by the transport businesses, prepare a pathway license between Vic Track and Council covering the Woodend to Carlsruhe Station section (or further if approved).	Medium	Within existing resources	Vic Track MRSC
26	Undertake detailed designs for construction of the shared use pathway within the rail corridor. <i>(NB: Should the Technical Assessment determine that the trail is not viable in this section, detailed designs will need to be prepared for the alternative on-road route as described in the body of the report).</i>	Medium	Allowance \$10,000	MRSC / Committee of Management
27	Construct each stage as funding becomes available.	Ongoing	To be determined.	MRSC / Committee of Management

### Conclusion:

The Daylesford Macedon Ranges Rail Trail will fill a gap in the market for a family-oriented visitor experience which is in demand in both Shires.

Supporting infrastructure, the range and quality of visitor experiences are all generally excellent, as is the proximity of the trail to likely source markets, particularly Melbourne. The potential economic, social and recreational benefits of the trail are significant, including enhancing connections and prosperity of small towns and villages.

Whilst it is acknowledged there is considerable capital cost to construct the entire Rail Trail (i.e. approximately \$4.5 million), the anticipated economic benefits are also substantial, ranging from

\$2.1-\$4.1 million per annum in additional tourism expenditure in the region. On this basis, the return on investment is almost 1:1, whilst supporting between 25-51 new jobs in the local economy.

The concept is widely supported by participating Councils, local residents, local business communities, Bicycle Network (Victoria) and the regional tourism board.

Staged implementation of the rail trail will provide a valuable tourism product in the region and support the long-term sustainability of smaller townships and local communities.

Establishment of the rail trail within the active rail corridor (i.e. Karlsruhe Station to Woodend) may also create a precedent and model for possible future expansion of the shared pathway within MRSC between Clarkefield to Malmsbury.

## 4. Other Benefits

Aside from the anticipated tourism and economic benefits identified for each project, each proposed trail will also facilitate a range of social, recreational and health benefits for residents and visitors.

### Social:

- Participating in physical activities brings people together; it enhances opportunities for social connections, gatherings and informal interaction.
- Encouraging use of the rail trail will help address social isolation, disadvantage (i.e. through provision of a low cost, informal physical activity participation opportunity) and enhance community connectedness, pride and belonging.
- Facilitating community events around the trail will provide opportunities for community gatherings, volunteerism and positive social outcomes.
- Attracting additional tourism expenditure will support local businesses and encourage community pride and secondary investment.

### Recreational:

- The proposed trail will provide a low cost, informal physical activity participation opportunity for residents and visitors.
- Walking, cycling, running and bush walking all rank in the top-ten most popular physical activities undertaken by Victorian adults aged 15 years and over<sup>7</sup>. Development of the each project will facilitate opportunities for increased participation.

### Health Benefits:

- There are a range of mental and physical health benefits associated with regular contact with nature and participation in physical activities, including (but not limited to) reduced incidences of:
  - Cardio vascular disease,
  - Cardiopulmonary disease,
  - Obesity,
  - Diabetes,
  - High blood pressure,
  - Anxiety, and
  - A range of mental illnesses.

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<sup>7</sup> Australian Sports Commission, *Exercise Recreation and Sport Survey (ERASS), 2010.*

## 5. Crossing Borders

There are limited opportunities for cross-over between the four individual projects in terms of target markets, physical or strategic linkages. Having said this, there are opportunities for cross-municipal collaboration for trail design, construction, management and marketing. The most significant *shared* opportunities come from potentially utilising each respective Regional Tourism body to assist with integrated marketing, promotion and positioning.

The synergies between the discrete projects revolve around the opportunity to build on the region's growing profile as a cycle-friendly destination and building on the *goldfields* and *wellness* themes that are already evident.

Whilst there are opportunities for physical connections between several of the trails, the core target markets (and cycle vehicles) are generally sufficiently different as to discount their importance. The possible exception is utilising the Goldfields Track for a mountain bike (MTB) connection between the Creswick Trails and proposed Black Hill MTB Park.

The Ballarat - Maryborough Heritage Trail could also potentially link to the proposed Creswick Trails to experience a series of more challenging MTB trails. However, the Ballarat - Maryborough Heritage Trail is likely to attract a different market to those interested in dedicated MTB trails. Some types of bicycles that are suitable for on-road touring would not be suitable for MTB trails.

The Ballarat - Maryborough Heritage Trail could also link from Creswick to Ballarat via the Goldfields Track and onwards to the Ballarat-Skipton Rail Trail, or from Creswick to Daylesford via the Goldfields Track and on to the proposed Daylesford-Macedon Ranges Rail Trail. Another option is to take the Goldfields Track from Creswick all the way to Bendigo.

While it is anticipated that the rail trails would appeal to the cyclists who use the Ballarat - Maryborough Heritage Trail, the Goldfields Track is quite rough in the sections and is possibly better suited to MTB cyclists interested in a more challenging ride. An upgrade of these sections of the Goldfields Track would enhance connection opportunities for Ballarat - Maryborough Heritage Trail cyclists and potentially provide options for longer touring experiences.

As mentioned, the *Creswick Trails* should enhance connections to the Goldfields Track as a connecting route to Ballarat for MTB riders, as well as to Daylesford, Castlemaine and Bendigo (some upgrading of the Goldfields Track will be required to better accommodate use by MTB, including avoiding conflicts with walkers).

It could also complement the proposed Black Hill MTB Park project in Ballarat by providing a more extensive series of trails, with the Goldfields Track as the linking route between Ballarat and Creswick.

Creswick has an abundance of beautiful lakes and swimming holes which should also be promoted as a competitive strength of the region.

Development of facilities at the proposed Black Hill MTB Park should not exceed aspirations for a municipal standard venue otherwise there is potential to create direct market competition with the proposed *Creswick Trails* and therefore is not supported from an overall strategic resource management perspective. Opportunities to physically connect the two projects (via the Goldfields Track) in order to enhance overall participation options and trail diversity is supported.

The Daylesford Macedon Ranges Rail Trail could also potentially link with the Goldfields Track providing a cycling experience all the way to Ballarat (and potentially onto the Ballarat-Skipton Rail Trail) or Bendigo.

However, once again the quality/standard of the Goldfields Track in many sections is much more rugged than a rail trail and may not be suitable for the same cycling market. It is reasonable to assume that there will be a small level of overlap in the markets of the two trails but not necessarily a full complement.

Mountain bikers are unlikely to be interested in the rail trail as it would not provide a sufficiently challenging experience. As a result, there is unlikely to be much market demand for connections to the Daylesford Macedon Ranges Rail Trail from the proposed *Creswick Trails* network or *Black Hill MTB Park*.

## 6. Strategic Context

The following section outlines key influences on the overall strategic context for the project and each individual proposed trail.

### 6.1 Existing Strategies

There are a broad range of State, regional and local tourism and recreation strategies relevant to trail development in the region. The section below provides an indication of how the *Crossing Borders* project relates to key strategies. State priorities for the development of mountain bike trails which will drive tourism visitation to the state are expected to be clarified in a new *Victorian Trails Strategy* currently being prepared by the Victorian Trails Coordinating Committee. The new *Victorian Trail Strategy* is due for release later in 2013. Recommendations from local Shire-based strategies (e.g. Hepburn Shire Walking and Cycling Strategy (2011), Central Goldfields Bicycle Strategy Plan (2007), Macedon Ranges Leisure Strategy Plan (2006-2016), Ballarat Open Space Strategy (2008), etc) have been considered in developing site specific recommendations for each project.

#### **Cycling Into The Future 2013-23: Victoria's Cycling Strategy, by Department of Transport:**

- The Crossing Borders project will contribute to core objectives for the *Cycling Into The Future* strategy, in particular Objective 6 to *Plan Networks and Prioritise Investment*.

#### **Victorian Cycling Action Plan 2013-2014. Victorian Cycling Strategy, by Department of Transport:**

- Ongoing investment and strategic development of tracks and trails in regional Victoria is consistent with the overall themes and objectives of the Government strategy.
- However, as the *Victorian Cycling Strategy and Action Plan* has only recently been released (December 2012), the majority of actions are yet to be implemented.
- Results from this project could be referred to the Victorian Trails Co-ordinating Committee for consideration in future implementation of the *Victorian Cycling Action Plan* (i.e. 2015/2016 Action Plan), which would be a mechanism to help achieve support funding.

#### **Victorian Nature-based Tourism Strategy (2008-2012), by Tourism Victoria, Parks Victoria and Department of Sustainability & Environment:**

- Goldfields and Daylesford & Macedon Ranges regions are considered low priorities for State Nature Based Tourism (NBT) development.
- However, the Crossing Borders projects are an opportunity to develop more NBT experiences in the Goldfields and Daylesford Macedon Ranges regions.
- The strategy states '*All destinations in Victoria are encouraged to grow their NBT experience opportunities and implement this strategy at a regional level at a faster pace than the state-wide focusing and phasing approach.*' (p.46)

- Creswick Trails and Black Hill (Ballarat) projects could support positioning of Victoria as Australia's MTB capital.
- If the Crossing Borders projects are implemented, marketing will be important to increase awareness of NBT activities available in the relevant regions.

**Victoria's Cycle Tourism Action Plan (2011-2015), by Tourism Victoria:**

- The Crossing Borders projects will support the achievement of the key strategic directions of the Plan. However, none of the individual projects are specifically mentioned as priorities for implementation.

**Regional Tourism Action Plan (2009-2012), by Tourism Victoria:**

- Crossing Borders projects that link and support the enhancement of the *Goldfields Track* experience are consistent with the Regional Tourism Action Plan.

**Developing Victoria's Goldfields into Australia's Heritage Tourism Region (draft final report, January 2012), by a collaboration of 13 Councils in the Goldfields region:**

- Many of the Crossing Borders projects could potentially link with the *Goldfields Track* and benefit from its status as a priority product for the region, with aspirations to be nationally recognised.

**Loddon Mallee Regionally Significant Trails Strategy ( 2010), by a collaboration of 7 Councils in the Loddon Mallee region:**

- The strategy identifies the Ballarat - Maryborough Heritage Trail as a *municipal level* strategic priority.



## 6.2 Regional Profile

The *Crossing Borders Tracks and Trails* project straddles two State Government regions; i.e. Loddon Mallee and Grampians regions. The following descriptions and maps have been sourced from [www.rdv.vic.gov.au/victorian-regions](http://www.rdv.vic.gov.au/victorian-regions)

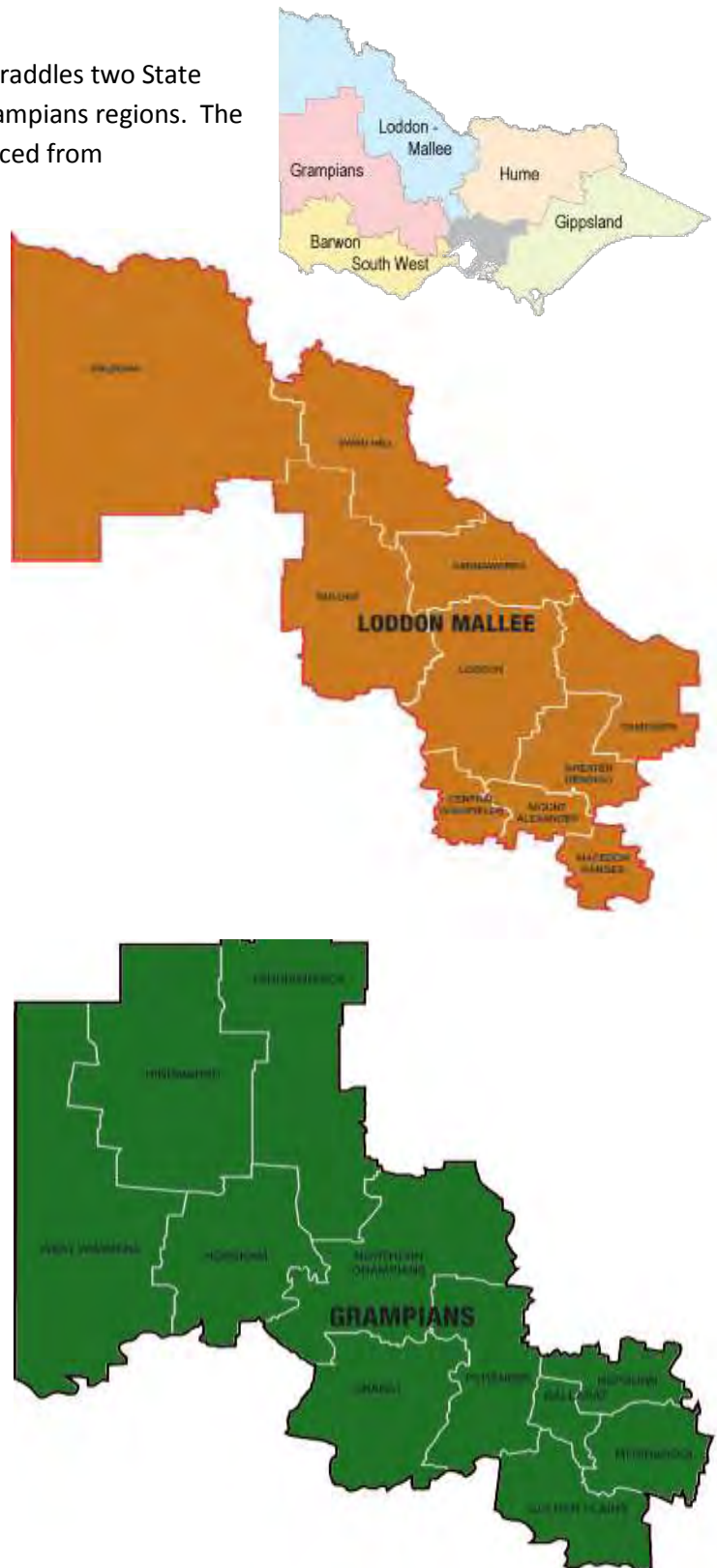
*The Loddon Mallee region occupies more than a quarter of Victoria and with one of the most consistently warm climates in the State, people are attracted to the region for the waterways of the Murray River, acclaimed restaurants and wineries, heritage towns, and grand forests.*

Major townships in the region include Bendigo, Castlemaine, Echuca, Gisborne, Kerang, Kyneton, Maryborough, Mildura, Swan Hill, Wedderburn, Wycheproof.

The region is home to ten individual LGA's including two of the four LGA's partnering in this project, specifically the Central Goldfields Shire and Macedon Ranges Shire.

*The Grampians region in western Victoria first came alive during the Gold Rush and is home to stunning parks, rolling hills, historic villages and vibrant cities. In the east, Ballarat is a strong driver of growth and new investment, with the increasing prosperity of towns and communities around Ballarat attracting new residents. In the west, the focus is in diversifying the area's economic base and taking advantage of the opportunities from the recently completed Wimmera Mallee Pipeline.*

Major towns in the region include Ararat, Avoca, Bacchus Marsh, Ballarat, Beaufort, Daylesford, Edenhope, Great Western, Hopetoun, Horsham, Kaniva, Nhill, St Arnaud, Stawell and Warracknabeal.



The region is home to eleven individual LGA's including two of the four LGA's partnering in this project, specifically the City of Ballarat and Hepburn Shire.

The two regions combined cover almost half of the entire State of Victoria, however this project more accurately concentrates on the local government areas of Ballarat, Hepburn, Macedon Ranges and Central Goldfields. These LGA's only account for a small portion of the overall geographic area occupied by the Loddon Mallee and Grampians regions. The combined population of the four LGA's was approximately 168,863 people as at June 2011. The combined population is expected to experience sustained growth over the next twenty years, reaching 220,350 by 2031, an increase of 51,487 people. However, the anticipated population growth is not evenly distributed across all LGA's, the table below highlights that the majority of total population growth is expected to occur within the City of Ballarat, accounting for around 60% of total growth in the study area.

LGA	2011 Population	2031 Population	Population Change (% of Total Growth)
City of Ballarat	97,810	128,847	31,037 (60%)
Hepburn Shire	15,020	18,571	3,551 (7%)
Central Goldfields Shire	12,792	13,988	1,196 (2%)
Macedon Ranges Shire	43,241	58,944	15,703 (31%)
<b>Total</b>	<b>168,863</b>	<b>220,350</b>	<b>51,487</b>

The Australian Bureau of Statistics (ABS) produces four different Socio-Economic Indexes for Area (SEIFA) which enable analysis of different aspects of relative area disadvantage. The Index of Relative Socio-economic Disadvantage (IRSD), one of the four SEIFA indexes, is calculated using selected measures collected in the 2006 Census of Population and Housing. The IRSD measures highlight that, aside from Macedon Ranges Shire, there is a relatively high degree of disadvantage experienced across the four LGA's when compared to Victorian averages.

In particular certain areas of Hepburn Shire including Daylesford, Clunes and to a lesser extent, Creswick, include some of the most disadvantaged communities in the State (i.e. falling within the 1st and 2nd most disadvantaged percentiles). Similarly, Central Goldfields Shire includes a number of areas of relatively high disadvantage, including Maryborough and surrounds. Likewise, the City of Ballarat displays a range of disadvantage across the entire spectrum, whereas Macedon Ranges Shire contains the least areas of relative disadvantage.

The overall high incidence of relative disadvantage across the study area reinforces the importance of providing low cost, informal recreation participation opportunities for the community as well as the strategic importance of supporting initiatives that facilitate economic growth and prosperity of the region or individual townships.

### 6.3 Advancing Country Towns

The *Advancing Country Towns* program is a \$9.4 million investment in nine regional and rural communities in Victoria. The program aims to revitalise the nine communities through improved investment and service coordination to enhance prosperity and quality of life.

The Clunes Cluster project involves the towns of Clunes and Creswick (Hepburn Shire), and Talbot (Central Goldfields Shire). These towns were selected for inclusion in the *Advancing Country Towns* program in part due to issues associated with disadvantage, but also due to the perceived potential of each town to support new economic development initiatives within each community.

The Clunes Cluster project seeks to deliver the following benefits:

- Improved vitality and liveability of the towns,
- Sustainable growth of each town, and
- Increased community wellbeing.

These benefits will be delivered by considering strategic interventions and developing project initiatives that will bring together various project partners including community, the business sector, Local, State and Federal Government, and other agencies as appropriate.

Within this context, the Crossing Borders project (specifically the *Ballarat - Maryborough Heritage Trail* and *Creswick Trails* initiative) is viewed as one of the exciting opportunities for each of these towns in addressing their core challenges.

### 6.4 Existing Tracks and Trails

There is a vast range of established tracks and trails in the study area. Similarly, there are a variety of definitions that could be used to define what constitutes a track or a trail. Therefore, for the purposes of completing an initial high-level inventory (and to ensure consistency with the original project brief), the following criteria have been applied to determine which tracks and trails to include in the study:

1. Intended user groups: Only walking or cycling tracks have been included. Tracks or trails for motorized vehicles or equestrian use have not been identified.
2. Formally sanctioned trails: Only trails that have been formally sanctioned by the land manager are included. This excludes any informal trails, constructed by users without the consent of the land manager (i.e. the majority of Mountain Bike (MTB) tracks are not recognised by relevant authorities). It is assumed that if a track or trail is shown on tourist brochures, maps or pamphlets, or has infrastructure such as signage, parking or other facilities, then it has been formally sanctioned by the land manager.
3. Walks under 10km in length are not included: This distinction has been made to deliberately exclude the multitude of short walks that exist in most townships, which are used primarily for local recreation and access. These walks are not considered to be significant tracks or trails in a

regional context (i.e. cross border context) and are therefore excluded. This does not undervalue their importance to local communities, or even as localised tourism attractions, examples of such short walks in the study area include:

- Hanging Rock.
- Campaspe River Walk, Kyneton.
- Kyneton town historical walk.
- Black Hill Reserve, Kyneton.
- Trentham Falls, Trentham.
- Calembeen Park, Creswick.
- Park Lake Circuit, Creswick.
- La Gerche Gully loop, Creswick.
- School of Forestry Loop, Creswick.
- St Georges Lake loop, Creswick.
- Carisbrook Heritage Walk, Carisbrook.
- Maryborough Bush and Town Walk, Maryborough.
- Melville Caves Walking Track, Kooyoora State Park.
- Eastern Walking Track, Kooyoora State Park.
- Melville Caves Lookout, Kooyoora State Park.
- Southern Lookout Walking Track, Kooyoora State Park.
- Long Rock Walking Track, Kooyoora State Park.
- Valley Walk, Pyrenees State Forest.
- Bull Gully Rock Wells, Craigie State Forest.
- Learmonth Heritage Walk.

Notwithstanding the short walks identified above (and a multitude of others not listed), there remains a significant number of tracks/trails that have been identified in the study area befitting the criteria outlined. Specifically 68 track/trails were identified and categorised as follows:

1. Cycle touring routes = #16.
2. Day walks (10-20km and generally taking over half a day to complete) =#25.
3. Mountain biking trails =#13.
4. Overnight walks (20km +, requiring walkers to camp overnight) =#8.
5. Rail trails =#6.

For a full listing of these tracks and trails, please refer to the table provided in *Volume 3: Background Reference Material*. The table also identifies additional details (where available) such as the track name, distance, difficulty rating, terrain, topography and the source of the information. Sources included pamphlets and brochures obtained from Visitor Information Centres, websites and personal communication with land managers.

Please note that only a small selection of walking trails from the Grampians National Park were included. The Grampians National Park features a vast array of walking tracks, some of which are quite iconic and well known, and could be assumed to be of State-wide and even National significance. However, as the Grampians lie at the periphery of the study area and a considerable distance from the four participating LGA's only a small selection of them were included.

The significance of this information is that it highlights the considerable scope and existing investment which already exists in tracks and trails within the region. Importantly, it also points to challenges for the potential success of individual projects, including consideration of:

- High level of competition for existing markets.
- Questionable capacity of existing land managers to develop, maintain and manage an expanding suite of tracks and trails.
- Challenge to establish a point of difference for each of the proposed projects.
- Potential lack of diversity or iconic features within the region (natural or man-made).

## 6.5 Profile of Market Characteristics and Needs

There are significant differences in the target market segments for each trail project ranging from on-road cycle tourists (i.e. *Ballarat - Maryborough Heritage Trail*), off road cyclists (i.e. Rail Trail), MTB Cyclists (i.e. Creswick Trails) and downhill MTB cyclists (i.e. Black Hill) as well as walkers/hikers/joggers.

It is important to note that there is limited cross-over between the cycle markets and not only do the different cycle products attract different target markets, the bicycles used (and skills of the rider) necessarily vary for each. Therefore each market must be viewed independently and there are niches with niches. For example, not all MTB riders are the same, nor are they looking for the same experience or utilise the same machinery. Similarly there are differences in cyclist tourists, in particular between those favouring sealed surfaces (usually shared with other vehicles) and those preferring unsealed (but formed) surfaces.

The following section outlines key cycle tourism trends and market characteristics.

### Cycle Tourism Trends:

The following Australian and Victorian Trends have been sourced from Victoria's Cycle Tourism Action Plan 2011-2015.

Cycle tourism is a growing market within the Australian tourism sector, particularly within the nature-based tourism segment. Available research demonstrates that cycle tourism has the potential to make an active contribution towards the economic revitalisation of regional Australia as well as improve quality of life for its residents. Cycling tourism is an ecologically sustainable product, which is expected to continue to grow in popularity.

Bicycle sales can be seen as a reflection of Australians' interest in cycling. Annual bikes sales in Australia have increased from \$131 million in 2002-2003 to \$240 million in 2008-09, outselling motor vehicles for the ninth consecutive year in numbers. General cycling was rated as the fourth most popular activity in Australia in 2010, with an estimated 2.1 million participants, an increase of 45 per cent over the period 2001-2010.

A number of identified key drivers have led to an increase in the demand for cycle tourism, including:

- Consumer interest in holistic health, wellbeing and the environment; more Australians than ever are making purchasing and lifestyle choices that reflect their concerns about health and wellbeing, the environment and sustainability.
- Consumer driven responses to sustainable tourism.
- Government promotion in tourism and physical activity participation.

One of the challenges facing Victoria's cycle tourism segment is the lack of economic analysis and research. Whilst economic impact studies exist for specific events and rail trails, there is currently no research at a whole of State level.

### **Nature-based Tourism Trends:**

Nature-based tourists, in particular the adventure tourism segment, are relevant to the Crossing Borders proposed trails as they include visitors who undertake cycling, bushwalking, running, and other outdoor adventure activities in a natural setting. The Creswick Trails initiative and Daylesford-Macedon Ranges Rail Trail, in particular, are likely to be used by visitors for activities in addition to cycling, such as running and bushwalking.

Trends within this market include:

- Approximately 37% of all domestic overnight visitors and 77% of all international visitors to / in Victoria are nature-based tourists.
- International NBT markets are expected to grow by 46% in ten years to 2016. Domestic NBT markets are expected to remain stable.
- Market segments most relevant to Adventure tourism are the Socially Aware, Visible Achievers, Young Optimists and Traditional Family Life segments (see *Volume 3: Background Reference Material* for more details). These are the highest yielding travel segments in Victoria.

### **Cycle Tourism Markets Characteristics and Needs:**

The following section provides an overview of each of the market characteristics and common needs for each of the proposed trail projects.

#### **Rail Trail Cyclists:**

*Source: Victoria's Cycle Tourism Action Plan 2011-2015*

##### **Key Victorian Products:**

There are approximately 39 Rail Trails in Victoria, ranging in length from less than 1km to 130+ kms linking the State's unique villages and tourism experiences, including local food and wine. Regions with a comprehensive trail network include Victoria's High Country, Gippsland, Goldfields, Yarra Valley, Dandenong Ranges and other parts of Melbourne.

The priority tourism trails are outlined below. These trails have been selected on the basis of their potential to attract interstate and intrastate visitation and increase length of stay:

- Murray to the Mountains Rail Trail (Wangaratta to Bright).
- Lilydale to Warburton Rail Trail.
- Goulburn River High Country Rail Trail (The Goulburn River High Country Rail Trail is a shared pathway for cyclists, walkers and horses. The rail trail follows the disused rail line for 134km from Tallarook through Yea to Mansfield with a link between Cathkin and Alexandra).
- Great Southern Rail Trail (Leongatha to Foster).
- Bellarine Peninsula Rail Trail (South Geelong to Queenscliff).
- Ballarat Skipton Rail Trail.

#### **Rail Trail Market Characteristics:**

Characteristics of the tourism markets typically using Victoria's rail trails include:

- Couples aged 50+, or families with children.
- Seeking an experience that allows them to spend quality time with friends and family.
- Interested in complementary experiences, such as food and wine and exploring Victoria's villages.
- Are predominantly intrastate travellers.
- The interstate market offers considerable potential due to Victoria's unique product offering, including quality boutique accommodation, food and wine and other complementary experiences.

## **Mountain Bike Cyclists:**

Source: Victoria's Cycle Tourism Action Plan 2011-2015

### Key Victorian Products:

- Great Otway National Park at Forrest (purpose-built MTB tracks, 40+ kms).
- You Yangs Regional Park (purpose-built MTB park).
- Lysterfield Mountain Bike Park (servicing Melbourne metro markets).
- Mt Buller (6th year of trail construction, 25,000+ visitors per summer).
- Falls Creek (\$2mil to construct) / Lake Mountain (prelim planning stage).
- Beechworth MTB Park / Bright / Mt Beauty.
- Castlemaine (NB: heavily used, although not authorised).
- The Goldfields Track, a 210 kilometre walking and cycling trail<sup>8</sup> that connects the towns of Ballarat and Bendigo via scenic villages such as Castlemaine, Hepburn, Daylesford and Creswick, has been identified by the Victorian Government as a priority for infrastructure development, including accommodation.

### **Mountain Bike Market Characteristics:**

Characteristics of the target mountain biking tourism market for Victoria are :

- Mainly males aged 30-39 years, who are well-educated professionals with high disposable incomes.
- Consider mountain biking a personal challenge.
- Seeking escape from society and connection with nature.
- Motivation for riding is typically health and fitness, as well as spending time with like-minded people.
- Market engages in purpose driven travel and will generally participate in a specific activity, such as a mountain bike event.

It should be noted that this profile does not include the travelling party that often accompanies mountain bike riders especially when participating in events, including friends and family. A range of product is important to meet the needs of the MTB sector, in addition to trails and accommodation, such as food and wine, other outdoor and scenic activities, heritage and cultural attractions, etc.

Furthermore, different types of MBT events attract markets with different yield potentials. Events that have the capacity to attract interstate markets provide greater economic benefits to the host region than events which primarily attract intrastate visitors.

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<sup>8</sup> It is acknowledged by key management agencies that the Goldfields Track requires significant investment and trail enhancement in order to effectively cater for cycling markets, including MTB, before it will be capable of capitalising on its cycle tourism potential.



## **Road Cyclists**

Road cyclists as defined in *Victoria's Cycle Tourism Action Plan 2011-2015* are defined as people who ride on sealed roads using road cycles, and include cycle touring. There is a strong competitive event component to this sector.

This market is not particularly relevant to the Crossing Borders projects. The *Ballarat - Maryborough Heritage Trail* is the only proposed road trail, however, the roads are predominantly unsealed and require the use of mountain bikes or hybrid bikes (road bikes with their extremely narrow and high pressure tyres are not suitable for riding on gravel roads).

There is little or no research on the cycle market segment which tours between towns on unsealed roads (i.e. proposed *Ballarat - Maryborough Heritage Trail*).

However, the Sustainable Tourism Cooperative Research Centre in its report, *Cycle Tourism in Australia: an investigation into its size and scope (2007)* proposes that:

*'Cyclists can also participate in cycle tourism as free independent travellers, utilising the infrastructure of cycle networks and rail trails, as well as regular roads and off-road paths. The size of this market cannot easily be quantified, although an indication of the interest in the trips independent travellers undertake can be seen in magazines such as the Australian Cyclist, which publishes touring articles from its readers (the Australian Cyclist is a national magazine for non-competitive cyclists and has 10,000 subscribers and newsagency sales estimated at 2,500).'*

While there is clearly a market for cycle touring on unsealed roads, anecdotal evidence (and its lack of scoping in key cycle tourism strategies) suggests that it is less popular than other cycling experiences. Reasons for this may include:

- There are many off-road unsealed trails to choose from in Victoria with high scenic values that suit mountain bikes and hybrid bikes;
- On-road cycling is less family friendly due to safety concerns associated with traffic;
- Cycling events tend to be based on sealed roads using road bikes, or off-road trails using mountain bikes for a more challenging experience.

### **Nature Based / Adventure Tourists:**

Source: Victorian Nature-based Tourism Strategy 2008-2012.

- Consumers are seeking environmentally sustainable experiences that protect biodiversity and take steps to limit their carbon footprint.
- Short break stays of 2–4 days are increasing, with consumers undertaking one or two smaller breaks in favour of one long holiday.
- Consumers are seeking more experiences in unique locations, that are more memorable, engaging, intimate and highly personal.
- Travellers are increasingly interested in more socio-culturally acceptable tourism products, particularly local indigenous cultures.
- NBT markets have a higher yield and longer length of stay than the average visitor to Victoria.

### **Nature Based / Adventure Tourism Market Characteristics:**

Characteristics of the nature based / adventure market include:

- Generally 35-49 years of age.
- Professionals with high disposable incomes.
- Focus on family and community.
- Often have limited available leisure time.
- May include younger age profiles (i.e. 18-25 years) seeking new challenges and experiences.

Refer to *Volume 3: Background Reference Material* for additional information regarding these market segments.

## 7. Conclusions

Implementation of each of the four individual projects will provide a range of tourism, economic, social, recreational and health benefits for respective communities in each LGA. Importantly the projects have the capacity to contribute to the revitalisation and economic sustainability of a number of small townships, including those identified in the *Advancing Country Towns, Clunes Cluster* initiative.

Strategically the projects present an opportunity to reinforce and re-position the region as a cycle friendly tourist destination capable of catering to a wide range of target markets and offering an exciting diversity in experiences.



# INSIGHT

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**ATTACHMENT 13 - CROSSING BORDERS TRACKS AND TRAILS:  
VOLUME 2: CRESWICK TRAILS  
(Issued Under Separate Cover)**

**ATTACHMENT 14 - CROSSING BORDERS TRACKS AND TRAILS:  
VOLUME 2: DAYLESFORD TO MACEDON RANGES RAIL TRAIL  
(Issued Under Separate Cover)**

**ATTACHMENT 15 - CROSSING BORDERS TRACKS AND TRAILS:  
VOLUME 2: BALLARAT-MARYBOROUGH HERITAGE TRAIL  
(Issued Under Separate Cover)**

**Agenda Item 10.10. New Road Name withdrawn.**

**10.10. NEW ROAD NAME**

**GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the Manager of Finance and Rates, I Paul Brumby and Emilia Tatti have no interests to disclose in this report.*

**PURPOSE**

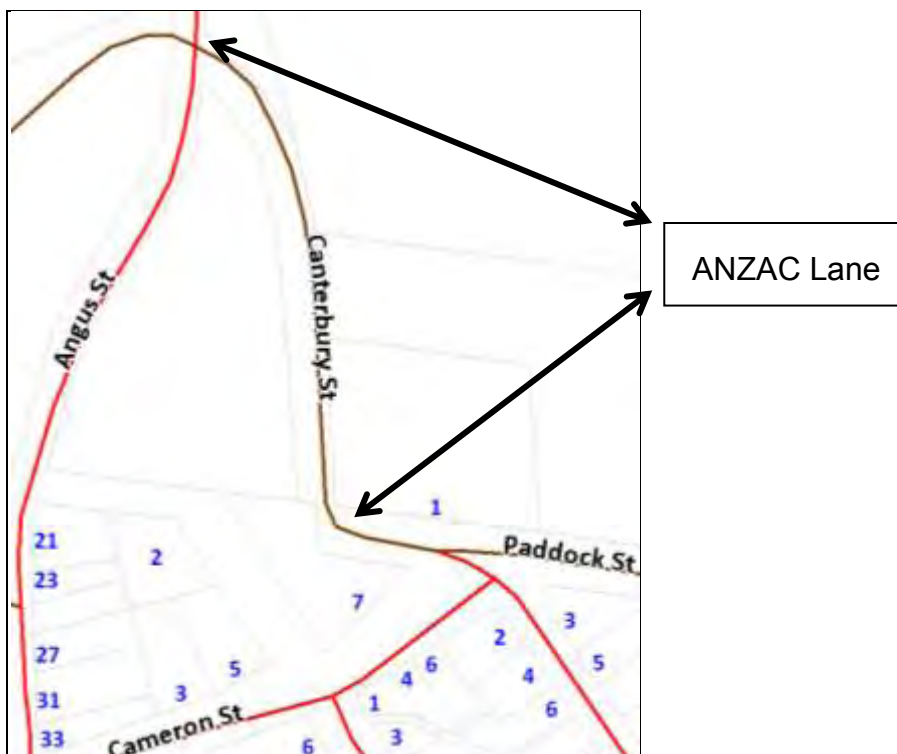
The purpose of this report is to rename a section of Canterbury Street Clunes, between Angus Street and Paddock Street.

**BACKGROUND**

The street numbers in Canterbury Street currently commence at the Clunes Primary School, which is number 1. A recent subdivision in the section of Canterbury Street before the Primary School has created a number of new properties that require street numbers. As Council cannot issue negative street numbers, this section of Canterbury Street needs to be renamed.

**ISSUE / DISCUSSION**

Please refer to the map below for details of the road in question.





The proposed name is ANZAC Lane. An advertisement was placed in *The Advocate* on 26 June 2013 and 3 July 2013 and also at the entrance of the road to be named. Submissions were sought for name suggestions and none were received.

The name 'ANZAC' was chosen in accordance with the Office of Geographic Names. ANZAC Commemorative Naming Project. Geographic Names Victoria guidelines require names to have either a historical link, relate to a geological or topographic feature, or be locally known.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

The road has been named in accordance with the principles outlined in the Guidelines for Geographic Names 2010.

### **FINANCIAL IMPLICATIONS**

Cost of signage and installation to Council would be approximately \$350 per sign.

### **RISK IMPLICATIONS**

The naming of the road will provide greater guidance for those that use it including emergency services

### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Not Applicable

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

An advertisement was placed in *The Advocate* on 26 June 2013 and 3 July 2013 and also at the entrance of the road to be named calling for road name suggestions. No community feedback was received.

### **CONCLUSION**

Due to a recent subdivision on this section of Canterbury Street the need has arisen to rename the road. The recommendation is that the name ANZAC Lane be adopted.

### **OFFICER'S RECOMMENDATION**

*10.10.1. That Council resolves to rename the section of road between Angus Street and Paddock Street as 'ANZAC Lane', Clunes.*

## 10.11. RECORD OF ASSEMBLIES OF COUNCILLORS – JULY 2013

### GENERAL MANAGER CORPORATE SERVICES

*In providing this advice to Council as the General Manager Corporate Services, I Evan King have no interests to disclose in this report.*

#### PURPOSE

This report summarises Assemblies of Councillors for July 2013.

#### BACKGROUND

*The Local Government Act 1989 defines Assembly of Councillors as*

*...a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be -*

*(a) the subject of a decision of the Council; or*

*(b) subject to the exercise of a function, duty of power of the Council that has been delegated to a person or committee –*

but does not include a meeting of the Council, a special committee of the Council, as audit committee established under Section 139, a club, association, peak body, political party of other organisation;

Assemblies of Councillors		
Date	Location	Committee Name
2 July 2013	Council Chamber, Daylesford	Councillor Briefing
9 July 2013	Council Chamber, Daylesford	Councillor Briefing
16 July 2013	Council Chamber, Daylesford	Councillor/CEO Meeting
16 July 2013	Council Chamber, Daylesford	Pre Council Meeting
25 July 2013	Council Chamber, Daylesford	Hepburn Mineral Springs Reserve Advisory Committee

## **ISSUE / DISCUSSION**

1. The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be reported at an Ordinary meeting of the Council.
2. The *Local Government Act 1989* (as amended) requires the record of an Assembly of Councillors to be incorporated in the minutes of that Council Meeting.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

*Local Government Act 1989, Section 80A*

## **FINANCIAL IMPLICATIONS**

Nil

## **RISK IMPLICATIONS**

There are implications with regards to Council's compliance with the *Local Government Act 1989* (as amended) if written records of Councillor Assemblies are not reported to Council.

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

The inclusion of the attached record of Councillor Assemblies in the Council Agenda and their availability to the public will increase awareness of the activities of Council and could increase community involvement in decision making at Council level.

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Using Council's adopted Community Engagement Framework, International Public Participation Consultation, this report presents information via the Council Agenda.

## **CONCLUSION**

Information provided for noting.

## **OFFICER'S RECOMMENDATION**

- 10.11.1 That Council receives and notes the Records of Assemblies of Councillors for July 2013.

## MOTION

*10.11.1. That Council receives and notes the Records of Assemblies of Councillors for July 2013.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Neil Newitt

**Carried.**

**ATTACHMENT 16 - RECORDS OF ASSEMBLIES OF COUNCILLORS –  
JULY 2013**

**(Issued Under Separate Cover)**

## **11. COUNCIL SPECIAL COMMITTEES (SECTION 86)**

### **11.1. MINUTES OF SPECIAL COMMITTEES (SECTION 86) GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.*

#### **PURPOSE**

The purpose of this report is for Council to note the minutes and recommendations from Council's Special (Section 86) Committees.

#### **BACKGROUND**

Special committees are established by Council and their function and responsibilities outlined in an Instrument of Delegation. Under the Instrument of Delegation, special committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

#### **ISSUE/DISCUSSION**

Please see listed below the minutes and other reports of Special Committees, as provided by the Committees over the past month, for your information:

- Minutes from Clunes Community Centre Special Committee – 24/06/2013.
- Minutes from the Creswick Museum Special Committee – 1/07/2013.
- Minutes from the Dean Recreation Reserve & Tennis Courts Special Committee – 14/07/2013.
- Minutes from the Lyonville Hall Special Committee – 16/07/2013.

These minutes have been provided to Councillors under a separate cover.

The following recommendations have been received by Council and are presented for Council to consider adopting:

- Nil

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

## **RISK IMPLICATIONS**

Nil

## **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Nil

## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees.

## **CONCLUSION**

Minutes and reports have been provided for noting.

## **OFFICER'S RECOMMENDATION**

11.1.1 That Council receives and notes the minutes of the Special Committees (Section 86) listed above which have been distributed under separate cover.

## **MOTION**

*11.1.1. That Council receives and notes the minutes of the Special Committees (Section 86) listed above which have been distributed under separate cover.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Neil Newitt

**Carried.**

## **12. COUNCIL ADVISORY COMMITTEES**

### **12.1. MINUTES OF ADVISORY COMMITTEES**

#### **GENERAL MANAGER CORPORATE SERVICES**

*In providing this advice to Council as the General Manager Corporate Services, I Evan King, have no interests to disclose in this report.*

#### **PURPOSE**

The purpose of this report is for Council to note the minutes received from Council's Advisory Committees.

#### **BACKGROUND**

Advisory committees are established by Council and their responsibilities outlined in Terms of Reference. Advisory Committees are required to maintain minutes of meetings held and provide a copy of the minutes to Council for review.

#### **ISSUE/DISCUSSION**

Please see listed below the minutes and other reports from Advisory Committees, as provided by the Committees over the past month, for your information:

- International Women's Day Women's Honour Roll Committee – Minutes – 7/08/2013.

These minutes have been provided to Councillors under separate cover.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **RISK IMPLICATIONS**

Nil

#### **ENVIRONMENTAL / SOCIAL / ECONOMIC IMPLICATIONS**

Nil



## **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Members of the community are represented on these committees.

## **CONCLUSION**

Minutes have been provided for noting.

## **OFFICER'S RECOMMENDATION**

12.1.1 That Council receives and notes the minutes from Advisory Committee listed above which have been distributed under separate cover.

## **MOTION**

*12.1.1. That Council receives and notes the minutes from the Advisory Committee listed above which have been distributed under separate cover.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Neil Newitt

**Carried.**

## **13. CONFIDENTIAL ITEMS**

### **13.1. CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC**

That pursuant to the provisions of Section 89(2) of the Local Government Act 1989, the meeting be closed to the public in order to consider:

- (d) Contractual matters; and
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person.

#### **RECOMMENDATION**

13.1.1 That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:

- 89(2)(d) Contractual matters:

Sale of 53 Fraser Street, Clunes (Clunes Library)

Contract H429-2013 – Clunes Mt Cameron Road, Clunes – Pavement Construction, Bituminous Surfacing, Drainage Construction and Associated Works, Ch 2.809 km to CH 6.1 km; and

13.1.2 89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person

## MOTION

13.1.1. *That the meeting be closed to members of the public under Section 89(2) of the Local Government Act 1989, specifically the following sub-sections:*

- *89(2)(d) Contractual matters:*

*Sale of 53 Fraser Street, Clunes (Clunes Library)*

*Contract H429-2013 – Clunes Mt Cameron Road, Clunes – Pavement Construction, Bituminous Surfacing, Drainage Construction and Associated Works, Ch 2.809 km to CH 6.1 km; and*

13.1.2. *89(2)(h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person.*

**Moved:** Councillor Sebastian Klein

**Seconded:** Councillor Don Henderson

**Carried.**

**The Meeting Closed to Members of the Public at 8:37 pm.**

## 14. RE-OPENING OF MEETING TO PUBLIC

### RECOMMENDATION

- 14.1 That Council, having considered the confidential items, re-opens the Meeting to members of the public.

### PROCEDURAL MOTION

- 14.1. That Council, having considered the confidential items, re-opens the Meeting to members of the public.*

**Moved:** Councillor Don Henderson  
**Carried.**

**The Meeting re-opened to the Public at 8:45 pm.**

In accordance with Council's resolutions, the following information is provided to the public on matters during the confidential section of the Meeting.

### MOTION

- 14.2. That Council awards the Tender for Contact H429-2013 - Pavement reconstruction, bituminous surfacing and associated works, Ch 2.809km to Ch 6.100km, Clunes Mt Cameron Road, Clunes for the lump sum of \$755,957.92 to Downer EDI Works Pty Ltd.*

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## 15. CLOSE OF MEETING

**The Meeting closed at 8:45 pm.**

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